

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

CALTRANS (PLN110552)

RESOLUTION NO. 11-047

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Statutorily Exempt per CEQA Guidelines Section 15269; and
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Development Permit and Design Approval for the construction of a 600 linear foot viaduct, including the demolition of the existing roadbed; 2) a Coastal Development Permit to allow development on slopes exceeding 30 percent; 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 4) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (seacliff buckwheat); and 5) a Coastal Development Permit to allow development on a coastal bluff. Related to PLN110124/Caltrans (Emergency Coastal Development Permit).

[PLN110552, Caltrans, Post-Mile 59.9, Highway 1, Big Sur Coast Land Use Plan (APN: 000-000-000-000)]

The Caltrans application (PLN110552) came on for public hearing before the Monterey County Planning Commission on December 14, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE:
 - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 3; and
 - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The project site is located at approximately post-mile 59.9, Highway 1, Big Sur (Assessor's Parcel Number 000-000-000-000), Big Sur Coast Land Use Plan, Coastal Zone. The proposed construction is located

within the Caltrans right-of-way, and the zoning is unclassified. Post-mile 59.9 is located adjacent to Assessor's Parcel Number 418-121-001-000, and the surrounding property is zoned Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay, Coastal Zone [WSC/40-D (CZ)]. The proposed project would restore the section of highway to its pre-landslide level of capacity and use. Therefore, the project is an allowed land use for this site.

- c) Staff conducted a site inspection on March 18, 2011, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Development on slope exceeding 30%: Development on slopes that exceed 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. See Finding No. 7.
- e) Environmentally Sensitive Habitat Areas: The project includes a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area (ESHA). Policies in Chapter 3.3 of the Big Sur Coast LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As designed and conditioned, the project minimizes impact on ESHA in accordance with the applicable goals and policies of the applicable land use plan and zoning codes. See Finding No. 8.
- f) Big Sur Critical Viewshed: The project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. The Big Sur Coast Land Use Plan (LUP), Section 3.2.3.A.7, allows an exception for replacement of structures destroyed by natural disaster. The project will restore an essential public road for the Big Sur area. The County finds that this project meets the intent of the applicable policies regarding visual resources. The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable land use plan and zoning codes. See Finding No. 9.
- g) Policies in Chapter 4 of the Big Sur Coast Land Use Plan (LUP) are directed at maintaining and enhancing the aesthetic beauty of Highway 1, and to protect its primary function as a recreational route. The LUP also promotes improvements for safety. The project, as proposed, is an improvement required to assure the continued use of the highway for recreational and emergency access; therefore, it is consistent with applicable policies.
- h) Archaeological Resources: County records identify that the project site is within an area of high sensitivity for prehistoric cultural resources. An archaeological survey prepared for the project site concluded that there is no surface evidence of potentially significant archaeological resources.
- i) The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-

338, this application did warrant referral to the LUAC because it involves development requiring a Design Approval subject to review by the Planning Commission. The Big Sur LUAC reviewed the project referral on December 13, 2011, and the LUAC's comments and recommendation were submitted to the Planning Commission by the project planner at the public hearing.

- j) 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 PLN110552.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, CALFIRE – Big Sur (Fire Protection District), RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Staff identified potential impacts to Archaeological Resources, Biological Resources, Soil/Slope Stability, and Visual Resources. The project is consistent with applicable policies/regulations. Technical reports prepared by Caltrans indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
- "Preliminary Foundation Report" (LIB110441) prepared by Caltrans, San Luis Obispo, California, August 12, 2011.
 - "Rocky Creek Landslide Slope Stability" (LIB110442) prepared by Caltrans, San Luis Obispo, California, October 6, 2011.
 - "Water Quality Assessment Report" (LIB110443) prepared by Caltrans, San Luis Obispo, California, August 15, 2011.
 - "Revised Response to Request for Technical Studies Received July 25, 2011/Initial Site Assessment" (LIB110444) prepared by Caltrans, San Luis Obispo, California, September 26, 2011.
 - "Air and Noise Quality Studies" (LIB110445) prepared by Caltrans, San Luis Obispo, California, July 27, 2011.
 - "Scenic Resource Evaluation and Visual Analysis" (LIB110446) prepared by Caltrans, San Luis Obispo, California, October 13, 2011.
 - "Natural Environment Study" (LIB110447) prepared by Caltrans, San Luis Obispo, California, September 2011.
 - "Paleontology Review" (LIB110448) prepared by Caltrans, San Luis Obispo, California, October 14, 2011.
 - "Section 106 Compliance" (Archeological Report) (LIB110449) prepared by Caltrans, San Luis Obispo, California, July 22, 2011.
 - "Rocky Creek Landslide Management Strategies" (LIB110450)

- prepared by Caltrans, San Luis Obispo, California, July 25, 2011.
- c) Staff conducted a site inspection on March 18, 2011, to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110552.
3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, CALFIRE – Big Sur (Fire Protection District), RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The project will restore two travel lanes, stabilize the 180-foot section of Highway 1 that slid in March 2011, and address further instabilities north and south of the slide area. The project is necessary to maintain service essential to the public health, safety, and welfare.
 - c) Finding Nos. 1 and 2, and supporting evidence for PLN110552.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on March 18, 2011, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110552.
5. **FINDING:** **CEQA (Exempt):** The project is statutorily exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15269, statutorily exempts emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare; or specific actions necessary to prevent

or mitigate an emergency. Section 15269 also statutorily exempts project to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act.

- b) The project will prevent full failure of the roadway. The stability of the remaining crib wall to the south of the landslide has been compromised by the landslide and threatens the remaining two-lane portion of the highway adjacent to the temporary soil nail wall. The base of the cribs at the north end of the remaining structure has been undermined by the landslide which has reduced the bearing or load carrying capacity of the rock beneath the cribs. This reduced load carrying capacity increases the likelihood of failure. Expedited response is necessary to ensure continued access through this portion of the roadway. In addition, on April 15, 2011, Governor Jerry Brown issued an emergency proclamation, which included Monterey County, to address road and highway closure caused by severe storms between March 15 and 27, 2011. This proclamation included provision for continuing emergency response, including significant repair and reconstruction work. Therefore, this project is consistent with the requirements of CEQA Guidelines Section 15269.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on March 18, 2011.
- d) Caltrans, as Lead Agency, applied the statutory exemption to the project. The County is serving as a Responsible Agency for this project. The County, in its independent judgment, has determined that the project is statutorily exempt. As a Responsible Agency for permitting, the County has conditioned the project whereas Caltrans must provide evidence that restoration measures required for Seacliff Buckwheat are implemented (Condition No. 4).
- e) The Planning Commission considered the Statutory Exemption at a duly noticed public hearing held on December 14, 2011. The materials upon which the County's decision is based are located in the Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA.
- f) See preceding and following findings and supporting evidence.

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

- EVIDENCE:**
- a) No additional access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is described as an area where the Local Coastal Program requires public access (Figure 3, Trails Plan, in the Big Sur Coast Land Use Plan). Not approving the project would limit public access to the Big Sur coast.

- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110552.
- e) Staff conducted a site inspection on March 18, 2011.
- f) Caltrans met with the Big Sur Coastal Trail Working Group, sponsored by Assemblymember Monning, on July 15, 2011, to discuss the project. The group is tasked with establishing a process for developing a Master Plan for the Big Sur portion of the California Coastal Trail (CCT). Currently, there is no set alignment for the CCT through the project limits; ultimately the trail could be established inland of the project or on the highway through the project limits. Therefore, the group recommended that standard improvements be made to the highway shoulder for cost effectiveness and to allow for the future accommodation of the CCT. The 4-foot shoulders will allow improved access along this portion of roadway compared to the previous 1 to 4-foot shoulder area.
- g) On November 21, 2011, Coastal Commission staff submitted an email outlining concerns related to the project. One concern addressed the public access requirements of the Big Sur Coast Land Use Plan (LUP), and the opinion that the project did not satisfy these requirements. The County has reviewed the policies of the Big Sur Coast LUP, and finds the project consistent with the requirements of applicable policies. Specifically, LUP Policy 4.1.3A.1 directs that the width of Highway 1 be upgraded to a standard of 12-foot lanes and 2 – 4-foot shoulders where physically practical and consistent with the preservation of other coastal resources. The project will result in 12-foot lanes and 4-foot shoulders. Further expansion of the roadway width to accommodate a separated coastal trail would result in expanded impacts to biological resources, visual resources, and slopes exceeding 30%. In addition, an expanded viaduct would significantly increase project cost. The Coastal Commission staff also suggested Caltrans undertake a public access program that would result in safe, through connection for bicyclists and hikers along this difficult section of the Big Sur Coast Highway. The County finds no nexus to require Caltrans to implement such a program in conjunction with this project. The project, as proposed, addresses an emergency slide situation which further jeopardizes approximately 600 feet of Highway 1 and affords Caltrans the opportunity to provide 600 feet of 4-foot wide shoulders within the 3,200-foot long segment of Highway 1 between Bixby and Rocky Creek bridges.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.
- EVIDENCE:** a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
- b) The project includes application for development on slopes exceeding

30%. The existing Highway 1 roadway in the project area is constructed on a steep slope along the edge of a coastal bluff, and there are no feasible alternative building sites. The existing slope area of the project site has been previously disturbed by roadway development, including crib (retaining) walls and miscellaneous site improvements. The proposed development will not increase the area or coverage previously disturbed. The project, as proposed, minimizes development impacts on slope exceeding 30% because the applicant proposes to use the existing disturbed roadway area.

- c) Caltrans reviewed potential alternatives, and concluded that a viaduct (bridge) was the best option to separate the roadway from the landslide and restore two lanes of traffic. Other alternatives were considered and discarded as not feasible, more disruptive to the public and/or surrounding environment, or cost prohibitive.
- d) The Planning Commission shall require such conditions of approval and changes in the development as it may deem necessary to assure compliance with MCC Section 20.64.230.E.1. No special conditions are necessary for this project.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110552.
- f) Staff conducted a site inspection on March 18, 2011.
- g) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable land use plan and zoning codes.

8. FINDING:

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

EVIDENCE:

- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
- b) Policies in Chapter 3.3 of the Big Sur Coast LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As designed and conditioned, the project is consistent with applicable policies regarding restoration and enhancement of habitat.
- c) No rare plants were found during field surveys, and no special-status animal species were observed within or adjacent to the project limits. However, the project area is within the known range of the Smith's blue butterfly, and the project area supports seacliff buckwheat, which are the sole host plant for the Smith's blue butterfly along this portion of the California coast. Therefore, Caltrans completed a biological report to assess the potential impacts.
- d) Per the Caltrans Natural Environment Study (biological report), this project meets the criteria for the U.S. Fish and Wildlife Service's Programmatic Biological Opinion for Highway 1 Management Activities that Affect the Smith's blue butterfly, Monterey and San Luis

Obispo Counties, California (1-8-07-F-68).

- e) Although no Smith's blue butterflies were observed within or adjacent to the project limits on July 6 and July 29, 2011, presence of Smith's blue butterfly was inferred based on presence and relative abundance of potential host plants in the project area. Avoidance and minimization measures from the USFWS programmatic biological opinion will be incorporated into the project to avoid impacts to this species.
- f) The project will require the removal of 208 seacliff buckwheat plants. This would be in addition to the 67 seacliff buckwheat plants that were moved by Caltrans on March 22, 2011 during the soil nail wall emergency project, resulting in a total of 275 plants affected. This species is the exclusive host plant for Smith's blue butterfly, which is listed as endangered. An area adjacent to the highway has been located near the southern end of the project, within Caltrans right of way, to do replacement planting for butterfly habitat restoration. Replacement planting will be done at a 2:1 ratio, so approximately 400 locally-collected Buckwheat plants will be planted and irrigated. This work is covered under the USFWS programmatic biological opinion for Smith's blue butterfly.
- g) Staff conducted a site inspection on March 18, 2011, to verify ESHA locations and potential project impacts to ESHA.
- h) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110552.

9. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:** a) The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
- b) LUP Policy 3.2.5.C.1 allows exceptions to the Scenic Resources Key Policy involving safety improvements to Highway 1 facilities, provided they are consistent with LUP Sections 4.1.1, 4.1.2., and 4.1.3. Key Policy 4.1.1 states that the County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. General Policy 4.1.2.1 directs that 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. The project is an emergency safety improvement that, as proposed, will restore the damaged portion of roadway. The barrier and railing will use colors to blend with the surrounding environment.
- c) Although the coastline in this area is visually dynamic, with dramatic cliffs and nearby views of the two historic bridges, overall visual quality at the viaduct location is only moderately high. From the highway a driver or cyclist has mid-ground and horizon line views of the ocean, but not beach views. The traffic signal system for the alternating single

lane is unattractive and so is the soil nail wall constructed after the landslide, although its visibility is minimal due to the line of concrete k-rail at road's edge. The k-rail and irregular temporary pavement also lower visual quality. The steep slope above the highway is densely vegetated with coastal native species and will be protected from disturbance.

- d) Community input was received on this project through multiple meetings. Presentations at Big Sur Multi-Agency Advisory Committee meetings were made and comments received on July 15 and October 21, 2011. Comment on the appearance of the finished roadway was also made. Caltrans also met with the Big Sur Coastal Trail Working Group, sponsored by Assemblymember Monning, on July 15, 2011, to discuss the project.
- e) Caltrans also formed an Aesthetics Design Advisory Committee, consisting of fifteen members of the community, representatives of elected officials and local advisory committees. The committee met twice, on August 10 and September 27, 2011. The committee was formed to advise Caltrans on the aesthetic design of the viaduct and associated built features. The ADAC preferred some type of see through barrier versus a solid concrete barrier so ocean views would not be limited. Tubular steel railings are considered to be the most "see through" type of structure safety device and will be an improvement over the existing k-rail in terms of ocean views. There are four existing metal bridge railings on the Big Sur coast and more than a dozen concrete barriers with metal railings on top, so the project's proposed materials are consistent with other structures in the general area.
- f) LUP Policy 3.2.3.A.7 directs that replacement or enlargement of structures within the Critical Viewshed not increase the visibility of the structure. The proposed viaduct does not increase the mass or bulk visible within the Critical Viewshed. Widening the highway for the length of the viaduct will not have a large effect on the scale or character of Route 1. The most visible element of the project will be the tubular steel railing since the viaduct itself is not visible from a motorist's perspective. There are small, informal turnouts at each end of the viaduct from which it will be visible, but there are no views from any formal public use areas. Distant views to the project are blocked by intervening topography. Furthermore, the viaduct will not be visible from any of the special viewing locations identified in the critical viewshed policies. The project as proposed and conditioned is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the Critical Viewshed.
- g) The project as proposed, conditioned, and mitigated is consistent with policies of the Big Sur Land Use Plan dealing with visual resources and will have no significant impact on the critical viewshed. The County finds that the project would not result in significant adverse visual impacts to viewers on or off the highway. The project features would be consistent with viewers' expectations along this travel corridor.
- h) The application, plans and supporting materials submitted by the project

applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110552.

- i) Staff conducted a site inspection on March 18, 2011, to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission: Section 20.86.080.A.1, A.2, and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because approved projects between the sea and the first through public road paralleling the sea, approved projects within 300 feet of the top of the seaward face of any coastal bluff, and approved projects involving development in the underlying zone as a conditional use, are appealable to the Coastal Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project statutorily exempt per CEQA Guidelines Section 15269; and
2. Approve a Combined Development Permit consisting of: 1) a Coastal Development Permit and Design Approval for the construction of a 600 linear foot viaduct, including the demolition of the existing roadbed; 2) a Coastal Development Permit to allow development on slopes exceeding 30 percent; 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 4) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (seacliff buckwheat); and 5) a Coastal Development Permit to allow development on a coastal bluff; in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.


PASSED AND ADOPTED this 14th day of December, 2011, upon motion of Commissioner Diehl, seconded by Commissioner Vandevere, by the following vote:

AYES: Brown, Vandevere, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl, Padilla, Hert

NOES: None

ABSENT: None

ABSTAIN: None


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON

DEC 23 2011

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

JAN 03 2012

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

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

NOTES

1. You may need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department

Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110552

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit allows a Coastal Development Permit and Design Approval for the construction of a 600 linear foot viaduct, including the demolition of the existing roadbed, a Coastal Development Permit to allow development on slopes exceeding 30 percent a Coastal Development Permit to allow development within the Big Sur Critical Viewshed, a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (seacliff buckwheat), and a Coastal Development Permit to allow development on a coastal bluff. The project site is located at and near post-mile 59.9, Highway 1, Big Sur, within the Caltrans right-of-way (Assessor's Parcel Number 000-000-000-000). Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

The applicant shall record a Permit Approval Notice which states: "A permit (Resolution No. 11-047) was approved by the Planning Commission for Assessor's Parcel Number 000-000-000-000 on December 14, 2011. The permit was granted subject to five (5) 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)

**Compliance or
Monitoring
Action to be Performed:**

Prior to the commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on December 14, 2014, unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall commence the authorized construction/use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

4. PDSP001 - COMPLIANCE CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: PDSP001 - COMPLIANCE CERTIFICATION
The applicant shall submit certification from a qualified Caltrans biologist that all development has been completed in accordance with the Natural Environment Study (NES) completed for this project (LIB#110447), including the attached USFWS Biological Opinion for Highway 1 Management Activities that Affect the Smith's blue butterfly, Monterey and San Luis Obispo Counties, California (1-8-07-F-68). (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within 30 days after completion of work, submit certification by a qualified Caltrans biologist to the RMA - Planning Department showing project compliance with the NES USFWS Biological Opinion.

5. PDSP002 - PUBLIC ACCESS (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Caltrans shall continue to work closely with the community through the planning process to provide for multi-modal public access through the project area. (RMA-Planning Department)

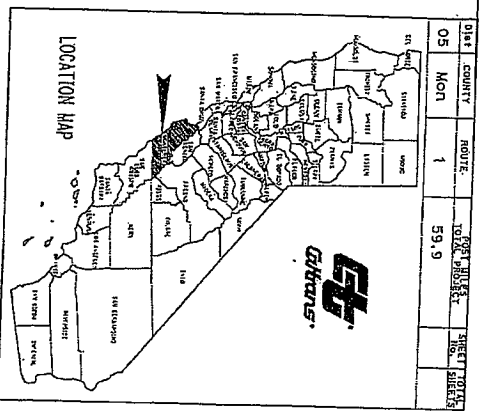
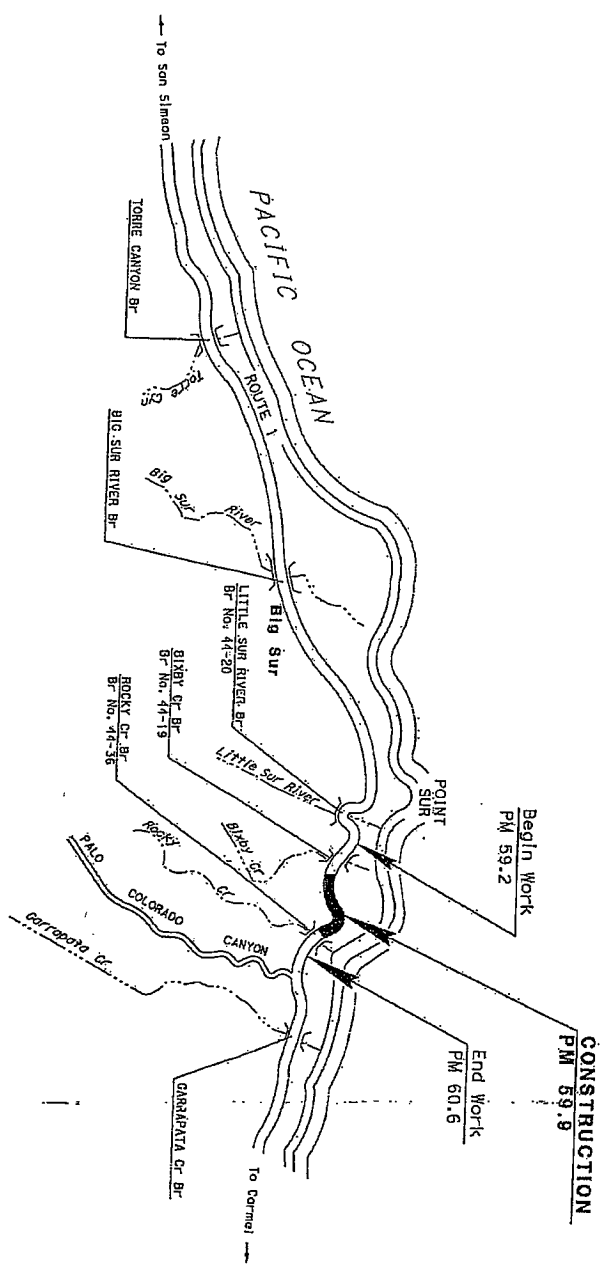
Compliance or Monitoring Action to be Performed: On an ongoing basis, Caltrans shall continue to work closely with the community through the planning process to provide for multi-modal public access through the project area.

INDEX OF PLANS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

IN MONTEREY COUNTY
FROM 0.2 MILE SOUTH OF BIXBY BRIDGE
TO 0.5 MILE NORTH OF ROCKY CREEK BRIDGE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2005



DESIGN ENGINEER	PROJECT MANAGER
STEVE WYATT	KEN DOSTALEK

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

800000 LAST REVISION 7/2/2010 CALTRANS WEB SITE IS: [HTTP://WWW.DOT.CA.GOV/](http://www.dot.ca.gov/)

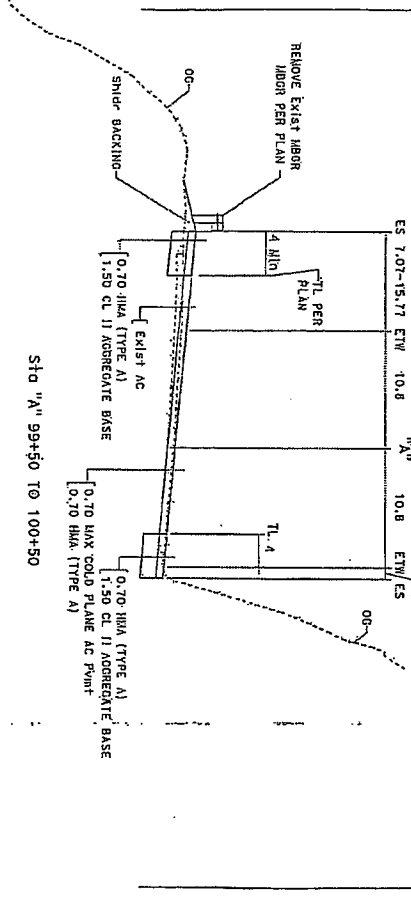
NO SCALE

RELATIVE DIMENSION SCALE 0 1 2 3 US SURFACE TO PLANT

PROJECT ENGINEER	DATE
REGISTERED CIVIL ENGINEER	
DATE	
CONTRACT NO.	05-1A7800
PROJECT ID	0512000023

DATE PLOTTED 22-04-2011
TIME PLOTTED 15:14

05-1A7900

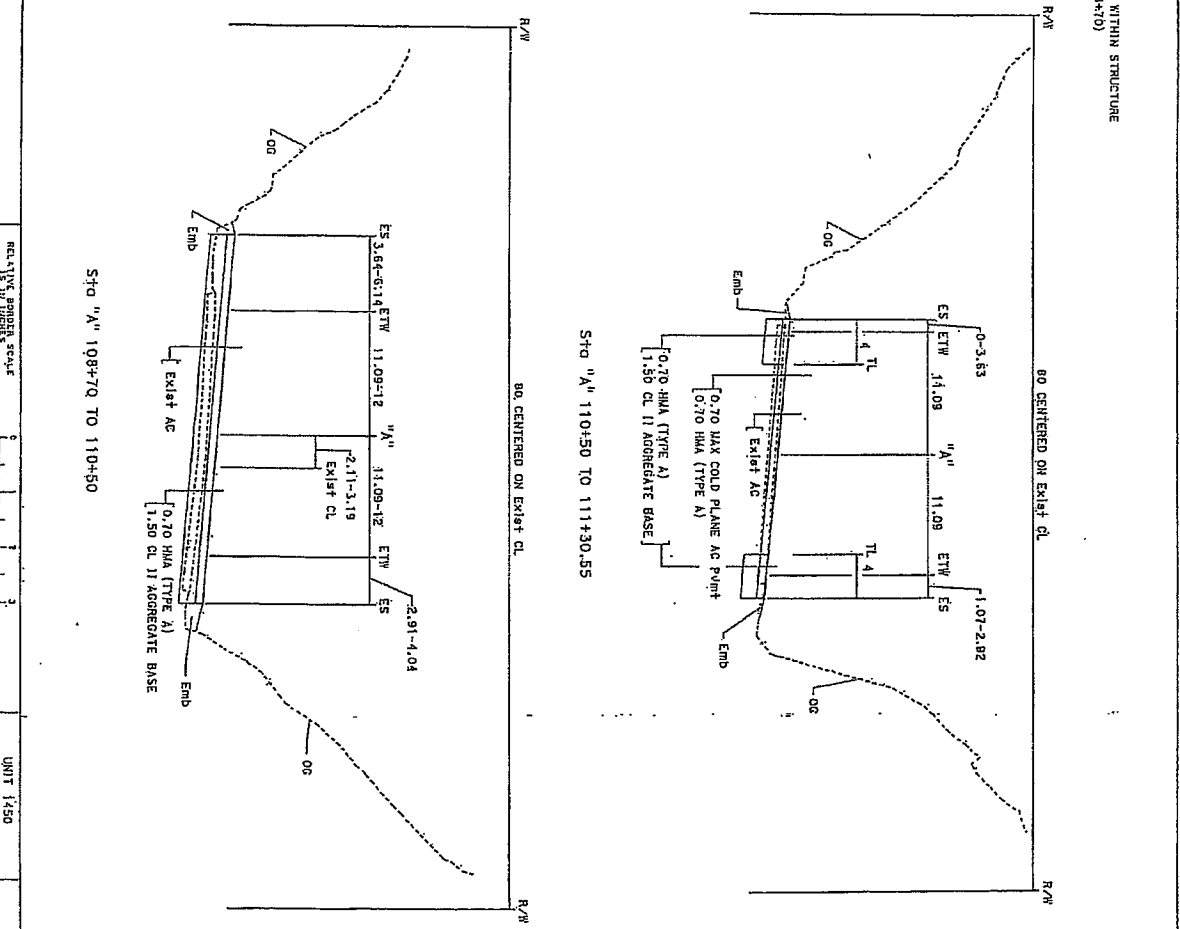
 $\frac{R}{M}$ 

DRAFT

DATE PLOTTED => 27-JUL-2011
TIME PLOTTED => 13:48

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	CALCULATED-DESIGNED BY	REVISED BY
Edwards DESIGN		CHECKED BY	DATE REVISED

NOTES:
1. REFER TO STRUCTURES PLANS FOR SECTIONS WITHIN STRUCTURE AND APPROACH SLAB LIMITS (102+08.08 TO 108+70)



TYPICAL CROSS SECTION ROCKY CREEK SLIDE		PROJECT NUMBER & PHASE	
05-147300		05-147300	

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	CALCULATED-DESIGNED BY	REVISED BY	
Caltrans DESIGN		CHECKED BY	DATE REVISED	

BOOKS LAST REVISED 7/27/2010

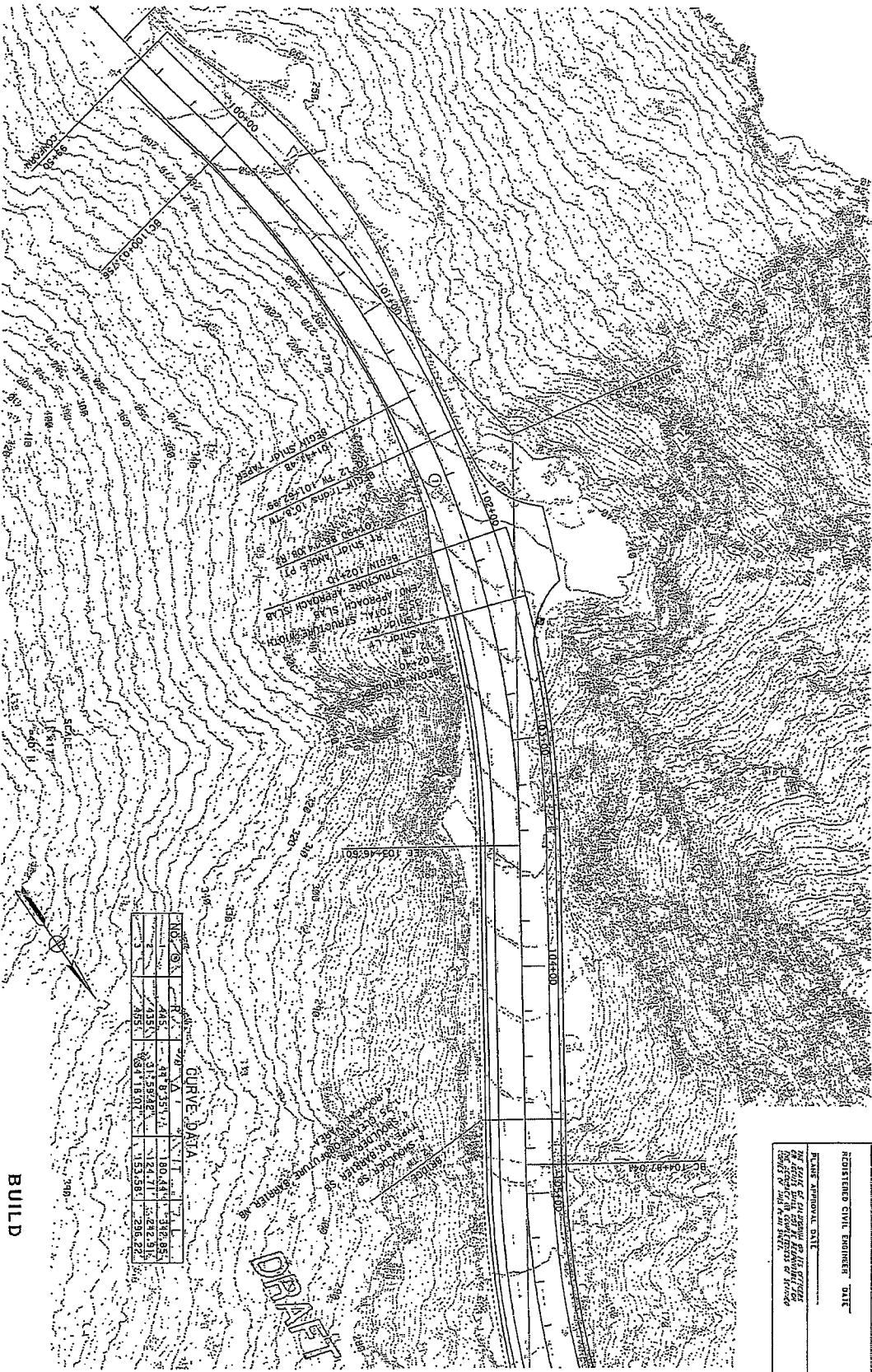
DATE OF FILE #3 11/13/20

RELATIVE POSSES SCALE

UNIT 1450

PROJECT NUMBER & PHASE

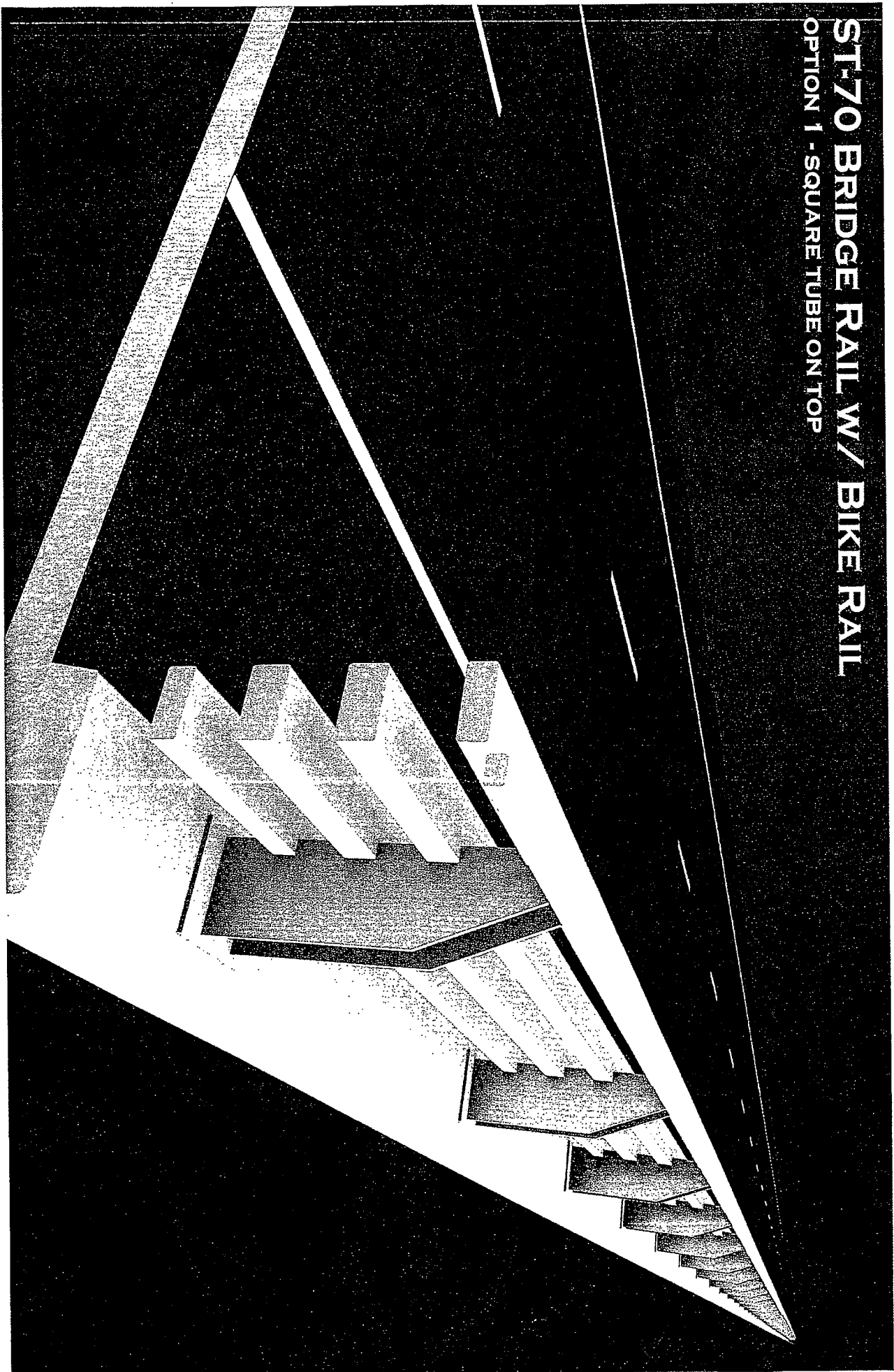
05-147300

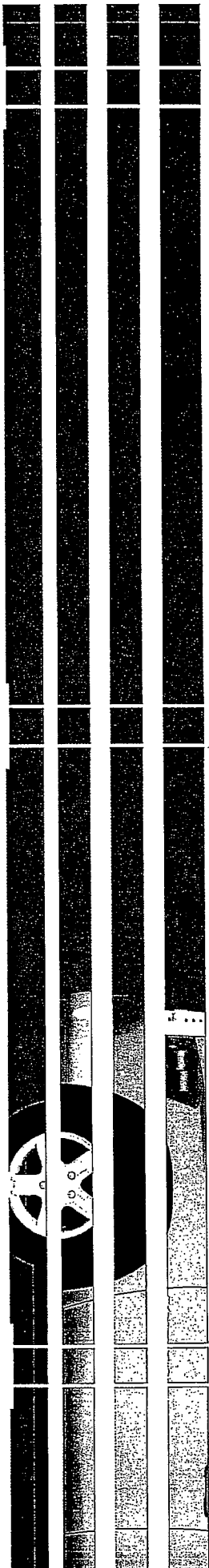
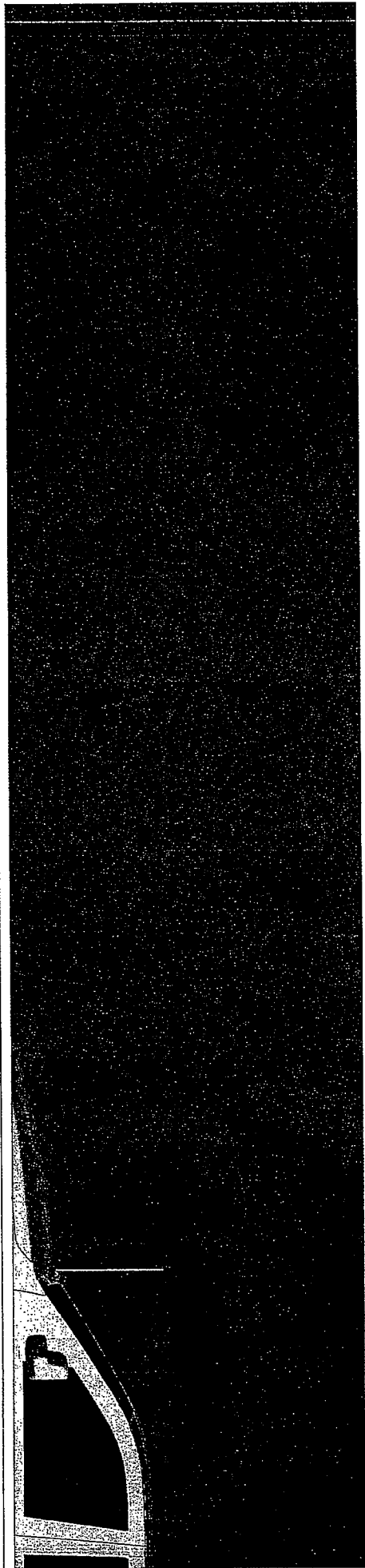


DATE	COUNTY	LOCATION	DATE	DATE
05	LA	1	59.9	1
REGISTERED CIVIL ENGINEER			DATE	
THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS SAN FRANCISCO OFFICE 1001 P STREET, SAN FRANCISCO, CALIF. 94104				

ST-70 BRIDGE RAIL W/ BIKE RAIL

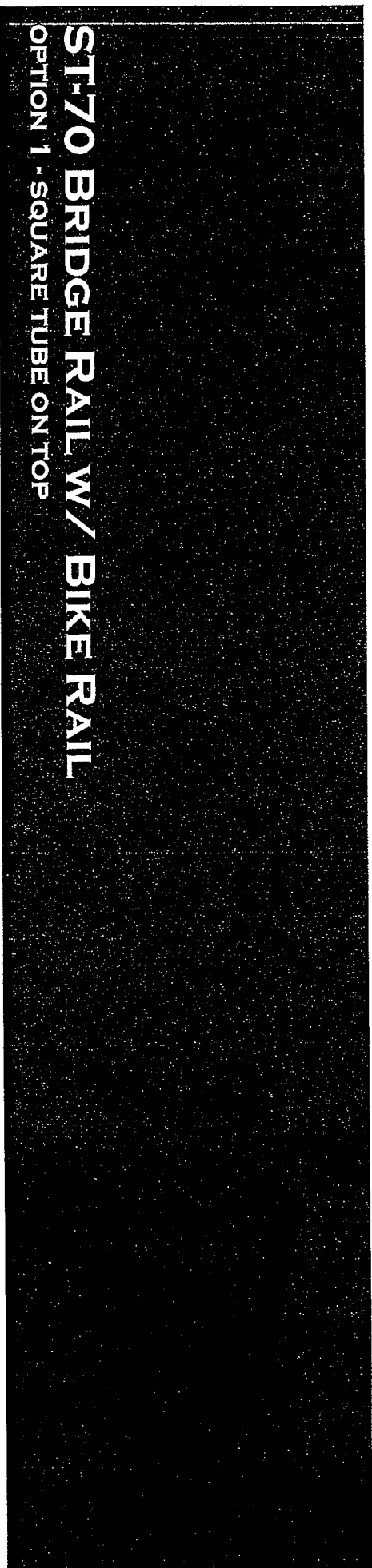
OPTION 1 - SQUARE TUBE ON TOP

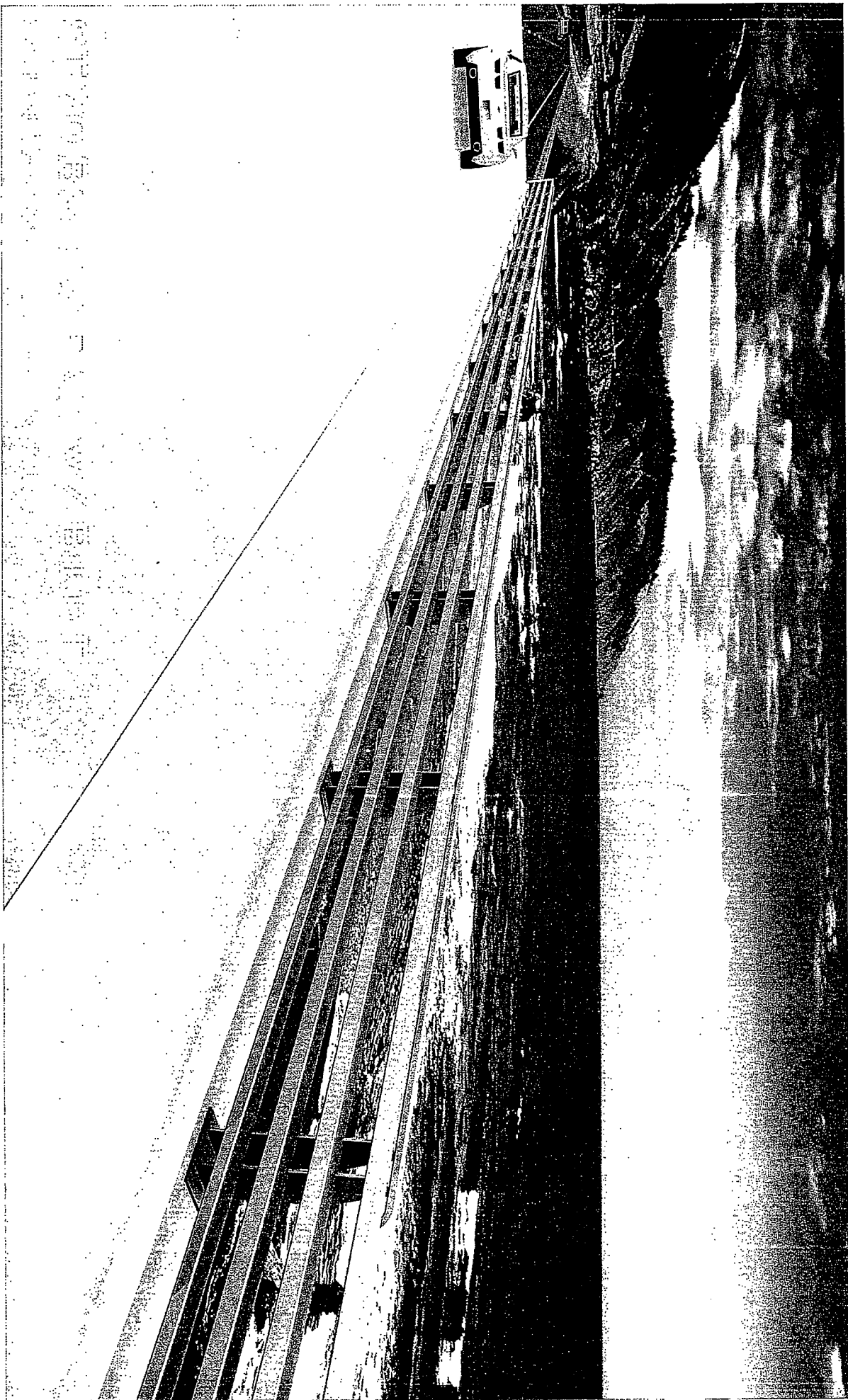




ST-70 BRIDGE RAIL W/ BIKE RAIL

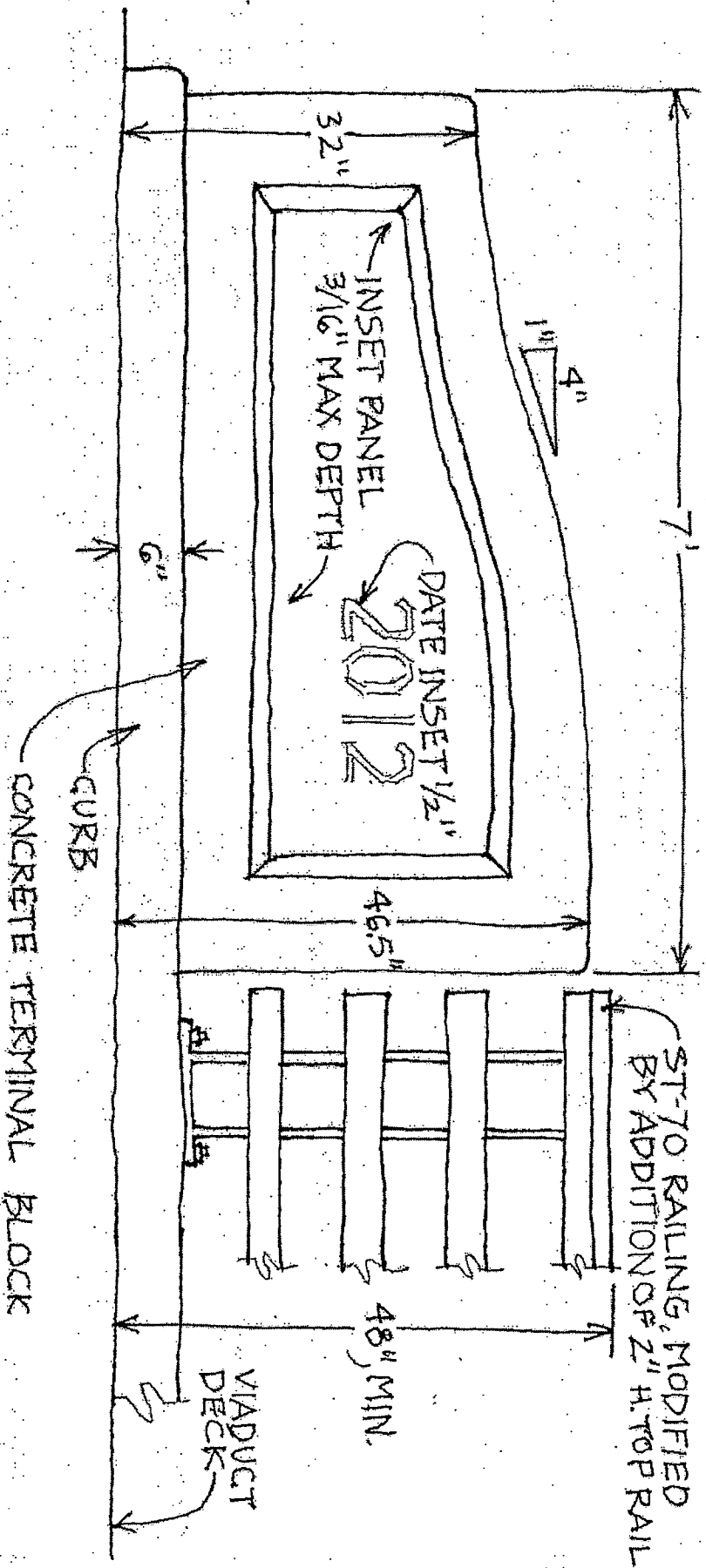
OPTION 1 - SQUARE TUBE ON TOP





Rocky Creek Sidehill Viaduct

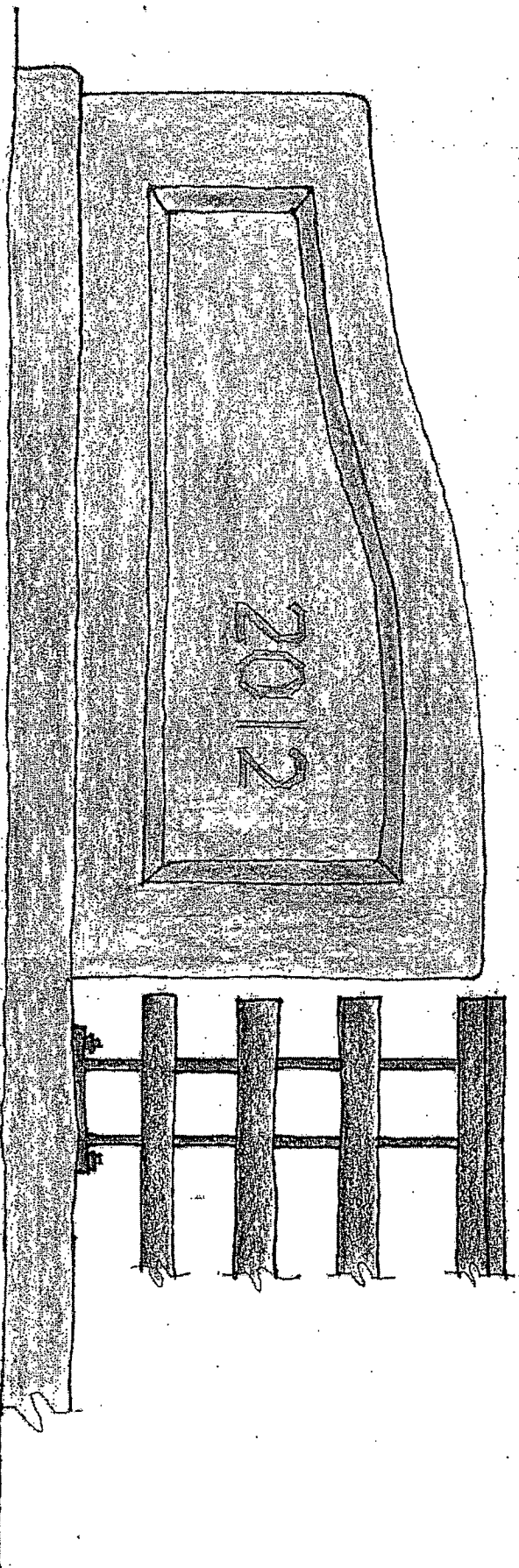
Concept Sketches for ADAC Review



All of the proposed aesthetic treatments are consistent with state and federal safety standards including the highest level of vehicle and bicycle crash test ratings. The dimensions and tolerances given in this image reflect the minimums and maximums necessary to comply with current structure design safety standards.

Rocky Creek Sidehill Viaduct

Concept Sketches for ADAC Review



This image shows the structure aesthetic treatments recommended by the Aesthetics Design Advisory Committee (ADAC) and Caltrans for implementation on the Rocky Creek Viaduct. The ST-70 bridge railing was selected for maximum transparency to preserve ocean views from the highway. Proposed aesthetic measures include:

- All visible galvanized steel railing materials will be treated to darken and dull the metal's surface, providing the effect of age.
 - The concrete terminal blocks have been modified from the standard to incorporate a curved top line that mimics the design of arch bridges adjacent to the viaduct.
 - Terminal blocks will use integrally colored concrete to match the arch bridges and have a heavy sandblasted finish.
 - The 6" concrete curb will be colored to match the terminal blocks.
 - The construction year is shown incised into the face of the beveled inset panel, consistent with the arch bridges.
- Although the terminal blocks on the arch bridges have a curved horizontal flare to complement the curved top line, the Rocky Creek Viaduct cannot include a horizontal flare due to current highway safety standards.