

# Exhibit A

This page intentionally left blank.

**EXHIBIT A  
DRAFT RESOLUTION**

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

In the matter of the application of:

**CALIFORNIA DEPARTMENT OF TRANSPORTATION  
(PLN220090)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding that denial of the project qualifies for a statutory exemption from CEQA per CEQA Guidelines section 15270; and
- 2) Denying a Combined Development Permit consisting of:
  - a. A Coastal Development Permit and Design Approval to allow the replacement of the bridge rails on the historic Garrapata Bridge;
  - b. A Coastal Development Permit to allow development within the Critical Viewshed;
  - c. A Coastal Development Permit to allow development within 750 feet of known archaeological resources, and
  - d. A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat areas.

[Garrapata Bridge, Highway One (postmile 63.0),  
Big Sur Land Use Plan, Coastal Zone]

**The California Department of Transportation (CalTrans) application for the Garrapata Bridge Rail replacement project (Permit No. PLN220090) came on for a public hearing before the Monterey County Planning Commission on February 22, 2023 and March 8, 2023. 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:** **PROCESS** – The County has processed the subject Combined Development Permit application [HCD-Planning File No. PLN220090/California Department of Transportation] (“Project”) in compliance with all applicable procedural requirements.  
**EVIDENCE:** a) On June 1, 2022, pursuant to Monterey County Code (“MCC”) Chapter 20.82, California Department of Transportation (“Caltrans”) or

“Applicant”) filed an application for a discretionary permit to allow to allow the replacement of bridge rails on the Garrapata Bridge on Highway One, Big Sur Land Use Plan area, Coastal Zone.

- b) On July 1, 2022, 30 days after the filing of the application, the application was deemed complete by operation of law.
- c) The Monterey County Planning Commission held a duly-noticed public hearing on the application on February 22, 2023. 10 days in advance of the hearing, notices for public hearing were published in the Monterey County Weekly; posted at and near the project site; and mailed to vicinity property owners and interested parties.
- d) On February 22, 2023, the Monterey County Planning Commission adopted a motion of intent to deny the project and directed staff to prepare a draft resolution of denial for consideration at the March 8, 2023 Planning Commission meeting. Reasons for denial of the permit are discussed in the Findings and Evidence below.
- e) The application, project plans, and related support materials submitted by the Applicant to Monterey County HCD-Planning for the proposed development found in Project File No. PLN220090; Clerk of the Board of Supervisors’ file(s) related to the appeals.

**2. FINDING:** **INCONSISTENCY** – The project is inconsistent with the Monterey County Local Coastal Program, which includes Big Sur Coast Land Use Plan (LUP) and Monterey County Coastal Implementation Plan, Part 3 (CIP).

**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 Land Coast Use Plan (LUP);
- Monterey County Coastal Implementation Plan, Part 3 (CIP);
- Monterey County Coastal Zoning Ordinance (Title 20); and
- Preservation of Historic Resources (Chapter 18.25)

Communications were received during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents, specifically the Big Sur Land Use Plan policies related to viewshed and historic resources. Comments have been considered.

- b) The Project is located on State Route (“Highway” or “Hwy”) 1 (postmile 63) in Big Sur. The development includes replacement of bridge rails on the Garrapata Creek Bridge. Hwy 1 is a public highway under the jurisdiction of Caltrans.
- c) In accordance with the California Coastal Act, the County has a certified Local Coastal Program, the Monterey County Local Coastal Program (LCP). Once a local government has a certified LCP, they retain primary Coastal Development Permitting responsibility. Both public and private property owners are subject to the Coastal Development Permitting process and requirements. The Monterey County LCP contains four land use plans “LUPs”, and the Monterey County Coastal Implementation Plan (CIP). Part 1 of the CIP is the Zoning Ordinance (Title 20), and Part 3 is the development standards within the Big Sur Coast Land Use Plan Area. For the County to

approve a Coastal Development Permit, the appropriate authority must make a finding that the subject project is in conformance with the Monterey County Local Coastal Program (Title 20 section 20.70.050.B.3).

- d) The highway was built in the 1930s and was the first scenic highway in California's Scenic Highway System. LUP Key Policy 4.1.1 Monterey County will take a strong and active role in guiding the use and improvement of Highway One and land use development dependent on the highway. The County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route.
- e) LUP General Policy 4.1.2.2 indicates that a principal objective of management, maintenance, and construction activities within the Highway 1 right-of-way shall be to maintain the highest possible standard of visual beauty and interest.
- f) LUP Public Access Key Policy 6.1.3 indicates protection of visual access should be emphasized throughout Big Sur as an appropriate response to the needs of recreationists, and General Policy 6.1.4.4 indicates visual access should be protected for long term public use.
- g) Taken together the policies of the LUP and their implementing regulations in the CIP require the highest possible degree of protection for Highway 1's aesthetic beauty. The project proposes replacement of the bridge rails on the Garrapata Creek Bridge. The bridge is one of seven iconic known as the "Big Sur Arches", each of which are eligible for listing on the state and national historic registers and are contributing features to the Carmel San Simeon Highway Historic District, and are important for their role in maintaining Big Sur's iconic coastal views. The replacement rails would have narrower openings, going from 10 inch squared to 6 inches with a 1.5 inch chamfered window, and a shorter opening arch height, going from 20 inches to approximately 15 inches. The rails also have secondary support strong posts which further interrupt the viewshed. The smaller openings, thicker bottom rail and added strong posts would adversely impact public views, as the existing larger openings frame views outward of the ocean and dramatic coast line. These impacts to visual resources require a statement of overriding consideration as determined by Caltrans acting the lead agency on the project.
- h) Exploration of non-standard bridge rail alternatives that maximize protection of the viewshed and this iconic bridge while protecting health and safety must be explored. In this case, CalTrans proposes a modified bridge rail that is compliant with current standards for the high speeds but has not demonstrated that other design options have been given adequate consideration. Options for repair, speed reductions, bridge rail openings, and relief from typical crash test rating standards are discussed in the evidences that follow.
- i) Repair. County staff asked if the bridge rails could be rehabilitated, generally, and notwithstanding Caltrans standards. In the Caltrans supplemental package dated December 6, 2022, District Chief of Maintenance and Caltrans' Structures Maintenance & Investigations (SM&I) states "Because the bridge rail is a safety feature, it must be

brought up to MASH standards. Therefore, replacement is the only repair strategy.” Whether repair is possible and if so what speed/traffic a repaired rail would be safe should be explored further.

- j) Speed Reduction. One of the identified alternatives in the project EIR is reducing the speed limit to 45 miles an hour, which would allow utilizing what the Manual for Assessing Safety Hardware (MASH) calls a “TR-2” rail, as opposed to the proposed “TR-4” rail, which could have taller (but not wider) openings, closer to the aesthetic of the original rails. Despite conducting a speed zone survey in 2019 and determining that the operating speed at the bridge is 58 miles an hour, it is unclear if options for reduced speed zone and other traffic calming or control devices to induce lower speeds have been sufficiently explored in this case.
- k) Width of Opening. In the EIR the identified purpose of the narrower opening is to prevent catch points, which can hook cars bumpers and increase the severity of accidents. The health and safety need for the features creating additional obstruction to the viewshed should be clarified and confirmed.
- l) Manual for Assessing Safety Hardware (MASH). The 2019 Mash Implementation Memo submitted by CalTrans indicates that as of December 23, 2016, Caltrans will no longer allow installation of non-MASH compliant safety devices. Nevertheless, out of consideration of the critical importance of Big Sur’s scenic and historical resources, the potential for an exception to these rules should be taken to the highest possible approval body.
- m) Land Use Advisory Committee (LUAC) Review. On November 8, 2022, the Big Sur Land Use Advisory Committee (LUAC) considered the proposed project. The LUAC recommend approval with changes by a vote of 4 ayes to 1 no. Comments were made that the reduced opening sizes in the proposed replacement rails obscure the viewshed and the openings should be widened to their original height and width and that the historic design be maintained while attempting to meet current safety standards.
- n) Historic Resources Review Board. On January 25, 2023, the Historic Resources Review Board (HRRB) considered the proposed project. After receiving additional information on the design and justification, the HRRB 6-0 with 1 absent to recommend approval of the project with 2 conditions. The first condition is that the final color be approved by the Chief of Planning to match the existing rails as closely as possible, and the second condition was that speed studies and other alternatives be explored for each bridge.
- o) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220090.

**3. FINDING: HEALTH AND SAFETY** – Denial 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 existing bridge rails on Garrapata Bridge are deteriorating and do not meet current bridge rail design standards. The bridge rails were originally constructed in the 1930's and have remained in their current configuration and location since that time. There are no documented incidents involving the bridge rail since its construction. Despite the lack of past incidents, temporary measures may be needed to secure the bridge rails for current and future travelers until a permanent solution is provided.

**4. FINDING: CEQA (Exempt) – Denial of the project is statutorily exempt from environmental review.**

**EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines section 15270 statutorily exempts projects which a public agency rejects or disapproves.  
b) The Planning Commission's action to deny the project fits within this exemption, the County is a public agency disapproving of a project.  
c) Statutory exemptions from CEQA are not qualified by the exceptions applicable to categorical exemptions in CEQA Guidelines section 15300.2.

**5. FINDING: APPEALABILITY – The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.**

**EVIDENCE:** a) Pursuant to Title 20 Section 20.86.080, the Project is subject to appeal by/to the Coastal Commission because it involves development that is a conditional use.  
b) Section 20.80.040.D of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the HCD Chief of Planning does hereby:

- 1) Find that denial of the project qualifies for a statutory exemption from CEQA per CEQA Guidelines section 15270; and
- 2) Deny a Combined Development Permit consisting of:
  - a. A Coastal Development Permit and Design Approval to allow the replacement of the bridge rails on the historic Garrapata Bridge;
  - b. A Coastal Development Permit to allow development within the Critical Viewshed;
  - c. A Coastal Development Permit to allow development within 750 feet of known archaeological resources, and
  - d. A Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat areas.

**PASSED AND ADOPTED** this 8th day of March, 2023 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Craig Spencer, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

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

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