

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

In the matter of the application of:

STATE OF CA (CALTRANS) (PLN170715)

RESOLUTION NO. 18-068

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project Categorically Exempt per section 15302 of the CEQA Guidelines.
- 2) Approving a Follow-On Coastal Development Permit to an Emergency Coastal Development Permit (PLN170214) allowing the demolition and removal of the existing Pfeiffer Canyon Bridge and the construction of a new single-span grade 50 steel girder bridge that is 315 feet in length, 40 feet wide, and approximately 120 feet high. The bridge width includes two 12-foot-wide lanes, 6-foot-wide shoulders, and 2 feet on each side for bridge rail.
- 3) Approving a Coastal Development Permit for development within 100 feet of ESHA. The project is located within the right-of-way at State Route 1, from Post Mile 45.4 to 45.8 in Big Sur.
[PLN170715, Caltrans, multiple locations between post-miles 45.4 to 45.8, Big Sur, Big Sur Coast Land Use Plan, Coastal Zone (APNs: 419-031-002-000, 419-311-015-000, 419-311-016-000 & 419-311-030-000)]

The Caltrans application (PLN170715) came on for public hearing before the Monterey County Zoning Administrator on December 06, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS AND EVIDENCE

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 proposed project is a Follow-On Coastal Development Permit to an Emergency Permit Coastal Development (PLN170214) allowing the demolition and removal of the existing Pfeiffer Canyon Bridge and the construction of a new single-span Grade 50 steel girder bridge that is 315 feet in length, 40 feet wide, and approximately 120 feet high. The bridge width includes two 12-foot-wide lanes, 6-foot-wide shoulders, and 2 feet on each side for bridge rail. The project is located within the right-of-way at State Route 1, from Post Mile 45.4 to 45.8 in Big Sur.
- c) The project sites are located at multiple locations between post-miles 45.4 to 45.8, Big Sur (Assessor's Parcel Numbers 419-031-002-000, 419-311-015-000, 419-311-016-000 & 419-311-030-000), Big Sur Coast Land Use Plan. The project site parcels are zoned Watershed and Scenic Conservation, 40 acres per unit with Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)], Public and Quasi Public with Design Control Overlay [PQP-D (CZ)], and Open Space Recreation with Design Control Overlay (Coastal Zone) [OR-D (CZ)]. Therefore, the project is an allowed land use for these sites.
- d) Staff conducted a site inspection on July 10, 2018, to verify that the project on the subject parcels conforms to the plans listed above.
- e) Environmentally Sensitive Habitat: See Finding No. 7.
- f) Big Sur Critical Viewshed: See Finding No. 8.
- g) Archaeological/Cultural Resources: County records identify that the project sites are within an area of high sensitivity for prehistoric cultural resources. Archaeological survey (LIB150346) prepared for the project sites concluded that no archaeological resources were identified within or adjacent to the project sites.
- h) The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because it involved a Design Approval subject to review by the Zoning Administrator. The LUAC, at a public meeting held on September 12, 2017, recommended by a vote of 3-0 to support the project as proposed.
- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN170715 and PLN170214.

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, CALFIRE Coastal (Fire Protection District), RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the

proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Archaeological Resources, Biological Resources, Soil/Slope Stability, and Visual Resources. The following reports have been prepared:
- Cultural Resources Review (LIB150346) prepared by California Department of Parks and Recreation, Jim Doran, Project Manager, California Department of Parks and Recreation, April 06, 2015.
 - Cultural Resources Review (LIB180399) prepared by Terry L. Joslin, Caltrans District 5, March 27, 2017.
 - Biological Survey (LIB180400) prepared by Karen Holmes, Caltrans Central Coast Biology Branch, April 14, 2017.
 - Natural Environment Study (LIB07431) prepared by Mitch Dallas, Biologist, Caltrans, District 5, San Luis Obispo, California, January 28, 2007.
 - Environmental Impact Report (LIB030145) prepared by California Department of Parks and Recreation, Northern Service Center, July 8, 2002.

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

- c) Staff conducted site inspections on July 10, 2018, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN170214 and PLN170715.

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, CALFIRE Coastal (Fire Protection District), RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) The project allows improvements authorized by Emergency Coastal Development Permit PLN170214 to remain as permanent installations to lessen the potential for injuries to travelers and/or highway closures. The project is necessary to maintain service essential to the public health, safety, and welfare.

- c) Staff conducted site inspections on July 10, 2018, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN170214 and PLN170715.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services records and is not aware of any violations existing on the subject properties.
 - b) Staff conducted site inspections on July 10, 2018, and researched County records to assess if any violation exists on the subject properties.
 - c) There are no known violations on the subject parcels.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN170214 and PLN170715.

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

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15302 statutorily exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
 - b) The County authorized the bridge demolition and reconstruction work under an Emergency Coastal Development Permit (Project File PLN170214) approved on March 17, 2017. The emergency work allowed and completed under PLN170214 was deemed to be statutorily exempt under CEQA Guidelines Section 15269(b). The County, by allowing certain improvements identified in Finding No. 1 to remain indefinitely, has determined these improvements to be consistent with the parameters of the categorical exemption per Evidence 6a above.
 - c) No adverse environmental effects were identified during staff review of the development application during site visits on July 10, 2018.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment. The technical reports prepared for the project do not identify any potential significant or cumulative impacts, and no evidence of significant adverse environmental effects were identified during staff review of the development application. The project does involve development located within view of a state-designated scenic

highway; however, based on staff site inspections, the project has not resulted in adverse impacts to visual resources. See Finding No. 10.

- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN170214 and PLN170715.
- f) No physical work except landscaping will be done pursuant to this Follow-On Coastal Development Permit.

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) This project provides public access for those using Highway 1. 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 (Part 3) can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 [Trails Plan - North and Central Sections] in the Big Sur Coast Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over these properties or project sites.
 - d) Staff conducted a site inspection on July 10, 2018.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN170214 and PLN170715.

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

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) Policies in Chapter 3.3 of the Big Sur Coast LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As designed and installed, the project is consistent with applicable policies regarding protection of habitat.
 - c) The project limits include the known range of several special-status animals (e.g.; Smith's blue butterfly, condors, and the California red-legged frog) and contain a variety of sensitive habitats (e.g., Central Coast Scrub and Upland Redwood Forest). Therefore, Caltrans completed a biological survey to assess the project impacts. As noted in the survey, the site and surrounding area was highly disturbed from the

landslide and individual special status species were not anticipated to be present during construction. The survey concluded that there were no anticipated effects on sensitive species, including the California red-legged frogs (including designated critical habitat) or Smith's blue butterflies. In addition, a no effect determination has been made for all other species in the CNDDDB query and the USFWS species list received for this project. In addition to the request from the Coastal Commission, and as part of the Emergency Permit, the US Fish and Wildlife Service (USFWS) recommended discretionary measures that were incorporated as special conditions of approval into the US Army Corps of Engineers' RGP No. 5 for Repair and Protection Activities in Emergency Situations. These conditions are listed in the attached biological survey prepared by CalTrans.

- d) Per the Caltrans Bio Memo (LIB180400), a Caltrans biologist conducted pre-construction surveys and conducted periodic site visits during construction. In order to complete the project, Caltrans had to remove some trees within and adjacent to the project limits. As part of the emergency approval, the Coastal Commission requested CalTrans to replant them according to a plan approved by the County. As such, Caltrans has submitted a planting plan per the County's conditions of approval to satisfy this request.
- e) Staff conducted site inspections on July 10, 2018, to verify ESHA locations and potential project impacts to ESHA.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN170214 and PLN170715.

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

- EVIDENCE:**
- a) The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) Staff conducted a site visit on July 10, 2018, to assess the potential visual impacts of the project and to ensure consistency with applicable LUP policies. Key Policy 4.1.1 states that the County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. Exceptions can be made to the Scenic Resources Key Policy if a project involves safety improvements to Highway 1 facilities, provided they are consistent with LUP Sections 4.1.1, 4.1.2, and 4.1.3. In addition, General Policy 4.1.2.1 provides for improvements to Highway 1 as long as they increase its service capacity and safety, consistent with its retention as a scenic two-lane road. The subject improvements are for public safety.
 - d) Staff conducted site inspections on July 10, 2018, to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

- e) The project, as completed and conditioned, is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the critical viewshed.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN170214 and PLN170715.

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

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

DECISION

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

1. Find the project Categorically Exempt per section 15302 of the CEQA Guidelines;
2. Approve a Follow-On Coastal Development Permit to an Emergency Coastal Development Permit (PLN170214) allowing the demolition and removal of the existing Pfeiffer Canyon Bridge and the construction of a new single-span grade 50 steel girder bridge that is 315 feet in length, 40 feet wide, and approximately 120 feet high. The bridge width includes two 12-foot-wide lanes, 6-foot-wide shoulders, and 2 feet on each side for bridge rail; and
3. Approve a Coastal Development Permit for development within 100 feet of ESHA

In general conformance with the attached plans and subject to four (4) conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 6th day of December, 2018.



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DEC 07 2018

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 DEC 17 2018

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

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

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN170715

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This follow up Coastal Development Permit (PLN170715) allows the demolition and removal of the existing Pfeiffer Canyon Bridge and the construction of a new single-span Grade 50 steel girder bridge that is 315 feet in length, 40 feet wide, and approximately 120 feet high. The bridge width includes two 12 foot wide lanes, 6 foot wide shoulders, and 2 feet on each side for bridge rail with wing walls will be constructed at each structure. The project is located within the right-of-way at State Route 1, from Post Mile 45.4 to 45.8, Big Sur (Assessors Parcel Numbers 419-031-002-000, 419-311-015-000, 419-311-016-000 & 419-311-030-000), Big Sur Coast Land Use Plan, Coastal Zone.

This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Chief of Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure:

"A Follow-up Coastal Development Permit to an Emergency Permit (Resolution Number 18-068) was approved by the Zoning Administrator for Assessors Parcel Numbers 419-031-002-000, 419-311-015-000, 419-311-016-000 & 419-311-030-000 on December 6, 2018. The permit was granted subject to four (4) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Chief of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

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

Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. LANDSCAPE LIMITATION (NON- STANDARD)

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The site shall be landscaped per the Planting Plan submitted by CalTrans in December 2017. The plant list includes planting madrone, toyon, California walnut, tan oak, coast live oak, coast redwood, and bay laurel trees along the bridge as outlined in the Plan.

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

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

4. PD035 - UTILITIES UNDERGROUND

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

All utility and distribution lines shall be placed underground within project limits as outlined on the submitted utility relocation plan dated November 15, 2018. (RMA - Planning and RMA- Public Works)

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

On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

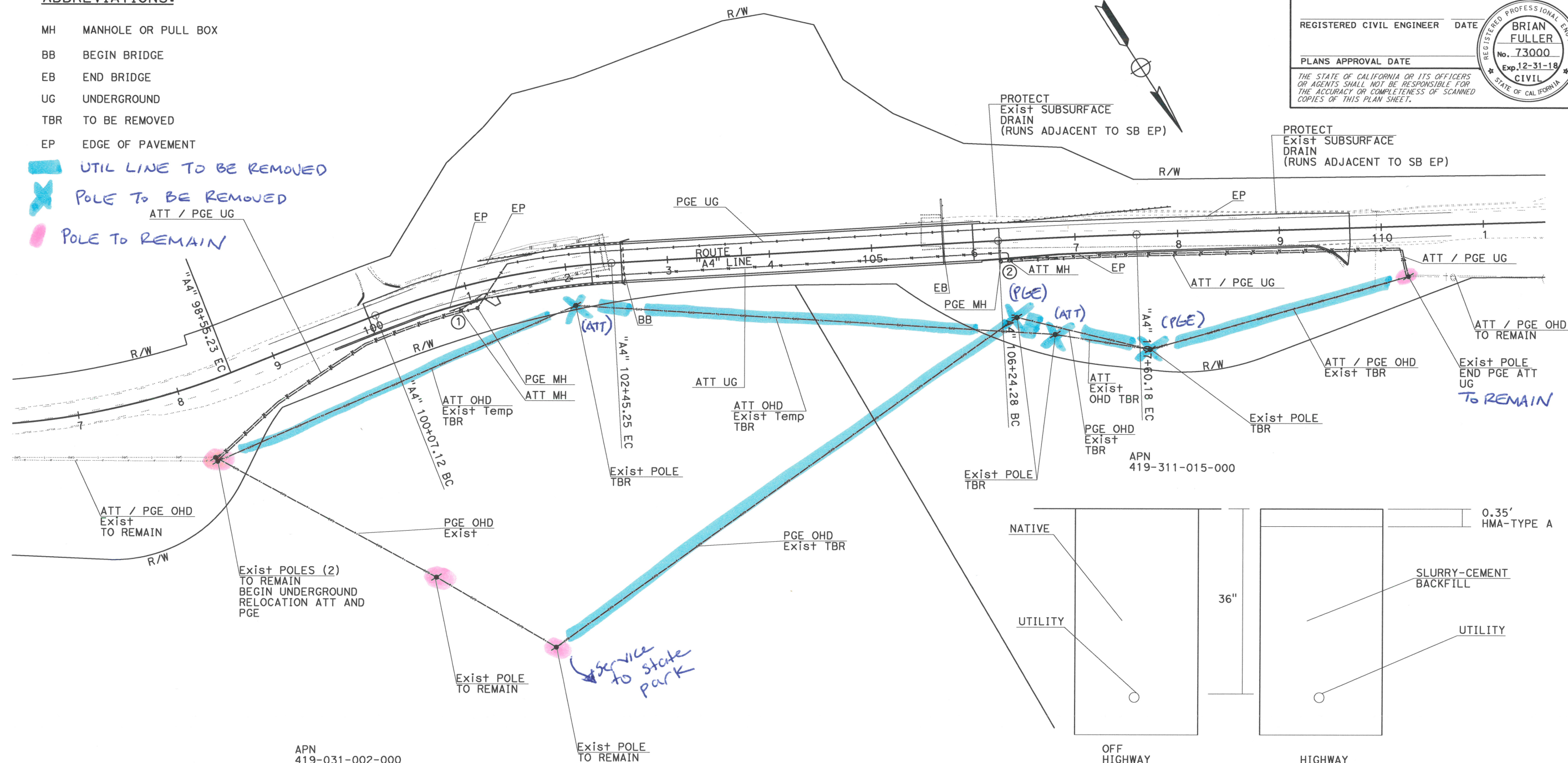
ABBREVIATIONS:

MH MANHOLE OR PULL BOX
 BB BEGIN BRIDGE
 EB END BRIDGE
 UG UNDERGROUND
 TBR TO BE REMOVED
 EP EDGE OF PAVEMENT

UTIL LINE TO BE REMOVED
 POLE TO BE REMOVED
 POLE TO REMAIN

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	MON	1	45.4-45.6	1	1

REGISTERED CIVIL ENGINEER DATE
 B. FULLER
 No. 73000
 Exp. 12-31-18
 CIVIL
 THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

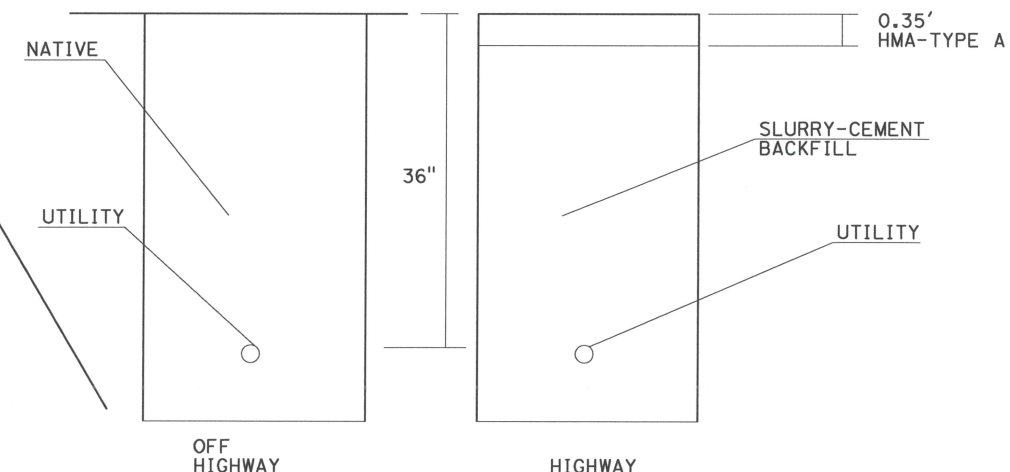


NOTES:

- FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
 - MINIMUM SEPERATION BETWEEN ATT AND PGE UNDERGROUND LINES IS 12" BOTH VERTICALLY AND HORIZONTALY.
 - ATT AND PGE ARE TO DESIGN UTILITY HANGER FOR LINES TO BE ATTACHED TO THE BRIDGE. UTILITY HANGER DESIGN MUST BE APPROVED BY CALTRANS STRUCTURES DIVISION.
 - ATT LINE TO PASS THROUGH BRIDGE ABUTMENT IN NB SIDE OPENING. PGE LINE TO PASS THROUGH BRIDGE ABUTMENT IN SB SIDE OPENING.
 - SEE BRIDGE PLANS FOR DIMENSION AND LOCATION OF ABUTMENT UTILITY OPENING.
- 2 14" DIAMETER WELDED STEEL PIPES EXTEND 5 FEET NORTH AND SOUTH OF THE APPROACH SLAB AT ABUTMENTS 1 AND 2 FOR EACH UTILITY OPENING.

- MANHOLE LOCATIONS AND UG LINE PLACEMENTS SHOWN ARE APPROXIMATE AND MAY BE MODIFIED AS FIELD CONDITIONS DICTATE, WITH APPROVAL FROM CALTRANS.
- ATT LINE TO USE EXISTING UG CONDUIT SLEEVE THAT WAS INSTALLED WITH NEW BRIDGE. CONDUIT SLEEVE RUNS FROM ① TO ②
- UG INSTALLATION OF UTILITY IS BY BORING BENEATH ROADWAY TO THE GREATEST EXTENT POSSIBLE.

TRENCH SECTION



DRAFT
 11/1/18 11/15/2018
UTIL RELOCATION
 SCALE: 1"=50'
U-1



30099