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Staff: M. Watson - SC
Staff Report: 4/26/2018
Hearing Date: 5/10/2018

STAFF REPORT: CDP HEARING

Application Number: 3-18-0195

Applicant: California Department of Transportation (Caltrans)

Project Location: Highway 1 between Hurricane Point and Rocky Creek Bridge (post miles 57.5 to 60.6) in Big Sur, Monterey County.

Project Description: Widen highway travel lanes and shoulders; install new guardrails and replace existing guardrails; construct catch slopes and reinforced slopes; replace culvert and storm water inlets, all to improve Highway 1 safety at this location.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

Caltrans proposes to construct safety improvements along a 1.5-mile stretch of Highway 1 in Big Sur near Hurricane Point. In an effort to reduce the number and severity of collisions and provide a safer travelling experience, Caltrans proposes to increase the average lane widths from roughly 10.5 feet to 12 feet, and to increase the average paved shoulder widths from two feet to four feet throughout the project's boundaries. The proposed improvements include: 1) installation of new and replacement metal beam guardrail to improve safety; 2) lane widening to 12 feet with four-foot-wide shoulders; 3) repaving; 4) replacement of an 18-inch storm water culvert; 5) extension of a 6-foot x 7-foot box culvert located at a highway undercrossing; and 6) related development.

3-18-0195 (Hurricane Point Safety Improvements)

The project limits extend from Hurricane Point in the south to Rocky Creek in the north, between Highway 1 post miles 57.5 and 60.6. In the middle of these two locations is 1,200 acres of coastal and upland property owned and maintained by the U.S. Forest Service, and known as the Brazil Ranch. The Brazil Ranch was purchased by the federal government in 2002 and provides access to upland trails above the project site.

The primary issues raised by the application include the project's consistency with the Coastal Act's public access, visual resource, and water quality protection policies. Staff has worked closely with Caltrans to address these issues, and project conditions are identified to preserve public parking as much as possible, to avoid and minimize visual issues, and to appropriately address temporary construction issues. In addition, Caltrans has agreed to provide a \$100,000 contribution toward California Coastal Trail (CCT) improvements in the area to offset public access impacts, as well as to further Caltrans and Commission goals relative to the CCT. Caltrans is in agreement with the staff recommendation, and staff recommends that the Commission approve a conditioned CDP for the project. The motion to act on this recommendation is found on page 4 below.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 3-18-0195 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 3-18-0195 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **As-Built Plans.** WITHIN THREE MONTHS OF COMPLETION OF CONSTRUCTION, the Permittee shall submit two copies of As-Built Plans for Executive Director review and approval showing all development authorized by this CDP, all property lines, and all highway elements (e.g., road travel lanes and shoulders, parking locations, culverts and storm water inlets, outlets, and associated rock slope protection, guardrails, catch slopes and reinforced slopes). The As-Built Plans shall be substantially consistent with the submitted project plans (titled *Project Plans...In Monterey County Near Big Sur From 1.0 Mile South of the Bixby Creek Bridge to 0.3 Miles South of the Rocky Creek Bridge* and dated received in the Coastal Commission's Central Coast District Office on April 6, 2018; see **Exhibit 2**) as modified by the terms and conditions of this CDP, including with respect to public parking (see **Special Condition 2**) and visual resource treatments (see **Special Condition 4**). The As-Built Plans shall include a graphic scale and all elevations shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show the as-built project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall include a sufficient number of viewpoints as to provide complete photographic coverage of the permitted Highway 1 widening and related features at this location. Such photographs shall be at a scale that allows comparisons to be made with the naked eye between photographs taken in different years and from the same vantage points.

2. **Public Parking Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two copies of a Public Parking Plan for Executive Director review and approval that identifies publicly available vehicle parking areas that shall be provided on the seaward side of Highway 1 as follows (see also **Exhibit 1**):
 - a. At least 20 to 30 public parking spaces within the southbound Highway 1 pullout north of Hurricane Point (at or about PM 58.5).
 - b. At least 15 public parking spaces within the southbound Highway 1 right-of-way at the former Brazil Ranch terrace gate north of the Bullpen Gulch undercrossing (at or about PM 58.6).
 - c. At least 14 public parking spaces within the southbound Highway 1 right-of-way north of the current Brazil Ranch upland trailhead (at or about PM 58.9).
 - d. At least 8 public parking spaces within the southbound Highway 1 right-of-way north of the Brazil Ranch main gate (at or about PM 59.1).

The above-described parking areas shall be maintained for public parking and general public pedestrian access. The Permittee shall maintain these parking areas in a manner designed to facilitate public use of these areas as well as adjacent public lands, including repairing as needed if said parking areas are damaged or destroyed by natural or man-made causes. Development that interferes with or hinders general public use of the above-described parking areas shall be prohibited.

All requirements above and all requirements of the approved Public Parking Plan shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Public Parking Plan unless the Commission amends this CDP or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations. Minor adjustments to the above requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 3. California Coastal Trail Improvements.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall provide evidence in a form and content acceptable to the Executive Director that a payment of \$100,000 has been paid to the State Coastal Conservancy's mitigation account for the purpose of implementing the California Coastal Trail in Big Sur, including trails and signage along the coastal terrace fronting the U.S. Forest Service lands known as the Brazil Ranch (see Exhibit 1) or, if not feasible there, on other public lands located on the Big Sur coast in Monterey County. The required payment shall be deposited into the mitigation account, or another interest bearing account, to be established and managed by the State Coastal Conservancy, or if necessary, an appropriate public or private agency or group approved by the Executive Director (e.g., Ventana Wilderness Alliance, U.S. Forest Service, or the California Department of Parks and Recreation).
- 4. Visual Resource Treatments.** All visual impact minimization measures identified in the project's Mitigated Negative Declaration (SCH# 2016051011, dated December 9, 2016) and Scenic Resource Evaluation and Visual Impact Assessment (dated December 2015), including the use of the Midwest Guardrail System with Natina staining of rail and posts, shall be incorporated into the project design.

Additionally, PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two copies of a Visual Resource Treatment Plan for review and approval by the Executive Director. Such Plan shall be designed to avoid significant adverse visual impacts from the project overall, including with respect to any rock dissipation devices, and where unavoidable to minimize and mitigate those impacts, in this highly scenic area as specified herein. The overall Plan objective shall be to hide and otherwise screen development, and then to use natural colors and surface treatments to the maximum extent feasible to offset any visual impacts. At a minimum, any imported rock shall be colored or stained to mimic the naturally-occurring rock seen in the surrounding natural area and shall be screened through the use of vegetation. Similarly, the visual impact of any above-surface culvert, concrete, pipes, and/or other incongruous lineal elements associated with the project shall be reduced to the extent feasible through Plan measures. Examples of appropriate measures for consideration include trenching to bury pipes, covering these project elements with earthen materials, installing native plantings, and coloring, contouring, and texturing project elements to maximize visual compatibility with the surrounding natural environment.

All requirements above and all requirements of the approved Visual Resource Treatment Plan shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Visual Resource Treatment Plan unless the Commission amends this CDP or the Executive Director provides

a written determination that no amendment is legally required for any proposed minor deviations. Minor adjustments to the above requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

5. **Construction Plan:** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:
 - a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access, including public parking, and other coastal resources.
 - b. **Construction Methods.** Construction and staging zones shall be limited to the minimum area required to implement the approved project. The Plans shall limit construction activities to avoid coastal resource impacts as much as possible.
 - c. **Construction BMPs.** The Construction Plan shall also identify the type and location of erosion control/water quality best management practices that will be implemented during construction to protect coastal resources, including the following:
 - (1) **Runoff Protection.** Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into storm drains or otherwise offsite.
 - (2) **Equipment BMPs.** All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site.
 - (3) **Good Housekeeping.** The construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the project site; etc.).
 - (4) **Erosion and Sediment Controls.** All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
 - d. **Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

- e. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that his/her contact information (i.e., address, phone numbers, email address, etc.) including, at a minimum, a telephone number and an email that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- f. Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Construction Plan unless the Commission amends this CDP or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations. Minor adjustments to the above requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The project site is located on Highway 1 approximately 25 miles south of Monterey along the Big Sur coastline between post mile 57.5 (just south of Hurricane Point and the associated highway turnout) and post mile 60.6 (just north of the Rocky Creek Bridge). Highway 1 along this stretch of coast has essentially been notched into the side of the Santa Lucia Mountains, which drop vertically into the Pacific Ocean. Thus, at both Hurricane Point and the Rocky Creek Bridge, the surrounding terrain is mountainous and highway side slopes are steep.

This stretch of coastline, like much of the Big Sur coast, finds Highway 1 extending along an extreme coastal landform creating the unique scenic drive that characterizes the touring experience along much of this area. The extreme landforms in this area also lead to safety issues associated with navigating a narrow winding road at highway speeds with minimal travel lane and shoulder widths. Specifically, within the project's boundaries, the highway travel lanes typically vary in width from between 10.5 and 11 feet, with shoulder widths ranging from zero (i.e. no shoulder) to two-and-a-half feet in width. Caltrans has investigated collisions along the

Big Sur coast and notes that this segment of Highway 1 is experiencing a pattern of run-off-the-road collisions with a number of errant vehicles rolling over after the initial impact. The investigation has shown that while the collision rate in this area is lower than the statewide average, the relative severity of collisions is higher due to the steep slopes that drop off into the ocean below.

To address the number of documented run-off-the-road and head-on collisions within the project's boundaries, Caltrans proposes a \$5 million capital improvement project to widen the highway travel lanes to a uniform width in both directions (i.e., north and south) of travel. The project further includes expanded shoulder widths and new or replacement guardrails to enhance the utility of the highway for bicycles and to reduce the number of vehicle collisions along this stretch of Highway 1. The goal of the project is to improve travel safety for both vehicles and bicycles. The project includes the following components:

- Widen north- and southbound highway lanes to 12-foot-wide travel lanes
- Widen southbound shoulders to four feet between post miles 58.3 and 59.22
- Install new guardrail at two locations and replace guardrail at several locations, including the guardrail-to-bridge transitions on all four corners of the historic Bixby Bridge
- Replace an existing 18-inch metal storm water culvert with a 24-inch HDPE (plastic) pipe of the same length. Install rock dissipation at the culvert's outlet
- Extend an existing six-foot by seven-foot box culvert by approximately two feet on each side to accommodate the roadway widening
- Replace or modify existing storm water inlets as necessary to accommodate highway widening
- Construct a 2:1 catch slope on southbound side to accommodate highway widening
- Construct a 1:1 reinforced fill slope at two locations with a maximum height of 10 feet
- Color and/or darken the posts and beams of all new or replaced guardrail with Natina stain to blend in with the natural surroundings and to reduce reflectivity
- Preserve as much existing vegetation as possible; place topsoil and/or native duff material on the slope faces to create a favorable growing medium; re-seed all areas disturbed by the project with native plant seeds
- Timing of development to occur during off-peak season to minimize disruption on highway travel and to public recreational access on the nearby Brazil Ranch.

See **Exhibit 1** for project location maps, **Exhibit 2** for project plans, and **Exhibit 3** for photographs of the project site.

B. STANDARD OF REVIEW

The proposed project is located on federal (U.S. Forest Service) land (for which Caltrans has an easement for Highway 1) where the Commission retains CDP jurisdiction. Accordingly, the standard of review is the Coastal Act. As relevant, the County's certified LCP can provide non-binding guidance and is cited if useful as a supplement to the applicable Coastal Act policies.

C. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30604(c) requires that every CDP issued for any development between the nearest public road and the sea (as is the case here) "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." Coastal Act Sections 30210 through 30213, 30221 and 30223 specifically protect public access and recreation. In particular:

30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

These overlapping policies clearly protect public access and recreation opportunities for the public, particularly free and low cost access. They also justify protection of Highway 1 for its public recreational attributes.

With regard to the provision of public access, the County's LCP and Caltrans' Coast Highway Management Plan (CHMP)¹ also contain specific guidance for providing public access in all Highway 1 development projects:

¹ In March 2004, the California Department of Transportation produced the Big Sur Coast Highway Management Plan (CHMP) in order to establish coordinated management of the Highway 1 corridor along this portion of the coastline. The CHMP covers an area along Highway 1 from the Carmel River in Monterey County to San Carpoforo Creek in northern San Luis Obispo County. The CHMP it is being cited here to provide background context and guidance on public access in the vicinity (particularly, the California Coastal Trail) and is not the standard of review.

Big Sur LUP Key Policy 4.1.1. *Monterey County will take a strong and active role in guiding the use and improvement of Highway 1 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. **The highway shall remain a two-lane road and shall include walking and bicycle trails wherever feasible.** In order to protect and enhance public recreational enjoyment of Big Sur's unique natural and scenic resources, recreational traffic should be regulated during congested peak use periods. (emphasis added)*

Coast Highway Management Plan, Chapter 3.6: Features Along the Roadside; Provisions for Alternative Transportation. 1. *Ideally, pedestrians and bicycles would be physically separated from the highway with a dedicated pathway. Although this objective may not be attainable throughout the corridor, opportunities should be explored for segments of high use. Even discontinuous segments of separated paths would be desirable if properly planned, designed, and executed.*

Provisions for Alternative Transportation. 3. *While the preferred alignment for the California Coastal Trail would generally be separated from the highway, some sections will rely on the highway on an interim basis and on a long-term or permanent basis where no other options are available. Relationship to the future alignment of the trail should be considered in the planning and design of any highway improvement. Accommodation of the alignment might include an adequate shoulder or separated path, provision of an adequate bench (notch) on a fill slope, or design of a cantilevered walk or pedestrian bridge across a canyon. Provisions for pedestrian safety must be made; in some situations, natural or man-made protection barriers may be required. Refer to Section 3.4 for guidance on the design of such features.*

Existing Access within the Project's Boundaries

As previously discussed, the project is located on the northern Big Sur coast between Rocky Creek and Hurricane Point. This area is referred to as the "Bixby Coast" in the Big Sur CHMP. Public access facilities (especially non-motorized facilities such as hiking trails) are limited in this area and in Big Sur more generally due to the dramatic landforms (e.g., extremely steep slopes). Highway 1 is the primary public access facility at this location and offers dramatic views of the mountains and ocean, and the interface between the two. The "Corridor Intrinsic Qualities Inventory: Recreational Qualities" prepared in conjunction with the CHMP eloquently captures this point:

The intrinsic recreational qualities along the Coast Highway are the result of the dramatic scenic landscape and inherent isolation of the Big Sur area. Recreation opportunities are defined by the elements of this spectacular setting: precipitous mountains rising straight from the sea, an often-inaccessible rocky shoreline, limited beach access, cold and dangerous surf, and challenging topography. For the majority of the Big Sur Coast, the roadway is the only continuously accessible route or feature. Supporting the vision to provide a continuous trail system along the coast, sections of the California Coastal Trail (CCT) are already in place along Highway 1. However, the trail presently contains numerous gaps along the Big Sur Coast, where the highway shoulder serves as the only means to span these gaps. (pg. 3-1)

With respect to this particular segment of the Highway, the “Recreational Qualities Inventory” provides the following detail:

The Bixby Coast area returns the visitor back to the characteristically steep Big Sur landscape. From Point Sur, the highway enters the Little Sur River drainage and begins a demanding and winding route along the steep face of Serra Hill (elev. 1,545’). The exposed slopes of the coastal hills are chaparral covered and plunge dramatically to the ocean from the highway. This segment offers only a few individual attractions beyond enjoying the scenic quality of the touring experience. Public lands, access and trails are all limited in this area. The interim CCT route follows the Old Coast Road on the east side of Serra Hill and meets the Coast Highway at Bixby Bridge, where it continues along the highway shoulder (see Map 12).

First among these individual attractions is the improved Hurricane Point viewing area (PM 58.0). This is the highest point along the Coast Highway, and takes its name from the predictable high winds. In a pair of paved pullouts, about two dozen vehicles can be accommodated with entrancing views of the ocean and a lower terrace bluff. Further north, the Brazil Ranch (PM 58.9), established by the pioneer Brazil family and previously owned by celebrity Alan Funt, is now in the process of acquisition for addition to the Los Padres National Forest. The ranch lands encompass scenic Serra Hill, Hurricane Point, and the redwoods along Bixby and Serra Creeks, and several existing farm roads and trails, including an underpass beneath the highway for a trail to the Hurricane Point terrace (see Map 12). However, public access improvements will have to await completion of land acquisition and the future planning process.

The major landmark of the segment, and arguably of the Big Sur Coast, is the often-photographed Bixby Creek Bridge (PM 59.5). This concrete arch bridge is one of the longest in the world at over 700 feet long and 260 feet high. Spectacular views are provided by a paved highway pullout on the north side of the bridge (see Map 12). Just past the bridge is the northern entry point of the Old Coast Road.

There are several forms of access within the project’s boundaries. First and foremost, Highway 1 is the primary access corridor through this segment of the Big Sur coast. It is the only accessible and continuous route through the entirety of Big Sur, and provides access for both vehicles and bicycles. There are two significant formal scenic vista points within the project’s limits: one being a 20-space turnout about 0.25 mile north of Hurricane Point and the other a smaller 12-space turnout at Bixby Creek Bridge. Both provide spectacular views of natural and man-made features including of the dramatic mountain landscape, scenic rocky shoreline, offshore sea stacks, and of course, the world renowned Bixby Creek arch bridge. In addition, there are several other highway features that provide access in the area, including less-formal pullouts on the southbound highway right-of-way that front the broad coastal terrace in-between the Hurricane Point and Bixby Creek turnouts. Three of the pullouts are fairly small with just enough parking spaces for half-a-dozen vehicles or fewer. These informal pullouts exist at points of interest to passing motorists (e.g., just south of the Bixby Bridge, which is a particularly good vantage point for taking photos of the bridge). There is a larger pullout with parking space for 20-plus vehicles within the southbound right-of-way near Hurricane Point that was created after a landslide in the late 1990s. There is also a long narrow pullout (75 spaces) fronting the driveway entrance and trailhead to 1,200 acres of public lands and hiking trails at the nearby Brazil Ranch. Together,

these pullout areas provide both visual access to the aforementioned attractions as well as parking access to Brazil Ranch (see below). See **Exhibit 3** for the locations of these turnouts/pullouts.

Thus, at this location, pullouts along the shoulder of Highway 1 provide one of the only types of opportunities for viewing of the unique features present at this location, including the historic Bixby Creek Bridge and the Hurricane Point shoreline, as well as offshore features including sea stacks, kelp beds, and the border marine environment. Moreover, such pullouts represent the most appropriate form of access in such cliff-bound environments. With respect to such pullouts, the CHMP specifically denotes their high value, both individually and cumulatively, and mandates that they be retained to the “maximum extent practicable”:

Pullouts are non-designated paved or unpaved areas beyond the shoulder that can serve as slow-vehicle turnouts or allow for parking near scenic views or trailheads. Unlike designated turnouts or vista points, pullouts may be transitory in nature and subject to change. Pullouts are widely valued in this corridor as they allow for impromptu stopping in quiet areas that are small, less populated and unencumbered, in contrast to what might be expected at designated vista points. The essence of the many small pullouts is the opportunity for self-guided and more personal discovery of the coast and might be considered lower impact relative to vista points. (emphasis added) Pullouts have generally developed simply as travel-worn areas where a view was evident from the road, and where no sign has ever been needed to draw the traveler to stop. A preference for the informal over the formal is a strongly held value in the corridor and elevates the importance of these roadside features.

1. With respect to the value and opportunities provided by these less formal areas, retain and maintain existing pullouts to the maximum extent practicable. (emphasis added)

2. Any changes or modifications to existing pullouts should be driven by safety or operational needs; options for permanence (e.g., designating vista points) should be evaluated. Modifications to existing pullouts or establishment of any new pullouts must consider the compatibility with adjacent land uses and intensity of existing use. (pp. 22-23) (emphasis added)

Brazil Ranch

Between the turnout located approximately 0.25 miles north of Hurricane Point to an area just south of the Bixby Bridge (a distance of roughly one mile), Highway 1 is tucked against the base of the mountain range and a gentle sloping terrace extends approximately 600 feet to the cliff edge above the shoreline. The coastal terrace and roughly 1,200 acres inland of this terrace feature are commonly known as the “Brazil Ranch” and are owned and maintained by the U.S. Forest Service for cattle ranching and public recreational access.² Since the November 2001 publication date of the CHMP Recreational Qualities Inventory, the Brazil Ranch has been

² The Brazil Ranch is bisected on the west by Highway 1 and by the Old Coast Highway on the east. At this time, public access trails navigate the interior of the site, however the Forest Service has developed plans to open the terrace for recreational access seaward of the highway. The ranch, with the historic Bixby Bridge in the foreground and Hurricane Point in the background, is arguably one of the most photographed locations in Big Sur.

acquired by the U.S. Forest Service and added to its holdings in the Los Padres National Forest. Public access has been established along its upland trails including to the top of Serra Hill (elevation 1,545 feet); however, formal public access to the coastal terrace has not yet been developed. At this time, access to Brazil Ranch is gained primarily via visitors parking at the long narrow pullout within the unimproved highway right-of-way on the southbound side (i.e., seaward side) of Highway 1.³ As noted above, approximately 75 vehicles can park along this nearly quarter-mile stretch of roadway. The Brazil Ranch is surrounded by private property north and south of the project site, and thus the nearest other public access hiking opportunities are miles away in either direction.

Analysis

As discussed above, the winding two-lane highway in this area of Big Sur is often steep, narrow, and without adequate shoulders to allow for safe bicycle travel, meaning that bikes often need to travel within the highway's travel lanes. The proposed project will benefit both vehicular and bicycle through-access by widening the travel lanes and road shoulders. This should result in safer highway conditions because bicycles will be able to ride in the shoulder instead of within the travel lanes, and vehicles will have more room to maneuver within their travel lanes. In short, the project as a whole is a public access benefit in that regard.

The proposed project, however, will have other both temporary (i.e., over the course of the estimated six-month construction period) and permanent public access impacts. Temporary impacts include travel delays along the highway and temporary loss of parking access in the pullouts fronting the Brazil Ranch terrace and trailhead. There will be times during construction when parking access in the southbound highway right-of-way will not be available for either public viewing or direct access to the Brazil Ranch. Timing of the project is proposed to occur during the off-peak season to temper those impacts, and Caltrans is proposing construction in three stages to minimize the amount of disruption to public access at any given time. During the first two stages the public will be able to park in the existing southbound right-of-way parking location across from the Brazil Ranch's upland trailhead. During stage three, public parking will not be allowed in the construction zone on the southbound side of the highway. Stage three has an anticipated start time of February 2019 with an expected duration of one and one-half months. Constructing in stages and timing the construction to coincide with the off-peak winter season will help reduce the project's temporary construction-related impacts by staggering the impacts, but will not entirely eliminate the impacts.

Additionally, to accommodate the widening of the highway in the southbound right-of-way, the project will result in permanent public access impacts by permanently removing 67 of 75 existing parking spaces within the long pullout on the southbound highway right-of-way in this location, which provide access to Brazil Ranch. Given that only eight out of the 75 existing spaces in this pullout will remain, the project will impact the public's ability to pull off of the highway and soak in the spectacular views of this rugged coastline and/or gain access to the public trails at Brazil Ranch.

³ There are no parking areas located on the Brazil Ranch property, although the Forest Service is ultimately required (by virtue of the Commission's federal consistency determination in 2006; see CD-083-05) to develop trailhead improvements, including for parking.

Caltrans chose to widen the highway within the existing unimproved southbound right-of-way in this area to avoid cutting into and potentially destabilizing the mountain on the northbound highway right-of-way side, and also to minimize disturbance to native flora and fauna. The unimproved southbound highway right-of-way is fairly level and comprised mainly of crushed rock and earthen materials with little to no vegetation growing in it. Further, the additional earthwork needed to expand the road prism for highway widening within the northbound right-of-way would be costly, would result in the removal of a significant amount of native vegetation, and would likely require ongoing maintenance to stabilize denuded cut areas. Notwithstanding the undeniable benefits to adaptive use of the southbound right-of-way for highway widening, the proposed project will result in significant public access impacts in the form of lost public parking.

Consistent with Coast Highway Management Plan guidelines and in collaboration with Commission staff regarding the importance of the site for public access to the Brazil Ranch and the unavoidable impacts associated with the project, Caltrans has agreed to modify the alignment of the highway within the improved and widened road prism to maintain a greater amount of public parking than first proposed. There are two locations within the unimproved right-of-way and two additional locations fronting the coastal terrace within the project's boundaries that can be utilized to maintain vehicle parking for public viewing and access onto the Brazil Ranch. The identified parking locations will allow the continuance of existing access patterns on the ranch in the short-run, as well as conform to long-range plans developed by the U.S. Forest Service for enhanced public access opportunities to both upland areas and along the coastal terrace near the Hurricane Point blufftop area (see **Exhibit 1**). As revised, the proposal would retain 29 of the estimated 75 existing parking spaces within the southbound right-of-way pullout. This includes 14 spaces adjacent to the current Brazil Ranch upland trailhead and another 15 spaces at the south end of the coastal terrace adjacent to a former ranch gate and highway box culvert undercrossing. This latter location is considered a future access alternative onto the ranch that would re-establish access to Hurricane Point and the coastal terrace seaward of the highway, as well as allow for a potential future pedestrian undercrossing onto the ranch uplands, eliminating the current unsafe highway crossing. In addition, Caltrans has identified two further potential parking locations within the project's boundaries that would also provide meaningful access, including an eight-space pullout in the southbound right-of-way north of the current Brazil Ranch driveway entrance and a large 20-plus-space turnout near the highway's box culvert undercrossing. Both of these additional parking locations are potential practical and valuable assets for both public viewing opportunities and future public access onto public lands.

In accordance with CHMP guidelines, these non-designated informal pullouts can serve as vehicle parking in scenic areas or near trailheads. Unlike designated turnouts or vista points, however, pullouts may be transitory in nature and subject to change i.e., they can be removed. The proposal would formalize these four parking areas and ensure that they will be retained for public vehicle parking over the long term, including for access onto adjacent public lands into the future. All told, the provision of at least 57 parking spaces in four formalized parking areas will partially mitigate the loss of the current amount of available parking at the project site. However, there will still be a deficit of about 18 parking spaces over existing conditions.

In conclusion, as proposed, the proposed highway widening project will result in the significant loss of public parking access. As a consequence, although the project is at its core a public safety

improvement project that will improve public access in some ways, the project as proposed cannot be found consistent with the access and recreation policies of the Coastal Act, which require that public access opportunities be maximized and that recreational opportunities to access the coast be protected and provided as part of new development. Commission staff has collaborated with Caltrans staff regarding mitigating the loss of parking access to the maximum amount feasible (as discussed in the paragraph above) and such mitigation must be understood in relation to clear as-built plans. Therefore, **Special Condition 1** requires the submittal of “as-built” plans codifying the agreed-to project revisions for all highway elements, including road travel lanes and shoulders, parking locations, culverts, guardrails, etc. In addition, **Special Condition 2** requires the submittal of Public Parking Plan for parking access in the project area. The Public Parking Plan includes requirements to identify the location and number of parking spaces at each of four locations for public parking and general public pedestrian access, maintenance of the identified parking areas, and repairing as needed if said parking areas are damaged or destroyed by natural or man-made causes.

In the larger context, the project will enhance safety along the highway, which is essential to maintaining the continuity of the primary public access corridor along the Big Sur Coast. Thus, enhancing the safety for the highway users itself in some ways provides mitigation for the proposed project’s public access impacts. However, further mitigation measures to reduce the project’s public recreational impacts (i.e., loss of pullout parking and the project’s temporary construction impacts) are feasible.

One type of mitigation would be improvements to the California Coastal Trail (CCT) in this area.⁴ The vision for the CCT is a continuous interconnected public trail system of one or more parallel alignments along the California coastline with connections to the shoreline and other park and trail systems. The CCT system may be located on a variety of terrains, including the beach, bluff, hillsides that provide scenic vantage points, and within the highway right-of-way itself. The CCT may take many forms, including informal footpaths, paved sidewalks, sandy beach, and separated bicycle paths. When no other alternative exists, the CCT sometimes comprises the shoulder of the highway.

At this location, like many other Big Sur locations, the area is in need of CCT improvements for non-motorized travel. Consistent with the CHMP guidelines, the design of the highway expansion, including 12-foot-wide highway travel lanes and four-foot-wide highway shoulders, will improve safety and reduce the potential for user conflicts between bicycles and vehicles along this stretch of Highway 1, which is a designated California Pacific Bike Route. Thus, the highway improvement project itself largely addresses the non-motorized travel need for bicycles through widening of the highway’s shoulders. However, the absence of a physical barrier or other form of separation between the travel lanes and the shoulders is insufficient to ensure the safety and enjoyment of the CCT for pedestrian travel at this location. Both the County’s LCP

⁴ Senate Bill 1396, signed into law by then Governor Schwarzenegger in 2007, directs the State Coastal Conservancy (Conservancy) to coordinate development of the CCT with Caltrans, and further requires local transportation planning agencies, whose jurisdiction includes a portion of the CCT or property designated for the trail, to coordinate with the Conservancy, the Coastal Commission, and Caltrans regarding development of the trail. Commission staff has been collaborating with Caltrans and the Conservancy regarding the development and implementation of a programmatic approach to identification, planning, and funding for CCT improvements in Caltrans District 5 projects in Big Sur. Those efforts towards a coordinated approach are ongoing.

and the CHMP contain specific policies regarding establishing dedicated pedestrian pathways in Big Sur when possible in new development, and there appear to be feasible options in the project area that are safer than shoulder pedestrian access, will provide greater connectivity between upland and shoreline areas, and will further Caltrans's and the Commission's shared goal of providing multi-modal forms of transportation in the project area, as well as the shared goal of furthering the CCT – especially in Big Sur where improvements are much needed.

The most immediately obvious feasible candidate to mitigate the project's public access and recreational resource impacts would be to develop a trail along the coastal bluff on the Brazil Ranch which, as noted above, is owned by the U.S. Forest Service (Service) and consists of roughly 1,200 acres of coastal and upland property. The Brazil Ranch was purchased by the federal government in 2002 and as a condition of the approved land transfer the Service was required to prepare a public access plan that included, among other things, identification of suitable areas for parking and for general public access to the coastal terrace west of Highway 1.⁵ Establishment of a loop trail on the Brazil Ranch coastal terrace with connections to the upland areas of the ranch and to appropriately defined parking in designated pullouts on Highway 1 would represent the optimal way to align the CCT and meet Coastal Act public access objectives for lateral and vertical access in this area of Big Sur. Such a loop trail would also mitigate the project's temporary construction impacts and would mitigate for the permanent loss of the above-described 18 parking spaces.

Commission staff has estimated a distance of 1.57 miles of trail needed to provide the connections between the Ranch's upland park areas, the proposed parking pullouts, and to and along the coastal bluff. Further, based on estimates provided by California Department of Parks and Recreation and the American Conservation Experience (i.e., two groups with significant experience constructing and maintaining trails in Big Sur), trail rehabilitation work typically costs about \$100,000 per mile. The cost of new trail construction can also vary widely depending upon terrain, the need for retaining devices, steps, bridges, etc. In this case, the terrain is fairly level, there appear to be identifiable ranch roads or cart paths that could be used as the trail alignment, and it does not appear that any steps, bridges, or retaining devices will be needed to construct the trail. Accordingly, to mitigate the project's public access and recreational resource impacts including the loss of about 18 public parking spaces along Highway 1 and to mitigate for temporary construction impacts, including no access to the Brazil Ranch during stage three construction (a period of at least one-and-a-half months), **Special Condition 3** requires Caltrans to contribute \$100,000 to the State Coastal Conservancy to be used towards enhancing public recreational access, including trails and signing, in the Big Sur area, and preferably along the coastal terrace fronting the Brazil Ranch as described. Together with the above requirement to provide a parking plan (see **Special Condition 2**), these funds will serve to mitigate for the loss of the pullout and public access parking. Caltrans has indicated that they are in agreement with the requirements of **Special Conditions 2 and 3** to mitigate for public access impacts of the proposed project.

In sum, the project as conditioned will enhance the safety and continuity of public access on the Big Sur Coast Highway and, through substantive public access mitigations (i.e., identification of

⁵ The Service has prepared a "Brazil Ranch Public Access Plan and Environmental Assessment," which is still under consideration and being refined.

new parking areas, submission of as-built plans, and funding for the CCT in this area of Big Sur), will adequately offset the project's public recreational access impacts. Therefore, as conditioned, the project can be found consistent with the Coastal Act public access and recreation policies cited above.

D. VISUAL RESOURCES

Coastal Act Section 30251 states:

***Section 30251.** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The Big Sur Coast represents one of the State's most acclaimed scenic resources. Highway 1 in Monterey County along the Big Sur Coast is a designated State Scenic Highway, the first California highway to be so distinguished. In 1996, it became one of the nation's first "All American Roads," the highest designation offered by the Federal Highway Administration under the National Scenic Byways Program. The Big Sur Coast Highway provides the means by which millions of visitors per year enjoy this great scenic attraction. Thus, the project area is a highly scenic area within the meaning of Coastal Act Section 30251.

Similarly, the Big Sur Coast LUP states that the issue of visual resource protection is probably the most significant and important component to protecting the Big Sur coast, and notes that a major premise of the LUP is to ensure preservation and enhancement of the coast's scenic beauty and natural appearance. LUP policies that address the protection of public views and visual resources include:

***Key Policy 3.2.1.** Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan. This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.*

***Policy 3.2.2.1.** Critical viewshed: everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the following specific locations Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane*

Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by Policy 3.8.4.4.

***Policy 3.2.3.A.4.** New roads, grading or excavations will not be allowed to damage or intrude upon the critical viewshed. Such road construction or other work shall not commence until the entire project has completed the permit and appeal process. Grading or excavation shall include all alterations of natural landforms by earthmoving equipment. These restrictions shall not be interpreted as prohibiting restoration of severely eroded water course channels or gullying, provided a plan is submitted and approved prior to commencing work.*

***Policy 3.2.3.A.5.** Where it is determined that a proposed development cannot be resited, redesigned, or in any other way made to conform to the basic critical viewshed policy, then the site shall be considered environmentally inappropriate for development.*

***Policy 3.2.3.A.8.** Landowners will be encouraged to grant scenic easements to the County over portions of their land in the critical viewshed.*

Analysis

The project is a safety improvement that, as proposed, will reduce the number and severity of roadway collisions and provide safer access for bicycles. The proposed highway widening (see **Exhibit 2**) includes 12-foot-wide travel lanes and four-foot-wide paved shoulders to provide greater safety for bicycles and vehicles traveling along Highway 1. Notwithstanding the additional paving, widening the highway for the length of the project is not expected to have a substantial effect on the scale or character of Highway 1 in this location (i.e., the widening will not be seen as a substantial change over existing conditions from a motorist's perspective because in most locations the highway pavement will be widened by five feet or less). The new pavement will be installed over and within the existing unimproved southbound highway right-of-way, which extends as much as 10 feet out from the existing travel lanes and shoulders. With new striping, the widened highway will appear similar to the current roadway and will have little effect on the compositional makeup of the scenic viewshed. Moreover, the widened road will not be visible from upcoast or downcoast Highway 1 locations because distant views to the project site from along Highway 1 are generally blocked by intervening topography.

Similarly, the visibility of the proposed reinforced slopes would be minimized because of their location downhill of the roadway. When revegetated, the reinforced slopes will appear as a natural part of the landscape to those traveling on the highway or traversing the trails at Brazil Ranch.

New and replacement guardrail (see **Exhibit 4**) is proposed in locations along the highway adjacent to sharp curves and very steep cliffs. Existing guardrail will be replaced with a new type of guardrail called the Midwest Guardrail System (MGS), which was chosen for its high safety rating and relative visual familiarity. The MGS includes a 31-inch rail height, which is roughly three inches taller than the prior standard and is better suited to accommodate today's larger and higher center-of-gravity vehicles. The new MGS consists of a metal W-beam rail barrier design and steel posts that have been approved by the Commission for previous projects in the Big Sur

vicinity. The additional height of the railing will not be substantially noticeable to passing motorists or bicyclists nor will it have any substantial impacts on ocean views or scenic vistas given their relative visual familiarity.

The proposed project would also replace guardrail adjacent to Bixby Creek Bridge. The existing guardrail at this location includes metal posts and thus the replacement railing would be similar to existing conditions. The increased height of the MGS would be incidental to and not detract from the historic bridge structure.

Further, the project involves the installation of 475 linear feet of new guardrail along the southbound shoulder north of the Hurricane Point scenic overlook to improve safety in this area. From Hurricane Point the roadway drops down to the north affording scenic views of the Brazil Ranch terrace, the coastline, and the Bixby Creek Bridge. Because of the decline in topography, the new guardrail will be below the line of sight of these scenic features as seen when traveling northbound on Highway 1. The uphill southbound view is not as dynamic as the views to the north (i.e., these views consist mainly of the upland mountains and open blue water views of the Pacific Ocean, and not views of the immediate rocky coastline). The new guardrail will not block or obstruct these views per se but will nonetheless impact these views to a minor, but not substantial, extent by introducing new development that was not there previously.

Caltrans prepared a Mitigated Negative Declaration (dated December 9, 2016) and a Scenic Resources Evaluation and Visual Impact Assessment (December 2015) for the project that identifies expected visual impacts and visual impact minimization measures, including treatment of the guard railing and metal posts with a permanent stain to replace the silver finish with a rusty brown color. The Commission has approved this type of railing in this area, and the brown color will blend with adjacent hillsides, rock, and vegetation and reduce glare, thereby mitigating any extant visual impacts of the proposed guardrails. **Special Condition 4** will ensure that the measures contained in the Scenic Resources Evaluation and Visual Impact Assessment, including treatment of the new MGS railing, are implemented.

Lastly, the project as proposed also includes drainage improvements and extension of the box culvert beneath the highway. Compared with the previous corrugated metal pipe, the proposed new HDPE (plastic) drainpipe is black and non-reflective and thus will better blend with surrounding native rock and vegetation. However, the proposed rock dissipation at the pipe outlet has the potential to be visually incompatible with the surrounding area, which could result in a significant visual impact. Similarly, the box culvert extension will be made of concrete and absent the appropriate treatment, could be visually incompatible with its surroundings as viewed from the Hurricane Point pullout and scenic overlook. Accordingly, this approval is conditioned to require a Visual Resources Treatment Plan, which will include aesthetic treatment measures to improve the appearance of the approved drainage features, including the rock dissipation for erosion control, the new HDPE drainage pipe, and the extended box culvert (see **Special Condition 4**). The overall mitigation objective of this plan is to evoke natural colors and to camouflage the approved development to the maximum extent feasible. Examples of appropriate measures for consideration include trenching to bury pipes, covering with earthen materials, installation of native plantings, and coloring, contouring, and texturing project elements to maximize visual compatibility with the surrounding natural environment.

As conditioned, the project will minimize visual impacts along this stretch of scenic highway, will reduce the visual impacts of any drainage or culvert features, and will not significantly alter scenic public views. Thus, the project, as proposed, is consistent with Coastal Act Section 30251.

E. WATER QUALITY

The Coastal Act protects the marine resources and habitat offshore of this site. Coastal Act Sections 30230 and 30231 provide:

***Section 30230.** Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

***Section 30231.** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Analysis

The offshore waters and intertidal zone downslope from the proposed project site are within the Monterey Bay National Marine Sanctuary (Sanctuary) and just upcoast from the California Sea Otter State Game Refuge. The Sanctuary protects a variety of marine habitat features, including the rocky intertidal zone, offshore kelp forests, marine mammal haul-outs and seabird nesting and foraging areas, all of which are represented at the project site.

Caltrans has estimated that construction of the project will take roughly six months and will include roughly 0.6 acres of new impervious surface. Caltrans prepared a Water Quality Assessment, which stated that a Storm Water Pollution Prevention Plan will be prepared by the contractor for the project. Caltrans submitted a Storm Water Data Report (November 3, 2015), and the project plans include a general drainage plan. The Storm Water Data Report identifies construction site best management practices (BMPs) that may be included in the Water Pollution Control Plan. **Special Condition 5** requires that the Construction Plan include construction methods typically required by the Commission to protect water quality and marine resources during construction, including maintaining good construction site housekeeping controls and procedures, the use of appropriate erosion and sediment controls, a prohibition on equipment washing, refueling, or servicing near water conveyance corridors, etc. To further protect marine resources and offshore habitat, **Special Condition 5** also requires construction documents to be kept at the site for inspection, and also requires a construction coordinator to be available to respond to any inquiries that arise during construction. Thus, as conditioned, the project is

consistent with Coastal Act Sections 30230 and 30231 regarding protection of water quality, marine resources, and offshore habitats.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

Caltrans, acting as the CEQA lead agency, adopted a Mitigated Negative Declaration for the proposed project on December 9, 2016. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding CDP findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A)

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- CDP Application File 3-18-0195
- December 9, 2016 Initial Study with Mitigated Negative Declaration
- January 12, 2017 Project Report
- November 2, 2015 Historic Property Survey Report
- November 3, 2015 Storm Water Data Report
- December 16, 2015 Natural Environmental Study
- December 2015 Scenic Resources Evaluation and Visual Impact Assessment
- Coast Highway Management Plan Corridor Management Plan (March 2004)
- Coast Highway Management Plan, Corridor Aesthetics Guidelines (March 2004)
- Coast Highway Management Plan, Vegetation Management (March 2004)

APPENDIX B – STAFF CONTACTS WITH AGENCIES AND GROUPS

- Caltrans
- US Forest Service
- State Coastal Conservancy