

MONTEREY COUNTY PLANNING COMMISSION

Meeting:	December 14, 2005 at 11:00 a.m.	Agenda Item: 8
Project Description:	Combined Coastal Development Permit (PLN050451, California Department of Transportation-Caltrans) consisting of a Coastal Development Permit to allow the construction of three 500 foot long vehicle turnouts within the state right-of-way along a 8.3 mile segment of Highway 1 between Castroville and Jensen Road; two turnouts to be constructed in the northbound direction of Highway 1, one between Molera and Potrero Roads and one between the North and South legs of Struve Road and the remaining turnout to be constructed in the southbound direction of Highway 1 just north of Springfield Road; and a Coastal Development Permit for the removal of one native pine tree.	
Project Location:	The project is located within the state right-of-way along Route Highway 1, beginning approximately 0.49 miles north of the 1/156 interchange (PM 91.5) and ending 0.12 miles south of Jensen Road (PM 100.0), North County Area, Coastal Zone.	
Plan Area:	North County Land Use Plan Area	
Zoning Designation:	P/QP (CZ)	Flagged and Staked: N/A
CEQA Action:	Exempt	
Date Application Deemed Complete:	October 14,2005	
Department:	Planning and Building Inspection	

RECOMMENDATION: Staff recommends that the Planning Commission:

- 1) CERTIFY that the Commission reviewed and considered the information, and affirms the conclusions contained in the California Department of Transportation’s Categorical Exemption adopted by the Environmental Office Chief for the California Department of Transportation on June 30, 2005.

- 2) APPROVE a Combined Coastal Development Permit for the construction of three vehicle turnouts, and removal of one adjacent Monterey Pine tree as described above (PLN050451, Caltrans) based on the Findings and Evidence (**Exhibit B**) and subject to proposed Conditions of Approval (**Exhibit C**).

OVERVIEW:

The proposed project involves the construction of three vehicle turnouts along State Route Highway 1, from Castroville to Moss Landing. The turnouts are intended to provide an opportunity for vehicles traveling at a slower rate of speed to momentarily exit and enter Highway 1 safely, while allowing vehicles traveling at a higher rate of speed the opportunity to pass. The turnouts are approximately 500 feet long and 11 feet wide with a 4 foot wide paved shoulder. Construction is anticipated to last 30 working days. Due to heavy peak hour traffic on Highway 1, construction will take place during non-peak travel times. The turnouts are not designed nor intended to be used for parking, or to allow users to engage in any number of passive recreational activities. The project will not realign or expand the existing roadway.

The construction of the southbound turnout located between Springfield and Jensen Roads (PM 99.07 to PM 99.3) requires the removal of one adjacent Monterey Pine tree. No other habitat will be disturbed or removed as a result of project implementation. . Although the placement and construction of the turnout lanes will occur adjacent to existing agricultural fields no impacts will occur to agricultural resources. No issues remain unresolved for this project

OTHER AGENCY INVOLVEMENT: The following agencies have reviewed the project and those that are checked (“✓”) have comments and/or recommended conditions:

	Water Resources Agency		Parks Department
	Environmental Health Division		TAMC
	Public Works Department	✓	North County Fire Protection District
	Sheriff	✓	North County Coastal LUAC

Conditions from the reviewing agencies have been incorporated into the project approval. On November 7, 2005, North County Coastal Land Use Advisory Committee (LUAC) voted 6 to 0, with one member absent, recommending approval of the project with concerns and comments noted relative to tree replacement and the use of turnouts for casual observers rather than the intended users. The LUAC comments are incorporated in the project design or have been met as part of the planning permit review process (**Exhibit D**).

Prepared by: _____
 Shandell Frank, Associate Planner
 (831) 755-5185; franks@co.monterey.ca.us

This report reviewed by Jeff Main, AICP, Planning Services Manager, Coastal Team

Cc: Planning Commission (10); County Counsel; Environmental Health; Public Works; Parks; Water Resources Agency; North County Fire Protection District; Coastal Commission; Jeff Main; Shandell Frank; Linda Rotharmel; Julie McGuigan, Caltrans (Representative); Project File.

Attachments:

- Exhibit “A” Project Discussion
- Exhibit “B” Recommended Findings and Evidence
- Exhibit “C” Recommended Conditions of Approval
- Exhibit “D” LUAC Minutes, 11/7/05
- Exhibit “E” Categorical Exemption
- Exhibit “F” Vicinity Map
- Exhibit “G” Project Plans

Notes:

- 1) This project may be appealed to the Board of Supervisors and the California Coastal Commission.
- 2) Attachments are available for review with the project file at the Planning and Building Inspection Dept.

EXHIBIT “A”

DISCUSSION: The California Department of Transportation (Caltrans) proposes to construct a 23” wide soft median barrier and three vehicle turnouts within the Highway 1 state right-of-way, beginning 0.49 miles north of the Highway 1/156 interchange and ending 0.12 miles south of Jensen Road. The project, in its entirety, encompasses approximately 8.3 miles of Highway 1 in the North County Coastal Area. The soft median barrier will consist of a ground-in rumble strip, thermoplastic striping (parallel yellow lines), and two-way reflective markers. The purpose of the median barrier is to physically warn motorists who drift across the highway median into on-coming traffic and will therefore continue the entire length of the project. Although a component of the proposed project, Caltrans is not required to secure a permit from the County of Monterey for the construction of the soft median barrier as it is characterized as a maintenance activity and is therefore exempt from Coastal Act requirements.

A total of three turnouts are proposed along the State Highway 1 corridor; two in the northbound direction and one in the southbound direction. Turnouts in the northbound direction will be located between Molera and Potrero Roads (PM 94.7/94.95) and between the north and south legs of Struve road (PM97.85/98.14). The southbound turnout will be located between Springfield and Jensen Roads (99.07/99.3), and will require the removal of one adjacent tree. Each turnout will be approximately 500-foot long and 12-foot wide with an additional 4-foot wide paved shoulder. The following is a description of the existing conditions at each of the proposed turnouts where work will occur:

Molera and Potrero/Northbound

At this location the shoulders of the road are unpaved hardpacked dirt/gravel. Next to the shoulder there is an existing agricultural dirt road adjacent to a field of cultivated strawberries. Other vegetation includes a narrow strip of non-native plants located between the shoulder and the dirt road. The plants include pigweed, burr clover, and non-native annual grasses.

North and South Struve/Northbound

The shoulder at this location is paved. A narrow strip of non-native plants exists between the shoulder and an organic artichoke field. Dominant plants in this strip include pigweed and non-native annual grasses. The southern end of the turnout is adjacent to Bennett Slough.

Springfield and Jensen/Southbound

Shoulders at this location are unpaved and hardpacked with dirt/gravel. Vegetation near the north end of the turnout includes ice plant, ruderal vegetation and cultivated strawberry fields. At the south end of the turnout there is an existing Monterey Pine tree proposed for removal. The tree is described as being in poor and declining health due to dust accumulation, root compaction and vehicle impact scars.

All work as proposed will occur within the state right-of-way and no adjacent agricultural fields, or sensitive waterways will be affected. Due to heavy peak travel times, construction will occur during non-peak hours. Night time work will proceed from 8:30pm to 6:30am. During this time, at least one lane will be open. Maximum length of lane closure is 1.5 miles. Construction is anticipated to last for 30 working days or approximately 1.5 months. Construction will not occur on Saturdays, Sundays, or any designated legal holidays. The project will not realign or add

capacity to the highway. Upon further analysis of the plans and application materials as well as a visit to the site, staff has concluded that the project as designed, and conditioned, will not result in any adverse effects on the environment and will be consistent with the policies contained in the North County Area Land Use Plan. No issue remains unresolved for this project.

As the “Lead Agency,” the California Department of Transportation is required to prepare and certify environmental documents pursuant to the California Environmental Quality Act (CEQA), and the National Environmental Policy Act (NEPA). The County is a “Responsible Agency” under CEQA because of its Coastal Act permitting authority. As the decision-making body of a Responsible Agency, pursuant to CEQA Article 4, Section 15050, the Planning Commission must certify that it reviewed and considered the information contained in the Lead Agency's Categorical Exemption (**Exhibit E**) and affirm the conclusions therein prior to acting upon or approving the project.

EXHIBIT “B”
RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: CONSISTENCY – The California Department of Transportation Combined Coastal Development Permit (PLN050451), as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan, North County Area Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance), which designates this area as appropriate for the subject development.

EVIDENCE: (a) Plans/Regulations – The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for consistency with:

- 1) North County Area Land Use Plan
- 2) North County Area Coastal Implementation Plan (Part 2)
- 3) Part 6 of the Coastal Implementation Plan
- 4) Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance)

There would be no conflict or inconsistencies with these policies or regulations. Staff’s record of review is provided in project file PLN050451.

(b) Site Description – The project is located within the state right-of-way along Route Highway 1, beginning approximately 0.49 miles north of the 1/156 interchange and ending 0.12 miles south of Jensen Road, North County Land Use Plan, Coastal Zone. A total of three turnouts are proposed along the Highway 1 corridor; two in the northbound direction and one in the southbound direction. Turnouts in the northbound direction will be located between Molera and Potrero Roads (PM 94.7/94.95) and between the north and south legs of Struve road (PM97.85/98.14). The southbound turnout will be located between Springfield and Jensen Roads (99.07/99.3).

(c) Environmentally Sensitive Habitat – The project is consistent with policies of the North County Area Land Use Plan regarding ESHA (Chapter 2.3). The project includes the creation of three separate vehicle turnouts, two in the north bound direction and one in the south bound direction. Removal of one Monterey Pine will take place adjacent to the south bound turnout and is considered the minimum amount of tree removal to feasibly allow the project. Consistent with Title 20 a Condition of Project Approval requires that one Monterey Pine tree will be replanted in an appropriate location near where the tree will be removed. Neither the median barrier nor the proposed turnouts will impact the waterways of Struve Pond, or the Tembladero, Moro Cojo, Elkhorn, and Bennett sloughs.

1) The California Department of Transportation’s Environmental Chief Officer authorized a Categorical Exemption and Categorical Exclusion for the above referenced project on June 30, 2005.

2) Biological Report completed by Nancy Siepel, Associate Biologist, on June 1, 2005.

(d) Visual Resources – The project is consistent with policies of the North County Area Land Use Plan regarding visual resources (Chapter 2.2). The project planner conducted a site visit on August 24, 2005 to verify that the proposed project will not have a significant adverse effect on the public

viewshed, or the designation of Highway 1 as a “Scenic Highway.” Visual impacts will be related to the construction activities themselves and are considered temporary in nature and duration.

(e) Transportation – The project is consistent with policies of the North County Area Land Use Plan regarding transportation (Chapter 3.1). Designed and constructed as a safety/improvement project, the proposal furthers the goal of key policy 3.1.1; “State Highways within the North County coastal area should be upgraded to provide for a safe and uncongested flow of traffic.” No impacts to the highway’s level of service will occur as a result of this project. Impacts to traffic flow may be associated with the construction of the project yet are considered temporary in nature and duration.

(f) Site Visit – The project planner conducted a site visit on August 24, 2005 to verify that the proposed project complies with the LCP.

(g) Land Use Advisory Committee – The North County Coastal Land Use Advisory Committee reviewed and recommended approval (6- 0 vote) of the Combined Development Permit on November 7, 2005 with comments related to appropriate species tree replacement and the possible use of the turnouts for non-emergencies. The LUAC comments are incorporated in the project design or have been met as part of the planning permit review process.

(h) Application Materials – The application and plans submitted for the Coastal Development Permit in project file PLN050451 at the Monterey County Planning and Building Inspection Department.

(i) Testimony – No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.

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

EVIDENCE: **(a)** The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Health Department, and the Monterey County Parks Department. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated as project conditions.

(b) The project planner conducted a site visit on August 24, 2005 to verify that the site is suitable for this use.

3. FINDING: PUBLIC ACCESS – No access is required as part of the project and no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) The project includes the implementation of safety improvements and vehicle turnouts on State Route Highway 1. Access is not required nor will existing access be affected by the project. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(b) Staff site visit on August 24, 2005.

(c) Application and plans submitted for the Combined Development Permit in project file PLN050451 at the Monterey County Planning and Building Inspection Department.

- 4. FINDING:** **CEQA** – The project is subject to environmental review pursuant to the requirements of the California Environmental Quality Act (CEQA). On the basis of the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. As per CEQA Article 4, Section 15050, the County, as the decision-making body of a Responsible Agency, hereby certifies that it considered the information contained in the Lead Agency’s (California Department of Transportation) Categorical Exemption prior to acting upon or approving the project and making this finding.

EVIDENCE: (a) The following documents are on file in the Planning and Building Inspection office and are hereby incorporated by reference (PLN050451, Caltrans):

1) The California Department of Transportation’s Environmental Chief Officer authorized a Categorical Exemption and Categorical Exclusion for the above referenced project on June 30, 2005.

2) Air Quality, Noise, and Paleontology Reports completed by Wayne Mills, Environmental Engineer, on March 10, 2005.

3) Biological Report completed by Nancy Siepel, Associate Biologist, on June 1, 2005.

4) Archaeology Report completed by Thomas Wheeler, Associate Environmental Planner, on May 2, 2005.

5) Water Quality Assessment completed by Isaac Leva, Environmental Engineer, on June 8, 2005.

6) Traffic Study completed by Robert D. McNew, Registered Professional Engineer, on September 9, 2005.

(b) As a Responsible Agency, the County has conditioned the project whereas Caltrans must provide evidence that these measures are implemented and have the intended effect.

(c) There are no changes in the project or unusual circumstances that exist which would necessitate additional environmental review by the County of Monterey.

- 5. FINDING:** **NO VIOLATIONS** – The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Section 20.40.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

6. FINDING: HEALTH AND SAFETY – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

7. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance (Title 20).

	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Clearing Condition</i>	<i>Timing</i>	<i>Verification of compliance</i>
		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. (Planning and Building Inspection)				
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 050451) was approved by the Planning Commission on December 14, 2005. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to start of construction	
3.		PBD028 - RESTORATION AND MONITORING OF NATURAL MATERIALS- NON STANDARD Prior to completion of the project, the area disturbed shall be restored to a condition that corresponds with the adjoining area, including the replanting of 1 Monterey Pine tree, subject to the approval of the Director of Planning and Building Inspection. The tree shall be monitored to ensure its continued survival. Should the replacement tree fail to survive, a new Monterey Pine shall be planted in its place. (Planning and Building Inspection)	Submit photos to PBI for the project file.	Owner/ Applicant	At conclusion of construction and years 1 and 5.	

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4.	<p>PBD030 - STOP WORK - RESOURCES FOUND</p> <p>If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	Owner/ Applicant/ Archaeologist	Ongoing	
5.	<p>EQUIPMENT AND MATERIAL STORAGE-NON STANDARD</p> <p>When not in use, all materials and construction equipment shall be stored away from sensitive habitat areas. (Planning and Building Inspection)</p>	<p>Submit evidence, (photograph or site plan) that equipment and materials are properly stored away from sensitive areas.</p>	Owner/Applicant	During Construction	
6.	<p>NOISE MONITORING – NON STANDARD</p> <p>A letter shall be sent to surrounding landowners notifying them of the length and duration of the night time construction activities. The letter shall include a call number in which complaints regarding noise may be made. Complaints shall be logged and submitted to the Planning and Building Inspection Department. (Planning and Building Inspection)</p>	<p>Furnish evidence of mailing to PBI. Submit monitoring report for the review of the Director of PBI.</p>	Owner/Applicant	Prior to construction/ Ongoing	

	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Clearing Condition</i>	<i>Timing</i>	<i>Verification of compliance</i>
7..		<p>EMERGENCY RESPONSE-NON STANDARD</p> <p>Caltrans shall pre-notify the North County Fire Protection District of any conditions that may delay fire response time. (North County Fire Protection District)</p>	<p>Contact North County Fire Protection District immediately should conditions arise that may delay emergency response times.</p>	<p>Owner/Applicant</p>	<p>During Construction</p>	