PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 05068

A.P. # N/A (SR 1)

FINDINGS AND DECISION

In the matter of the application for the

California Department of Transportation-Caltrans (PLN050451)

for a Combined Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, 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. The property 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, came on regularly for hearing before the Planning Commission on December 14, 2005.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 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).

DECISION

THEREFORE, it is the decision of said Planning Commission to 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, and that said application for a Combined Coastal Development Permit be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 14th day of December, 2005, by the following vote:

AYES: Er

Errea, Hawkins, Parsons, Padilla, Vandevere, Rochester, Diehl, Sanchez, Salazar, Wilmot

NOES:

None

ABSENT: None

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DALE ELLIS, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON DEC 2 1 2005

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JAN 0 3 2006

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

NOTES

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

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

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

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

Monterey County Planning and Building Inspection Condition Compliance & Mitigation Monitoring and/or Reporting Plan

Project Name: Caltrans Vehicle Turnouts

File No: PLN050451

APN: N/A (SR 1)

Approval by: Planning Commission

Date: December 14, 2005

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

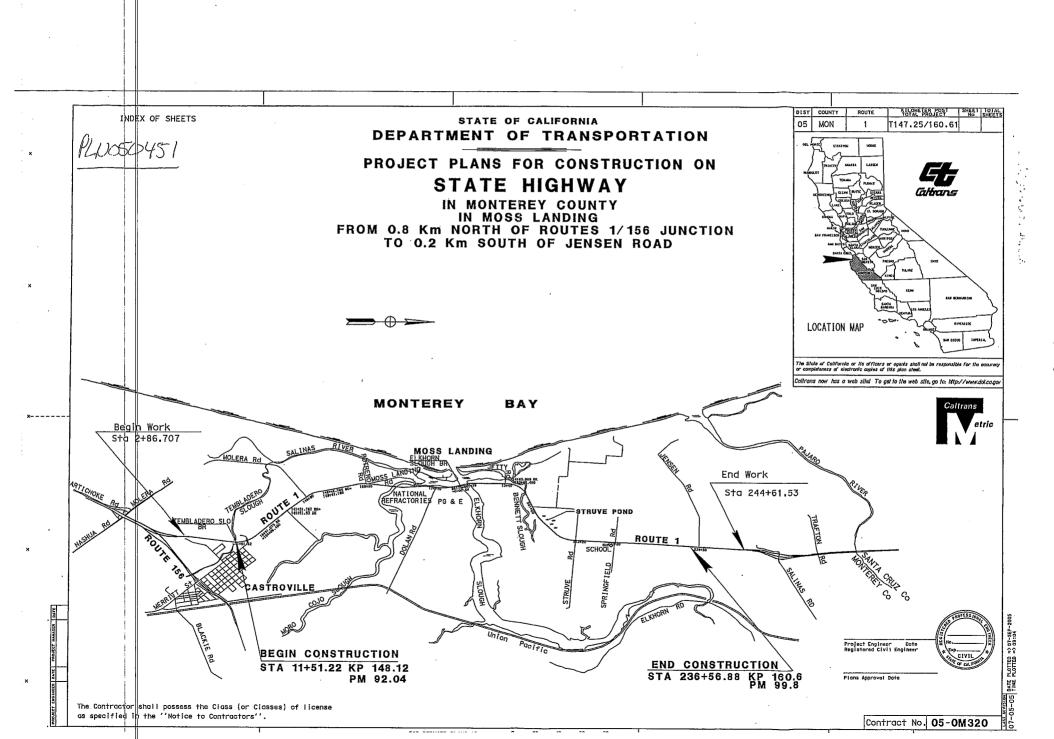
Mitig Numb	I I IMNACI AAATESSEA AHA KESDONSIDIE LANA I/SE HEDATIMENI	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Clearing Condition	Timing	Verific ation of comp- liance
	PBD029 - SPECIFIC USES ONLY The Caltrans Combined Coastal Development Permit (PLN050451) allows the construction of three vehicle turnouts within the state right-of-way along Highway 1 between Castroville and Jensen Road. Two turnouts will 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. One turnout will be constructed in the southbound direction of Highway 1 just north of Springfield Road and will require the removal of one Monterey Pine tree. Each turnout will be approximately 492 ft. in length. The project, in its entirety, will encompass approximately 8.3 miles. The project is located within the public right-of-way along State Route Highway 1, approximately 0.8km north of routes 1/156 junction to 0.2km south of Jensen Road, North County Land Use Plan Area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

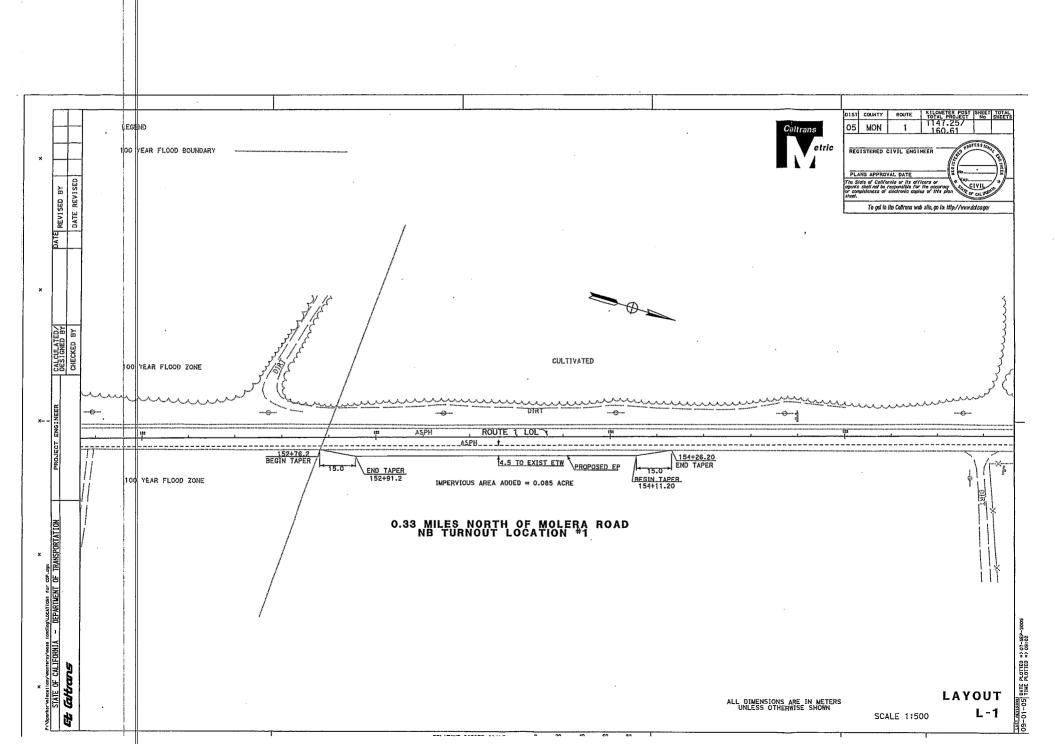
	Mitig, Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Clearing Condition	Timing	Verific ation of comp- liance
		Inspection. Any use or 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. 05068) was approved by the Planning Commission on December 14, 2005. The permit was granted subject to 8 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.	

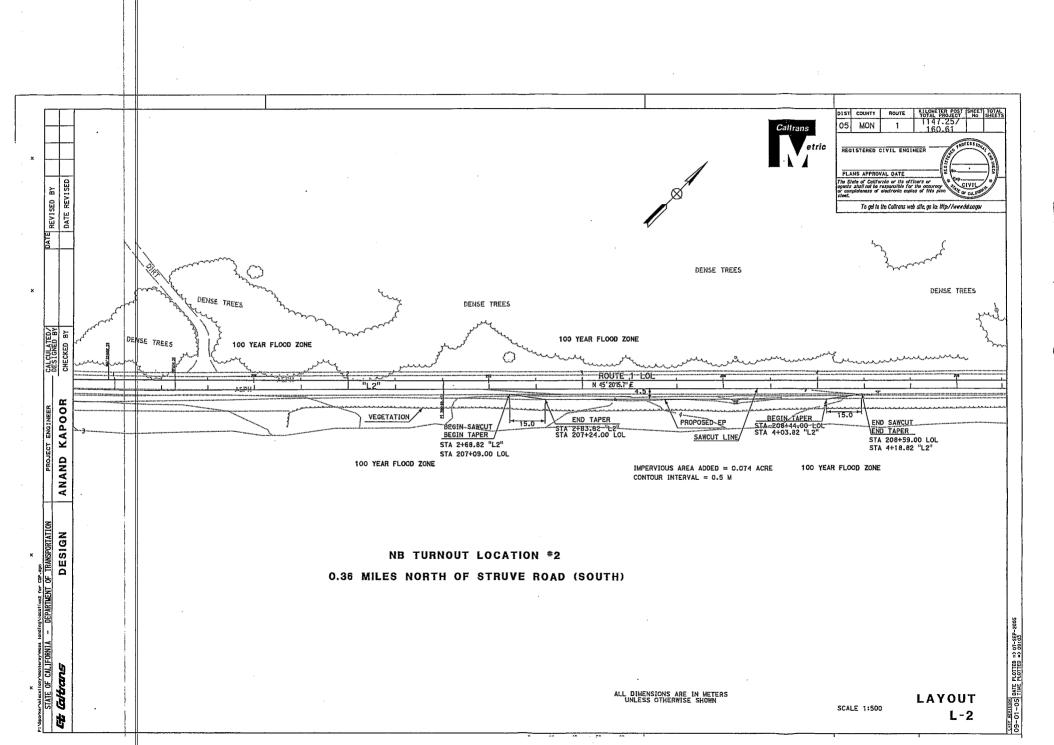
	Mitig. Numbe	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Clearing Condition	Timing	Verific ation of comp- liance
4.		PBD030 - STOP WORK - RESOURCES FOUND 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)	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.	Owner/ Applicant/ Archaeo- logist	Ongoing	
5.		EQUIPMENT AND MATERIAL STORAGE-NON STANDARD When not in use, all materials and construction equipment shall be stored away from sensitive habitat areas. (Planning and Building Inspection)	Submit evidence, (photograph or site plan) that equipment and materials are properly stored away from sensitive areas.	Owner/App licant	During Construction	
6.		NOISE MONITORING – NON STANDARD 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)	Furnish evidence of mailing to PBI. Submit monitoring report for the review of the Director of PBI.	Owner/App licant	Prior to construction/ Ongoing	

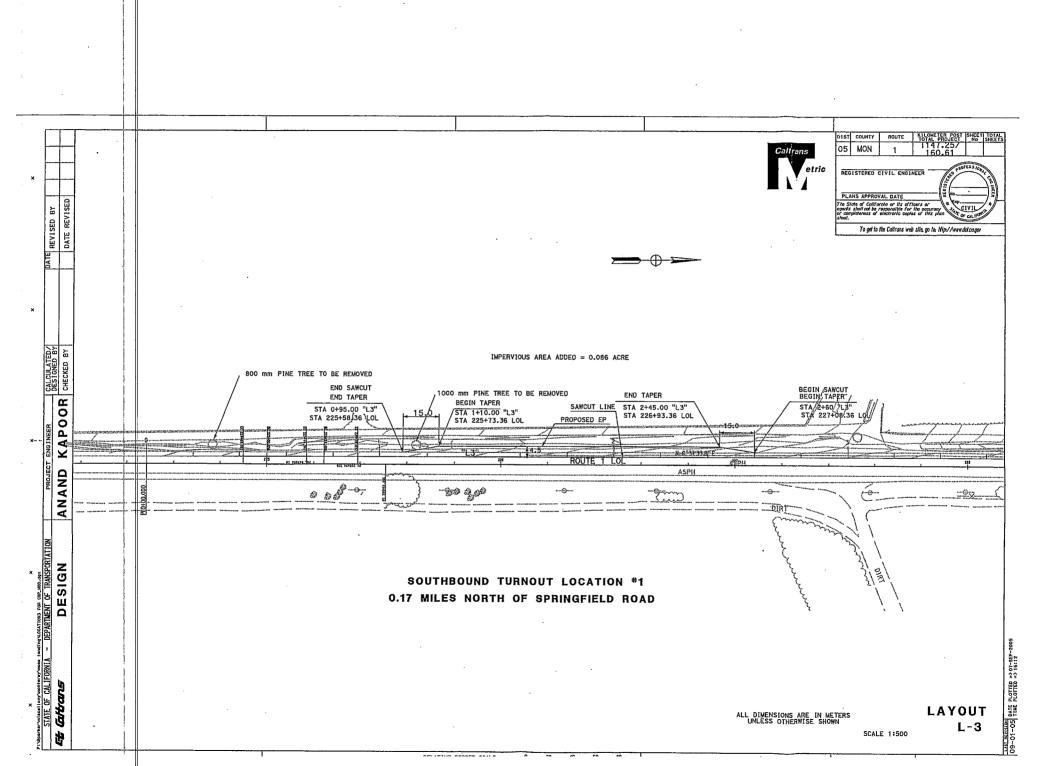
	Mitig Numb	IMDACI AAATESSEA AHA KESDONSIDIE LAHA USE DEDATIMENI	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Clearing Condition	Timing	Verific ation of comp- liance
7.		EMERGENCY RESPONSE-NON STANDARD Caltrans shall pre-notify the North County Fire Protection District of any conditions that may delay fire response time. (North County Fire Protection District)	Contact North County Fire Protection District immediately should conditions arise that may delay emergency response times.	Owner/App licant	During Construction	
8.		SIGNAGE- NON STANDARD Vehicle turnouts shall contain appropriate signage signifying that they shall be used for slower moving traffic only and are not intended for parking purposes. (Planning and Building Inspection Department)	Submit evidence to PBI for review.	Owner/App licant	Prior to the completion of construction.	

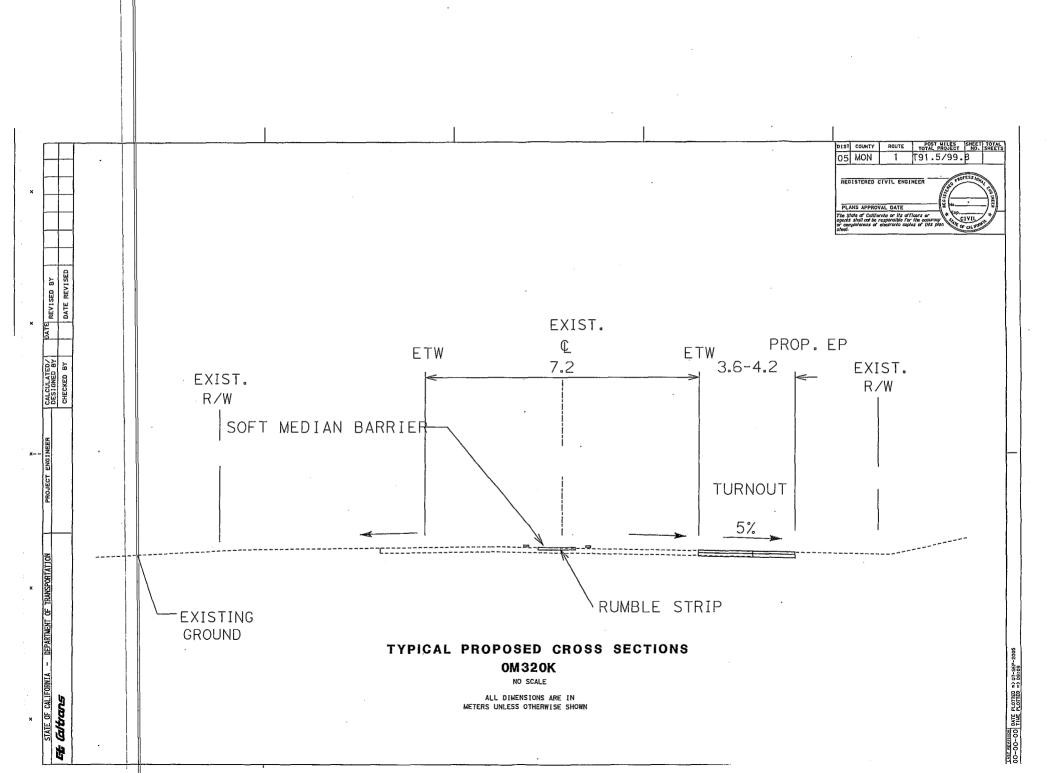
END OF CONDITIONS

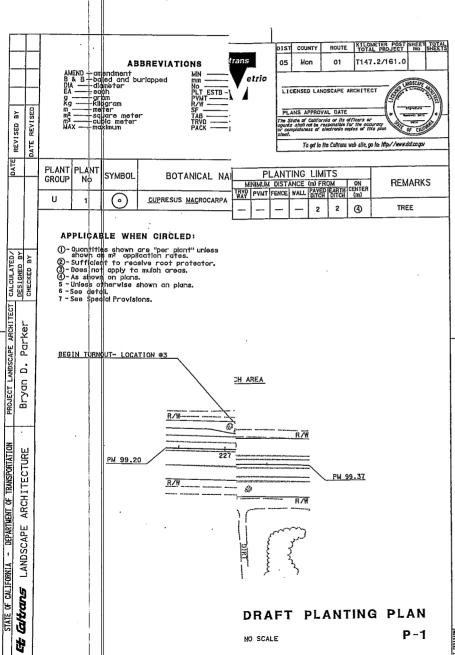












LAST REVISION DATE PLOTTED -> 08-SEP-2005 09-09-05 TIME PLOTTED -> 15150

