

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

In the matter of the application of:

SCENIC ROAD (PLN110001)

RESOLUTION NO. 11-007

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding that the project is Categorically Exempt from CEQA review pursuant to Section 15301 of the CEQA Guidelines.
- 2) Approving Coastal Administrative Permit and Design Approval to install one-way vehicle traffic signs and striping along Scenic Road from Valley View Avenue to Carmelo Street.

(PLN110001, Monterey County RMA-Public Works, Scenic Road from Valley View Avenue to Carmelo Street, Carmel Area Land Use plan (APN: 009-471-001 to -025))

The Scenic Road application (PLN110001) came on for public hearing before the Monterey County Zoning Administrator on February 10, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - 1982 Monterey County General Plan,
 - Carmel Area Land Use Plan,
 - Monterey County Zoning Ordinance (Title 20)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
b) The project consists of 0.2 miles of Scenic Road from Valley View Avenue to Carmelo Street (Assessor's Parcel Numbers 009-471-001 to -025, Carmel Area Land Use Plan. Scenic Road is zoned as Public/Quasi-Public (PQP), which allows public facilities like roadways. The residential neighborhood inland from Scenic Road is zoned Medium Density Residential, 2 units per acres, Design Approval, 18-foot height limit (MDR/2-D (18)). The State Beach west of Scenic Road is designated Open Space/Outdoor Recreation (OR). Therefore, the project is an allowed land use for this site.
c) The project is located in a Design (D) District. The project involves installing signage and striping to safely direct traffic. The number of

- signs is minimized to the extent feasible for public safety.
- d) The project planner conducted a site inspection to verify that the project on the subject parcel conforms to the plans listed above.
 - e) No tree removal is proposed as part of this project. No development will occur on slopes that exceed 30%. All work will occur within the existing roadway where there is no sensitive vegetation that could be impacted. Proposed improvements consist of non-invasive work within the existing disturbed areas so there is no potential to impact archaeological resources. Installing minimal signs and striping is designed to help reduce the need for significant improvements to retain the roadway from erosion, which helps reduce potential impacts to trees, slope, and vegetation.
 - f) The Director of Planning is the appropriate authority to hear a Coastal Administrative Permit pursuant to Section 20.76.030. Notices of the Administrative hearing were distributed. Multiple letters have been submitted raising concerns from the proposed project. Therefore, this matter was set for a hearing before the Zoning Administrator.
 - g) The project was not referred to the Carmel/Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, Administrative Permits and Administrative Design Approvals do not warrant referral to the LUAC. This project qualified for administrative review and was therefore not referred to the LUAC. In response to public comment the matter was pulled from the administrative hearing agenda and set for a public hearing before the Zoning Administrator.
 - h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110001.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, RMA-Public Works. There has been no indication from these departments/agencies that the site is not suitable for the proposed development.
 - b) Staff conducted a site inspection to verify that the site is suitable for this use. The site has no physical or environmental constraints that would indicate that the site is not suitable for the use proposed.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110001.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the

neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** a) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, and RMA-Public Works to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are available. Proposed work includes install in signs and striping to safely facilitate the flow of traffic southeast on Scenic Road. These improvements will occur within the existing improved right-of-way. There are no plans to remove any portion of the right of way.
- c) Preceding findings and supporting evidence for PLN110001.

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

- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110001.

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

- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15301, categorically exempts existing facilities including: streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.
- b) The project consists of signage and striping as part of the operation and maintenance of Scenic Road (a County-maintained road). There are no unique circumstances or significant effect resulting from the proposed project.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit.
- d) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:** a) Figure 3 in the Carmel Area Land Use Plan identifies lateral access along the coastline. Scenic Road runs along the coastline abutting the Carmel River State Beach area. A public parking area for Carmel River

State Beach is located where Scenic Road meets Carmelo Street.

- b) The project planner conducted a site inspection.
- c) Public access presently exists along Scenic Road (a public road). The proposed project will not physically alter the roadway, but would restrict movement in a southeast direction from Valley View Avenue to Carmelo Street. The only limitation created by this project is for traffic exiting Carmel River State Beach must travel north on Carmelo Street to Valley View Avenue. There is currently no parking along Scenic Road so the lateral access for vehicle traffic remains unchanged.
- d) One-way traffic would not adversely impact public access to the beach or parking area. Lateral access is maintained for all pedestrian and bicycle uses. Vehicle traffic can continue to access the public parking area for Carmel River State Beach from either direction.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110001.

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

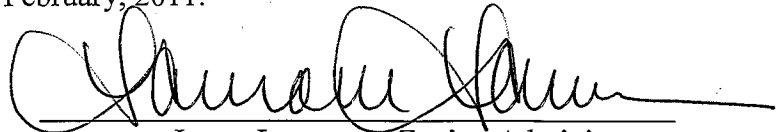
- EVIDENCE:**
- a) Section 20.86.030 Monterey County Zoning Ordinance (Board of Supervisors).
 - b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because Scenic Road is located within 300 feet of the inland extent of Carmel River State Beach.

DECISION

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

- A. Find that the project is Categorically Exempt from CEQA review pursuant to Section 15301 of the CEQA Guidelines;
- B. Approve a Coastal Administrative Permit and Design Approval to install one-way vehicle traffic signs and striping along Scenic Road from Valley View Avenue to Carmelo Street, in general conformance with the attached sketch (**Exhibit 1**) attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 10th day of February, 2011.



Laura Lawrence, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON FEBRUARY 11, 2011.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE FEBRUARY 21, 2011.

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

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

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

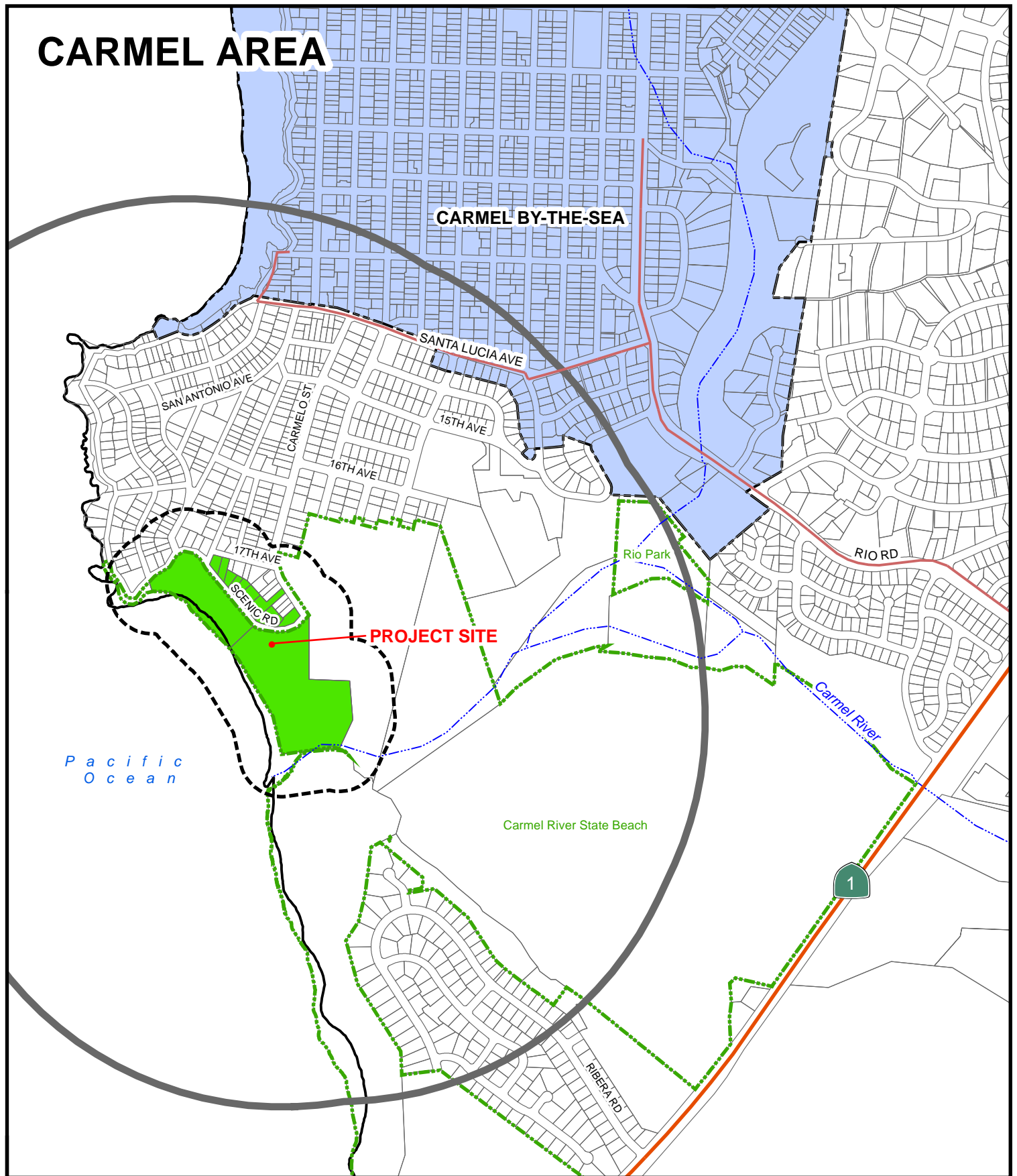
PROPOSED ONE-WAY ON SCENIC ROAD
FROM VALLEY VIEW TO CARMEL RIVER STATE BEACH

COUNTY OF MONTEREY - DEPARTMENT OF PUBLIC WORKS
SCALE 1" = 40'



Google

CARMEL AREA

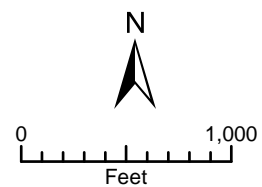


APPLICANT: SCENIC ROAD

APN: 009-471-001-000M

FILE # PLN110001

Water 2500' Limit 300' Limit City Limits



PLANNER: HOLM

PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of 18 years and not a party to the within action. My business address is 168 W. Alisal Street, 2nd Floor, Salinas, California.

On February 11, 2011, I served an original of the following document:
In the matter of the application of: SCENIC ROAD (PLN110001) RESOLUTION NO. 11-007, which was heard before the Zoning Administrator on February 10, 2011.

on the interested parties to said action by the following means:

- (BY HAND-DELIVERY)** By causing a true copy thereof, enclosed in a sealed envelope, to be hand-delivered.

- (BY MAIL)** By placing a true copy thereof, enclosed in a sealed envelope, for collection and mailing on that date following ordinary business practices, in the United States Mail at the Resource Management Agency Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, California, addressed as shown below. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the United States Postal Service the same day it was placed for collection and processing.

- (BY OVERNIGHT DELIVERY)** By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to the Resource Management Agency, Planning Department, to be delivered by Overnight Delivery.

- (BY FACSIMILE TRANSMISSION)** By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 757-9516 to the interested parties to said action at the facsimile number(s) shown below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 11, 2011, at Salinas, California.


Linda M. Rotharmel

Neal Thompson
RMA – Public Works Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901