

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

**RESOLUTION No.** )  
Resolution of the Monterey County Board of )  
Supervisors to: )  
    a. Adopt a Mitigated Negative Declaration for )  
        the Castroville Bicycle/Pedestrian Path and )  
        Railroad Crossing Project; and )  
    b. Adopt a Mitigation Monitoring and Reporting )  
        Plan )  
[PLN130153 (APN: 133-081-007-000, 030-093- )  
002-000)] )

**The Mitigated Negative Declaration for the Castroville Bicycle/Pedestrian Path and Railroad Crossing Project application (PLN130153) came on for public hearing before the Monterey County Board of Supervisors on February 4, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:**

**FINDINGS**

- 1. FINDING:**           **PROJECT DESCRIPTION** – The proposed project is an approximately 3,878 foot (0.74 mile) bicycle/pedestrian path that runs along Salinas Street from McDougall Street to Axtell Street with a 1,170 foot long over crossing at Union Pacific and a bicycle path to Castroville Boulevard. The bicycle path pavement will be 8 feet wide, with 2 feet wide decomposed granite shoulders on each side.

**EVIDENCE:**           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 PLN130153.
  
- 2. FINDING:**           **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Board of Supervisors, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

**EVIDENCE:**   a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.

                  b) An Initial Study was prepared pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN130153).

                  c) The applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

                  d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Mitigation Monitoring and/or Reporting

Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference.

- e) The Draft Mitigated Negative Declaration (“MND”) for PLN130153 was prepared in accordance with CEQA and circulated for public review from September 24, 2013 through October 24, 2013 (SCH#: 2013091068).
- f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, noise, recreation, and Mandatory Findings of Significance.
- g) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:
  - **Aesthetics.** Three mitigation measures for Aesthetic are in the proposed Mitigated Negative Declaration. Primarily, these mitigation measures require the applicant to submit detailed exterior lighting plans restricting the use of reflective materials to minimize daytime glare within the planning area.
  - **Agriculture and Forestry Resources.** Two mitigation measures for Agriculture and Forestry Resources are in the proposed Mitigated Negative Declaration. The applicant shall provide documentation that a payment was made to the Monterey County Agricultural Land Trust’s Transaction Bank Account for the acquisition of agricultural land and/or agricultural easements to protect equivalent farmland to which would be impacted by the proposed project. The proposed project would result in temporary and permanent impacts to Farmland of Statewide Importance. Implementation of the proposed project would result in 0.235ac of temporary impacts and 0.468 ac of permanent impacts to Farmland of Statewide Importance. The combined temporary and permanent impacts to Farmland of Statewide Importance total approximately 0.703 ac (refer to Figure 5 in the Final Initial Study). The farmland acreage being impacted constitutes a thin strip of land adjacent to Collins Road at the very southern boundary of APN 133-081-007, which is approximately 172 ac and is currently under cultivation. While project-related impacts would not affect the viability of the farmland or the farm operation, any impact to viable farmland is considered significant and requires mitigation. Therefore, Mitigation Measure II(a)(1) would be implemented to reduce potential impacts to Farmland of Statewide Importance to a less than significant level.
  - **Air Quality.** The applicant shall be required, for General Development Plans and other discretionary approvals associated with the Community Plan, to implement best-available control measures (BACM) to reduce emissions of particulate matter, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan during construction activities.

- **Biological Resources.** Two mitigation measures for Biological Resources are in the proposed Mitigated Negative Declaration. Prior to construction, a preconstruction environmental training session, conducted by a qualified biologist, shall be provided to all construction workers involved in the project to educate them on the federal or State-listed species with the potential of occurring in the project area. If a federal- or State-listed species is found at the project site, any work that might affect the species must be stopped and the California Department of Transportation (Caltrans) must be notified. Additionally, if a federal- or State-listed species is found at the project site, the County shall contact the Department of Fish and Wildlife (CDFW). Caltrans will consult with the United States Fish and Wildlife Service (USFWS) if necessary.

If vegetation suitable for nesting, including the large blue gum in the Union Pacific Rail Road (UPRR) right-of-way (ROW), is scheduled to be removed during the bird nesting season (March 1 through August 31), a nesting bird survey shall be conducted prior to vegetation removal to determine if any bird species protected by the Migratory Bird Treaty Act (MTBA) and the California Fish and Game Code have active nests in the vegetation to be removed or in adjacent areas.

- **Cultural Resources.** Three mitigation measures for Cultural Resources are in the proposed Mitigated Negative Declaration. During construction activities, if cultural, archaeological, historical or paleontological resources are uncovered at the project site work shall be halted immediately until a qualified professional archaeologist can evaluate it. The responsible person at the proposed project site shall immediately contact County of Monterey RMA - Planning and a qualified archaeologist. 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.

During construction activities, if human remains are uncovered at the project site work shall be halted immediately until the coroner of Monterey County can evaluate them. This is in accordance with Section 7050.5 of the California Health and Safety Code. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of identification. Pursuant to Section 5097.98 of the Public Resource Code, the Native American Heritage Commission will identify a "Native American Most Likely Descendent" to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods.

- **Geology and Soils.** Less than significant and no impact. According to the County General Plan (2010), no regional faults run through the proposed project corridor and the proposed project is not located within an Alquist-Priolo Fault Zone.

Construction of the proposed project would require minimal grading and excavation. Erosion control measures required as part of the Storm Water Pollution Prevention Plan (SWPPP) would be implemented during construction activities to reduce potential erosion and loss of topsoil (refer to Section IX(a) of the Final Initial Study for a discussion of the SWPPP required for the proposed project pursuant to the requirements of the National Pollution Discharge Elimination System (NPDES) General Permit). All areas disturbed during construction of the proposed project would be revegetated after completion of construction activities to reduce potential long-term impacts associated with erosion. Therefore, proposed project impacts associated with erosion would be less than significant, and no mitigation is required.

The proposed project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project.

Less than 195 ft of the northernmost reach of the proposed pathway would be located on Cropley silty clay soil. The proposed pathway would be constructed on fill; therefore, the shrink-swell potential of the underling soil would not pose a significant risk to the pathway, or bicyclists or pedestrians utilizing the pathway. Implementation of the proposed project would result in less than significant impacts associated with expansive soils, and no mitigation is required.

The proposed project does not involve the use of septic tanks. Additionally, the proposed project would not generate wastewater or require a wastewater disposal system.

- **Greenhouse Gas Emissions.** Less than significant and no impact. Following construction, the proposed project would only be utilized by bicyclists and pedestrians; therefore, operation of the proposed project would not be a significant contributor to the global greenhouse gas emissions (GHG) problem; however, the project would involve temporary sources that generate minor amounts of GHGs. Operational and construction-related impacts are anticipated to provide minuscule and nearly immeasurable contributions of GHGs when viewed in connection with the global contributions on a cumulative basis. It is not anticipated that GHGs generated by the proposed project would have a significant impact on the ozone or the environment. Therefore, no mitigation is required.
- **Hazards and Hazardous Materials.** Six mitigation measures in the Hazards and Hazardous Materials are proposed

in the Mitigated Negative Declaration. Prior to removing existing power poles with transformers, the project contractor shall have the transformer oil tested for polychlorinated biphenyls (PCB). Leaking transformer shall be considered a potential PCB hazard and handled accordingly.

Should dewatering be required during construction, dewatering activities shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES) Construction General Permit and project-specific Stormwater Pollution Prevention Plan (SWPPP).

The project contractor shall notify the Underground Service Alert of Northern California at least 2 working days prior to subsurface excavation to ensure that the utility owners mark the locations of underground transmission lines and facilities

Prior to construction, a site-specific Health and Safety Plan shall be prepared consistent with California Department of Transportation (Caltrans) requirements and submitted to the County of Monterey –RMA Planning and Public Works for review and approval.

The procedures outlined in the Caltrans Unknown Hazards Procedures Manual shall be followed for any unknown hazardous waste/material that is encountered during construction activities.

Prior to construction, the project contractor shall submit work plans to the County of Monterey - RMA Planning, for their review and approval, that address soil containing aerially deposited lead and outline protective measures for working with such soils.

- **Hydrology and Water Quality.** Two mitigation measures for Hydrology and Water Quality are in the proposed Mitigated Negative Declaration. Prior to construction activities and after the final design phase and environmental determinations, a construction Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring and Reporting Program shall be developed for the project as required by the Construction General Permit. The construction phase SWPPP shall be designed to identify potential pollutant sources associated with construction activities; identify nonstorm water discharges; and identify, implement, and maintain BMPs to reduce or eliminate pollutants associated with the construction site.

Prior to and during construction, the applicant shall comply with the requirements of the project-specific Storm Water Pollution Prevention Plan (SWPPP) and Construction General Permit (National Pollution Discharge Elimination System (NPDES))

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ; NPDES No. CAS000002) and any subsequent permit as they relate to construction activities. This shall include submission of Permit Registration Documents to the State Water Resources Control Board (SWRCB) prior to the start of construction, preparation and implementation of a SWPPP, submission of ad hoc and annual reports, and submission of a Notice of Termination (NOT) to the State Water Resources Control Board upon completion of construction and final stabilization of the site.

Prior to construction, the applicant shall submit detailed development plans to the County of Monterey – Water Resources Agency and RMA – planning specifying the base elevation of the proposed project to ensure that the base elevation of the proposed project is at or above the base flood elevation.

- **Land Use and Planning.** Prior to approval of the project, a Local Coastal Program (LCP) amendment is required for the project to be consistent with the Monterey County Coastal Implementation Plan.
- **Noise.** Four mitigation measures for Noise are in the proposed Mitigated Negative Declaration. The construction contractor shall ensure that all construction equipment is fitted with appropriate sound muffling devices, which shall be properly maintained and used at all times such equipment is in operation.

Where feasible, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction activities.

Except as otherwise permitted, construction activities shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. weekdays and Saturdays; noise producing construction activities shall be prohibited on Sundays and legal holidays within 500 feet (ft) of a noise-sensitive land use.

- **Recreation.** The proposed project includes construction of a bicycle and pedestrian Class I bicycle/pedestrian path to provide convenient, safe, and legal access to, and continuity with, an existing Class I bike and pedestrian path that commences at Castroville Boulevard. The proposed project

would improve recreational access and bicycle/pedestrian safety as compared to existing conditions by constructing a grade-separated bridge over the UPRR ROW. Implementation of the proposed project would not result in a significant adverse physical effect on the environment as discussed in this Initial Study/Mitigated Negative Declaration (IS/MND), with implementation of mitigation measures prescribed herein.

- **Mandatory Findings of Significance.** The proposed project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. However, based on the discussions provided in Section VI of the Final Initial Study, Environmental Checklist, the proposed project has the potential to result in some impacts to Biological Resources (Section IV), Cultural Resources (Section V), and Hydrology and Water Quality (Section IX). With implementation of the mitigation measures identified in these sections, potentially significant impacts associated with the proposed project would be reduced to a less than significant level.

- h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 3/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN130153) and are hereby incorporated herein by reference.
- i) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

3. **FINDING:** **CEQA** – Comments received on the project did not present substantial evidence of any unmitigated significant environmental effects.

**EVIDENCE:** a) California Public Utilities Commission (CPUC) letter dated October 22, 2013. The letter states that CPUC authorization is required for new grade separated highway-rail crossing with a minimum vertical clearance of 22'6" from top of rail and a minimum horizontal clearance 8'6" from centerline of track. The project is being designed to CPUC requirements in response to this comment (see Attachment 1 to staff report).

**DECISION**

NOW, THEREFORE, BASED ON THE ABOVE FINDINGS AND EVIDENCE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a) Adopt a Mitigated Negative Declaration for the Castroville Bicycle/Pedestrian Path and Railroad Crossing Project; and
- b) Adopt a Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit A and incorporated by reference.

**PASSED AND ADOPTED** this 4<sup>th</sup> day February, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book \_\_\_\_\_, for the meeting on \_\_\_\_\_.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
, Deputy