



# Monterey County

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## Board Report

Legistar File Number: ORD 18-004

April 03, 2018

**Introduced:** 3/21/2018

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Ordinance

- a. Find that the adoption of the ordinance to repeal and replace Title 12 of the Monterey County Code is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to section 15301 (c) of the CEQA Guidelines because the action involves negligible changes to the existing County regulations that govern the existing County highways and streets; and
- b. Adopt an ordinance to repeal the existing Title 12 of the Monterey County Code and adopt a replacement Title 12 relating to vehicles and traffic on county roadways and other county facilities.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that the adoption of the ordinance to repeal and replace Title 12 of the Monterey County Code is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to section 15301 (c) of the CEQA Guidelines because the action involves negligible changes to the existing County regulations that govern the existing County highways and streets; and
- b. Adopt an ordinance to repeal the existing Title 12 of the Monterey County Code and adopt a replacement Title 12 relating to vehicles and traffic on county roadways and other county facilities.

### SUMMARY/DISCUSSION:

On March 13, 2018, the Board introduced, waived the reading, and conducted a public hearing on repealing the existing Title 12 of the Monterey County Code and adopting a replacement Title 12 relating to vehicles and traffic on county roadways and other county facilities. Notice of this hearing was published on March 1, 2018 in newspapers of general circulation in the County, posted on bridges on County roads where Title 12 establishes speed limits, and distributed to owners of affected private roads through their respective homeowners' associations where applicable. The Board set April 3, 2018, as the date for the adoption of the ordinance.

The Board of Supervisors has for many decades adopted ordinances relating to vehicles and traffic, including a comprehensive ordinance, Ordinance No. 1134, adopted on April 18, 1960. Since 1960, the Board has adopted dozens of ordinances modifying the traffic regulations. The most recent was adopted on October 24, 2017 when a new section was added to establish no parking zones with the authority to tow-away.

However, since 2004 when the Municipal Code Corporation took over maintaining and publishing the Monterey County Code, including publishing it on-line, Title 12 was excluded based on administrative decisions made at that time. Instead Title 12 was maintained by the Public Works Department. Several years ago, when the Department decided to seek inclusion of Title 12 in the Code as maintained the Municipal Code Corporation, the Department in coordination with County Counsel began the process of compiling a complete Title 12 based on the ordinances the Board had adopted.

The reconstruction of Title 12 proved difficult and time-consuming, as the review uncovered discrepancies between the ordinances as passed by the Board and the document maintained by the Department. These discrepancies were primarily editorial in nature and did not change the intent of the ordinances. An example is the replacement of “Road Commissioner” with “Director of Public Works.” It also became apparent that the County would benefit from updating the Title, including updating titles of positions (replacing the “Road Commissioner” and “Director of Public Works” with “Director of Transportation”) and making the format more uniform. Accordingly, the Department with assistance from County Counsel drafted the attached ordinance, which represents a compilation of the ordinances comprising Title 12 to date with some non-substantive changes and some substantive updates.

Therefore, the Resource Management Agency Department of Public Works and Facilities and County Counsel recommends that the Board repeal the existing Title 12 and adopt a replacement Title 12 in its entirety to establish the wording that will be published in the Monterey County Code. The replacement Title 12 for the most part has the same substance as the existing Title 12, with non-substantive changes to provide consistency and clarity. The non-substantive changes include:

- Changing all references of Road Commissioner and Director of Public Works to Director of Transportation;
- Replacing maps and figures with textual replacements. Primarily this change consists of listing affected roads in textual format in the sections on Private Roads in place of the referenced exhibits and figures;
- Replacing word based numbers with Arabic numerals when referencing time of day, distances and speeds;
- Formatting of road names in bold font so they are easier to see;
- Replacing the word “ordinance” in the text with “Title” or “Section” or “Chapter”; and
- Clarifying the prohibition of trucks on southbound Merritt Street as adopted by the Board with Ordinance No. 4039 on October 19, 1999 by creating section 12.48.021.

In addition, because staff held some requests in abeyance during the compilation and drafting of the replacement Title 12, this new version of Title 12 includes the following substantive changes to address a backlog of requests:

- Addition of Section 12.04.005 defining references to Director of Transportation to mean either the Director as defined in Section 2.28.040 or their designee.
- Modification of Section 12.12.010 to establish 45 miles per hour speed limit on Carmel Valley Road from State Highway 1 to a point 700 feet west of Phelps way. This change merged eight sections into one.
- Modification of Section 12.17 to add left turn restrictions from Atherton Drive and Mesa Drive onto State Highway 1.
- Modification of Section 12.24.020 in response to community requests and subsequent analysis by RMA staff to add 32 new stop locations, including 18 two-way stops and 14 all-way stops in various parts of the County.
- Modification of Section 12.24.030 Removal of four locations with yield signs that were converted to two-way stops (included in the 18 mentioned above for Section 12.24.020)

- Addition of new section 12.28.005 that delegates authority to the Director of Transportation to establish or remove no parking zones, with appropriate signage or curb markings, at four types of locations: within 100 feet of an intersection, within 20 feet of a driveway, within 25 feet of a railroad crossing and within 15 feet of a fire hydrant
- Modification of section 12.28.010 to add no parking restrictions on Sonoma Lane and Christensen Road.

Attachment A is the final proposed Ordinance. Attachment B contains excerpts which show the sections of Title 12 with substantive changes (changes are shown using strikethrough and underline).

#### CEQA

The adoption of the ordinance is categorically exempt under the California Environmental Quality Act pursuant to section 15301 (c) of the CEQA Guidelines because the action will involve negligible changes to the existing County regulations that govern the existing County highways and streets.

#### OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved the ordinance as to form and legality.

#### FINANCING:

There is a cost to include Title 12 in the County Code as maintained by the Municipal Code Corporation. If the ordinance is adopted, the Clerk of the Board would transmit the ordinance to the Municipal Code Corporation. The cost to incorporate Title 12 in the published County Code is estimated to be approximately \$3,000. Signs for the new locations with restrictions for turns, no parking zones and speed limit changes pursuant to the ordinance will cost approximately \$5,000. Sufficient funds are available in the Road Fund 002, budget unit 8195, Appropriation unit RMA0012 to finance this work.

#### BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Publication of Title 12 in the Monterey County Code supports the goal of practicing accountability and transparency.

☐ Economic Development  
☒ Administration  
☐ Health & Human Services  
☐ Infrastructure  
☐ Public Safety

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Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Ordinance

Attachment B - Modified sections with additions or deletions highlighted