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

In the matter of the application of:

STATE OF CALIFORNIA (CALTRANS) (PLN170920) RESOLUTION NO. 18 - 049

Resolution by the Monterey County Zoning Administrator:

- 1) Finding that the project qualifies as a Class 1 Categorical Exemption pursuant to Section 15301(c) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Coastal Development Permit to allow the rehabilitation and widening of the west-bound Castroville Overhead (vehicle) Bridge, subject to four (4) conditions of approval.

State Route 156, between post-miles 1.1 and 2.1, North County Land Use Plan, Coastal Zone (No APN assigned)

The Caltrans application (PLN170920) came on for a public hearing before the Monterey County Zoning Administrator on August 30, 2018. 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 AND EVIDENCE

1. **FINDING:**

CONSISTENCY / NO VIOLATIONS / SITE SUITABILITY -

The proposed project and/or use, as conditioned, is consistent with the policies of the Monterey County 1982 General Plan, North County Land Use Plan, North County Coastal Implementation Plan (Part 2), Monterey County Zoning Ordinance (Title 20), and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the development proposed, and no violations exist on the property.

EVIDENCE:

The proposed project involves the rehabilitation and widening of the west-bound Castroville Overhead (vehicle) Bridge on State Route 156, which crosses over existing railroad tracks. The current west-bound vehicle bridge is approximately 32 feet wide, consisting of two 12-foot travel lanes, with 1-foot inside/outside shoulders and 3-foot wide curbs with wooden rails on either side.

As proposed, the west-bound vehicle bridge will be widened by 10 feet to approximately 42 feet, consisting of two 12-foot travel lanes, a 5-foot inside shoulder, a 10-foot outside shoulder, and 1.5-foot wide solid concrete bridge rails on either side. The outside shoulder on the bridge will be increased to a 10-foot width to match existing road standards. Additionally, the roadway shoulders leading to the bridge at each end would be tapered wider to match the wider bridge deck.

b) The project site is located on State Route 156, between post-miles 1.1 and 2.1, Castroville area (Assessor's Parcel Number 000-000-000-000), North County Land Use Plan, Coastal Zone. The proposed

- construction is located within the Caltrans right-of-way, and the project site has no zoning classification. In the Coastal Zone, the project area is located adjacent to Assessor's Parcel Numbers 133-071-008-000, 133-073-009-000, 133-081-007-000, and 133-081-006-000. These surrounding Coastal Zone properties are zoned Coastal Agricultural Preserve (Coastal Zone) [CAP (CZ)], and used for agricultural production. As proposed, the project would not result in any impacts to agricultural lands. The proposed project would rehabilitate and widen the west-bound Castroville Overhead (vehicle) Bridge within the Caltrans right-of-way; therefore, the project is an allowed land use for this site.
- c) The surrounding inland or non-coastal properties are within the Castroville Community Plan area, and are primarily developed with medium to high density residential uses. This area, generally west of the subject bridge and within the Caltrans right-of-way, is not subject to a County discretionary entitlement. The inland or non-coastal portion accounts for approximately 50 percent of the project area.
- d) Pursuant to Monterey County Code (MCC) Section 20.70.120.R, and the California Coastal Commission's 1978 Exclusion Letter (i.e., "Repair, Maintenance, and Utility Hook-Up Exclusions from Permit Requirements", the proposed project is not exempt from the requirement for a coastal development permit because it results in an addition to, or enlargement or expansion of, State Route 156 (see Finding No. 1, Evidence a above).
- e) The project has been reviewed for consistency with the text, policies, and regulations in:
 - Monterey County 1982 General Plan;
 - North County Land Use Plan;
 - North County Coastal Implementation Plan, Part 2; and
 - Monterey County Zoning Ordinance (Title 20 Coastal Zone)
- f) 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 the applicable documents.
- g) The project has been reviewed for site suitability by RMA-Planning, RMA-Public Works, RMA-Environmental Services, North County Fire Protection District, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. The project planner reviewed the application materials and plans, as well as the County's GIS database, to verify that the proposed project on the subject site conforms to the applicable plans, and that the site is suitable for the proposed development. Conditions recommended by RMA-Planning and RMA-Public Works have been incorporated.
- h) The following technical report has been prepared:
 - Cultural Resources Review (LIB180147) prepared by Krista Kiaha, Associate Environmental Planner – Archeologist, San Luis Obispo, California, March 14, 2013.

County staff has independently reviewed this report and concurs with its conclusions.

- i) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any violations existing on State Route 156, including the subject project site area.
- j) <u>Transportation</u>. As proposed, the project is consistent with the North County Land Use Plan Key Policy 3.1.1, which directs that state highways within the North County coastal area should be upgraded to provide for a safe and uncongested flow of traffic.
- k) Public Access. See Finding No. 4 and supporting evidence
- 1) Cultural Resources. The project site is in an area identified in County records as having a high archaeological sensitivity. An archeological report (LIB180147) prepared for the project site concluded that there is no surface evidence of potentially significant archaeological resources. In addition, although located in an area of high sensitivity, the area of proposed development has been disturbed by previous development of State Route 156. The potential for inadvertent impacts to cultural resources is limited and will be controlled by use of the County's standard condition (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.
- m) The project was referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not require referral to the LUAC; however, the project was referred to the LUAC to inform the community about the proposed project and to provide a forum for members of the public to ask questions. The LUAC, at a duly-noticed public meeting on May 2,2018, voted 4-0-1 to support the project as proposed.
- n) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN170920.

2. **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.
- a) The project was reviewed by RMA-Planning, RMA-Public Works, RMA-Environmental Services, North County Fire Protection District, Environmental Health Bureau, and Water Resources Agency, and conditions have been recommended, where appropriate, 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) The project is necessary to maintain service essential to the public health, safety, and welfare. The proposed bridge improvements will increase vehicle safety by providing wider paved shoulders and rails that meet current safety standards. The proposed improvements will increase vehicle safety by providing paved, wider shoulders. The purpose of this project is to improve the level of travel safety for existing vehicles, not increase road capacity.

c) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN170920.

3. **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 (c) categorically exempts the minor alteration of existing highways.
- b) The subject project consists of the rehabilitation and widening of the west-bound Castroville Overhead Bridge; therefore, the proposed development is consistent with CEQA Guidelines Section 15301(c).
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, a hazardous waste site, or development located near or within view of a scenic highway. There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.
- d) No adverse environmental effects were identified during staff review of the development application.
- e) Caltrans also completed a CEQA determination on April 10, 2015, and found that the proposed project would be categorically exempt pursuant to CEQA Guidelines Section 15301. Per the supporting evidence above, the County confirms this CEQA determination.

4. **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)

- No additional access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.1445.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6, Shoreline Access/Trails, in the North County Land Use Plan).
- c) The increased shoulder widths (i.e., 5 and 10 feet) will allow improved access along this portion of roadway compared to the previous 1-foot shoulder widths.
- d) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN170920.

5. **FINDING:**

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

- **EVIDENCE:** a) Board of Supervisors. Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) <u>Coastal Commission</u>. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because the project involves development permitted in the underlying zone as a conditional use. The project does not involve development between the sea and the first through public road paralleling the sea, or development located within 300 feet of the inland extent of any beach or of the mean high tide line of the sea, or located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.

DECISION

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

- A. Find that the project qualifies as a Class 1 Categorical Exemption pursuant to Section 15301(c) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- B. Approve a Coastal Development Permit to allow the rehabilitation and widening of the west-bound Castroville Overhead (vehicle) Bridge, in general conformance with the attached plans and subject to four (4) conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of August, 2018.

ML/Mo Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON SEP 07 2018.

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 SEP 1 7 2018

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 an encroachment permit and must comply with applicable Monterey County Code in every respect.

Additionally, the Zoning Ordinance provides that no use shall be 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 Monterey County RMA-Planning and RMA-Public Works offices in Salinas.

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

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN170920

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN170920) allows the rehabilitation and widening of the west bound Castroville Overhead Bridge. The property is located on State Route 156, between Post Mile 1.1 and 2.1 (No Assessor's Parcel Number assigned [000-000-000-000]), North County Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until conditions of this permit are met to the satisfaction of the RMA Chief of Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA-Planning)

Compliance or Monitoring Action to be Performed:

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

during the course of construction, cultural, archaeological, historical 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. Monterey County RMA-Planning and a qualified archaeologist (i.e., an archaeologist registered with Professional Archaeologists) shall immediately contacted be by the 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 recovery. (RMA-Planning)

Compliance or Monitoring Action to be Performed:

The Owner/Applicant shall adhere to this condition on an on-going basis.

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.

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3. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation
Monitoring Measure:

The permit shall be granted for a time period of three (3) years, to expire on August 30, 2021, unless use of the property or actual construction has begun within this

period. (RMA-Planning)

Compliance or Monitoring Action to be Performed:

Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA Chief of Planning. Any request for extension must be received

by RMA-Planning at least 30 days prior to the expiration date.

4. PW0002 - ROAD IMPROVEMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure:

Because the rehabilitation and widening of the bridge will require access via Collins Road, a county road, an assessment of the road shall be completed prior to commencement of work, and any damage to the road from construction equipment and heavy loads shall be repaired to existing or better conditions. Improvement plans may be required, subject to review and approval of the RMA-PWF. County Encroachment Permits are required for all work within the County right-of-way. (RMA-Development Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of work, the Applicant shall submit the assessment and improvement plans/design for review and approval by RMA-PWF, obtain an encroachment permit from RMA, and construct improvements. The Applicant is responsible to obtain all permits and environmental clearances.

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