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

In the matter of the application of:

**CALIFORNIA DEPARTMENT OF TRANSPORTATION
(CALTRANS) (COUNTY OF MONTEREY) (PLN190123)**

RESOLUTION NO. 19-015

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding that the project qualifies as a Class 1 Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Combined Development Permit consisting of:
 - a) Coastal Development Permit and Design Approval to allow the installation of traffic control signage (17 “No Parking Any Time” signs) along a 3,600-foot (0.68 mile) section of State Route (SR) 1 from post-mile 70.07 to post-mile 70.75; and
 - b) Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

SR 1 from post-mile 70.07 to post-mile 70.75, Carmel Area Land Use Plan, Coastal Zone (APN: 000-000-000-000/Caltrans right-of-way)

The Caltrans application (PLN190123) came on for a public hearing before the Monterey County Zoning Administrator on May 30, 2019. 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 / NO VIOLATIONS** - The project is consistent with the policies of the Monterey County 1982 General Plan, Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan – Part 4, Monterey County Zoning Ordinance - Coastal (Title 20), and other County health, safety, and welfare ordinances related to land use development. No violations exist on the property.
EVIDENCE: a) The project involves the installation of seventeen (17) “No Parking Any Time” signs along a 3,600-foot (0.68 mile) section of SR 1 from post-mile 70.07 to post-mile 70.75. The signs would be spaced approximately 200 feet apart in the northbound direction of travel, for a distance of 1,800 feet both north and south of the centerline of the Point Lobos State Natural Reserve driveway. The project also involves development within 750 feet of known archaeological resources.

- b) The project area is located along a 3,600-foot (0.68 mile) section of State Route (SR) 1 within the Caltrans right-of-way, (Assessor's Parcel Number 000-000-000-000), Carmel Area Land Use Plan (LUP), Coastal Zone. The project area is not zoned; i.e., Unclassified. The project involves the installation of roadway signage on a designated state highway; therefore, the project is an allowed land use for the project area.
- c) The adjacent properties on the east side of SR 1 fronting the affected section of road include Assessor's Parcel Numbers 243-112-005-000, 243-112-015-000, 243-112-020-000, 243-112-024-000, 243-112-027-000. These properties fronting the project area are zoned Resource Conservation with Design Control and Special Treatment overlays (Coastal Zone) [RC/D-SpTr (CZ)], and Visitor-Serving Commercial with Design Control and Special Treatment overlays (Coastal Zone) [VSC/D-SpTr (CZ)].
- d) The project has been reviewed for consistency with the text, policies, and regulations in the:
 - 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan;
 - Carmel Area Coastal Implementation Plan (Part 4); and
 - Monterey County Zoning Ordinance - Coastal (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/or regulations of the applicable Monterey County Code (MCC).
- e) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property.
- f) Design. Per Evidence c above, the parcels adjacent to the project area have a Design Control overlay. Pursuant to MCC Section 20.44, Title 20 (Coastal Zoning Ordinance), the Design Control Combining District (D District) regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.

The project involves installing minimal signage to restrict parking on the east side of SR 1 along a 3,600 linear foot section of the highway. The County has minimized the number of signs to the extent feasible for public safety and to minimize impacts to the natural scenic character of the area. The proposed signs would be placed approximately 200 feet apart, and the signage is consistent with State guidelines and other highway signage in the area. Therefore, the design of the signage assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions.

- g) Viewshed. The project site is within the General Viewshed, as identified on Map A of the Carmel Area Land Use Plan and must be consistent with the applicable visual resource policies in Chapter 2.2 of the Carmel Area Land Use Plan (LUP). The LUP visual resource policies are designed to protect the public viewshed, which is defined as areas visible from major public use areas including Highway 1 and

Point Lobos State Reserve. Development visible from these areas is regulated to ensure minimum visual impact based on the visual policies. The Key Policy for Visual Resources (Policy 2.2.2) states that “all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area” and that it “must conform to the basic viewshed policy of minimum visibility.” Specific policies include minimizing visibility and using appropriate materials to screen development.

Within the SR 1 viewshed, existing pole and ground mounted equipment is already visible within the common public viewing areas of the highway. The project involves installing additional signage to restrict parking on the northbound (east) side of SR 1 along a 3,600 linear foot section of the highway. The County has minimized the number of signs to the extent feasible for public safety and to minimize impacts to the natural scenic character of the area. The proposed signage is also consistent with State guideline requirements for highway signage, and all work will occur within the existing roadway. The subject signs would be placed approximately 200 feet apart and would be consistent with other highway signage in the area, including no parking signage along the southbound (west) side of SR 1.

As proposed and designed, the project minimizes development within the viewshed in accordance with the applicable goals and policies of the LUP, is consistent with applicable LUP visual resource policies, and would not result in adverse visual impacts.

- h) Public Access. See Finding No. 5 and supporting evidence.
- i) On-Site Parking and History of No Parking along SR 1. Current on-site parking facilities within the Point Lobos State Natural Reserve include spaces for 162 vehicles at three primary locations (China Cove, Sand Hill, and Whaler’s Cove). Previously, no parking was established on the west side of SR 1, from the park’s driveway entrance north to Riley Ranch Road, to ensure public safety due to the limited shoulder width in this area. Additionally, no parking was previously established on the east side of SR 1, across from the park’s driveway entrance, for the Monterey Salinas Transit bus stop. These two previous examples demonstrate that the establishment of no parking for public safety, resource protection, or other valid need, does not set a precedent.
- j) Cultural Resources. The project includes a coastal development permit to allow development within 750 feet of known archaeological resources. Based on the specific circumstances of a project, planning permits or entitlements (i.e., coastal development permits) in the Coastal Zone may be processed as either a Coastal Administrative Permit (CAP) or a Coastal Development Permit (CST). The circumstances and scope of this project warrant the processing of a CAP.

The project site is in an area identified in County records as having a high archaeological sensitivity and is within 750 feet of known

archaeological resources. Although located in an area of high sensitivity and known resources, the area of development is located entirely within the existing roadway. The proposed improvements consist of non-invasive work within the existing disturbed roadbed, so there is very limited potential to impact archaeological resources. The County determined the potential for impacts to occur to known archaeological resources to be very low and did not require submittal of an archaeological report in this case.

- k) No tree removal is proposed as part of this project, and no development will occur on slopes that exceed 30 percent. All work will occur within the existing roadway where there is no sensitive vegetation that would be impacted.
- l) The project was not referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. Pursuant to the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project involves a Design Approval subject to review by the Zoning Administrator. However, the project was not referred due to public review that already occurred at the Board of Supervisors. On January 15 and 29, 2019, the Board of Supervisors conducted public hearings at which members of the public were provided the opportunity to comment.
- m) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN190123.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by RMA-Planning and RMA-Public Works. County staff 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 development. As designed, the County finds that no conditions would be necessary.
 - b) The project involves the installation of standardized roadway signage on a designated state highway, and the site area has no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. Therefore, the site is suitable for the project.
 - 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 PLN190123.

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 and RMA-Public Works, 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. As designed and proposed, the County has determined that no conditions of approval would be necessary other than those required by the Caltrans Encroachment Permit No. 0519 NSI 0136, attached as Exhibit E to the May 30, 2019 staff report to the Zoning Administrator.
 - b) As proposed, the project is necessary to safely facilitate the flow of northbound traffic southeast on SR 1. These improvements will occur within the existing improved right-of-way, and there are no plans to remove any portion of the right of way.
 - c) As visitation to Point Lobos State Natural Reserve has increased over time, park patrons often park along the east side of SR 1 and cross the roadway to access the park. This interaction of foot traffic and high-speed vehicles creates potentially unsafe conditions for drivers and pedestrians alike. Additionally, there are periods with heavy traffic that create access issues for first responders and extend response times. The County has received multiple requests from local residents advocating that the County establish no parking at any time on the east side of SR 1. Pursuant to Board Order 19-016 and Ordinance No. 5307, the County's intent is to balance the identified safety concerns with preservation of public access to Point Lobos State Natural Reserve. Prohibition of parking in this area along SR 1 stops unsafe pedestrian movements across the highway. Vehicle traffic and visitors will be able to continue accessing the public parking areas for Point Lobos State Natural Reserve within the park by entering from either direction.
 - 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 PLN190123.

4. **FINDING:** **CEQA (Categorical Exemption)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the project.

- EVIDENCE:**
- a) Section 15301 of the California Environmental Quality Act (CEQA) Guidelines categorically exempts existing facilities, including the minor alteration of existing public facilities. This includes existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. The project consists of installation of signage to improve safety. There are no unique circumstances or significant effects resulting from the project. Therefore, this project is consistent with the requirements of CEQA Guidelines Section 15301, and no additional CEQA action is required by the County.
 - b) Exceptions to exemptions listed in the CEQA Guidelines Section 15300.2.a-f are inapplicable. The project does not involve: a historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.

The proposed project involves development located near or within view of SR 1, a designated scenic highway. However, as proposed, the project would not result in damage to scenic resources such as trees, historic buildings, rock outcroppings, or similar resources as described in CEQA Guidelines Section 15300.2. Furthermore, the County has minimized the number of signs to the extent feasible for public safety and to minimize impacts to the natural scenic character of the area.

- c) No adverse environmental effects were identified during staff review of the development application.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN190123.

5. **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 substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan (Part 3) can be demonstrated.
 - b) Public access presently exists along SR 1 (a public highway). The proposed project will not physically alter the roadway but would restrict parking of motor vehicles on the northbound (east) side of the highway. There is currently no parking along this same area of the southbound (west) side of SR 1, and this parking restriction would remain unchanged.
 - c) The project site is identified as an area where the applicable Local Coastal Program requires lateral public access (Figure 3, Public Access, in the Carmel Area Land Use Plan). As proposed, the project would not obstruct lateral access along SR 1. The subject signs would be placed approximately 200 feet apart and would be consistent with State guidelines and other highway signage in the area, including signage along the west side of SR 1. Therefore, the project would not impede public lateral access along SR 1. Adequate space would remain for bicycle and vehicular access and travel along the highway, as well as pedestrian access and travel along the shoulder.
 - d) The project area is located east of SR 1, and would not obstruct public views of the shoreline from the highway, nor obstruct public visual access.
 - e) The County finds that this area on the east side of SR 1, which has become de-facto parking, does not constitute public parking based on the County's adopted Local Coastal Plan, including Chapter 58 of Title 20 (Coastal Zoning Ordinance); therefore, no replacement parking would be required. Moreover, the County finds that this parking restriction does not create an adverse impact to public access.

Monterey County Code Title 20 defines what counts as parking, and the area outside of the Point Lobos State Natural Reserve does not qualify. Section 20.58.50.D states “*All parking and loading shall be provided on the same site as the use to which it relates, unless a Coastal Development Permit is approved by the Zoning Administrator, Planning Commission, or Board of Supervisors*”, which in this case has not been previously granted. The area in question is across a State Highway, and not on the same site as the Point Lobos State Natural Reserve. Furthermore, Section 20.58.50.D reads “*Parking Spaces which are located within the required front setback shall not count toward the amount of required parking unless a Coastal Administrative Permit is first secured.*” In this case, even if the spaces were on the same side of the road as Point Lobos, they would not be able to be counted towards parking under the LCP without an additional permit.

- f) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN190123.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County 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 (Title 20), 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) California Coastal Commission. 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 it involves development between the sea and the first through public road paralleling the sea (Highway 1), and development permitted in the underlying zone as a conditional use (i.e., development within 750 feet of known archaeological resources). The project does not involve development within 300 feet of the top of the seaward face of any coastal bluff, not within 300 feet of the inland extent of any beach or of the mean high tide line of the sea.

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 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- B. Approve a Combined Development Permit consisting of a Coastal Development Permit and Design Approval to allow the installation of traffic control signage (17 "No Parking Any Time" signs) along a 3,600-foot (0.68 mile) section of State Route 1 from post-mile 70.07 to post-mile 70.75; and a Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

PASSED AND ADOPTED this 30th day of May, 2019.



Carl Holm, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON ~~JUN 11 2019~~ .

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 ~~JUN 21 2019~~ .

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.

MUTCD NUMBER R7CODE R28
(Lt or Rt)

Arrow Direction: Left, right or both, specify when ordering.

NOTE: FOR ARROWHEAD DIMENSIONS, SEE APPENDIX PAGE 2 OF 11, STANDARD ARROWHEAD.

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COLOR

BORDER & LEGEND - RED (REFL)

BACKGROUND - WHITE (REFL)

THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON THE REVERSE SIDE.

MR. Landberg
Dep CHIEF, DIVISION OF TRAFFIC ENGINEERING

3/22/91
DATE

7/13/93
REVISION

REVISION

MUTCD NUMBER R7CODE R26

SIGN	DIMENSIONS (INCHES)													
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COLORS

BORDER & LEGEND - RED (REFL)

BACKGROUND - WHITE (REFL)

- THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON THE REVERSE SIDE -

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MP Landberg
 Dep. CHIEF, DIVISION OF TRAFFIC ENGINEERING

3/22/91
 DATE

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