



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #:	ZA 19-141	Name:	PLN190010 - Charter
Type:	Zoning Administrator	Status:	Agenda Ready
File created:	12/17/2019	In control:	Monterey County Zoning Administrator
On agenda:	1/9/2020	Final action:	
Title:	PLN190010 - STATE OF CALIFORNIA (CHARTER SPECTRUM) Public hearing to consider a coastal development permit for excavation and boring within 750 feet of known archaeological resources involving underground installation of internet cable along a 4.97-mile length of State Route 1 between post-miles 69.666 to 74.638. Project Location: State Route 1, between post-miles 69.666 to 74.638 (south of Carpenter Street and north of Fern Canyon Road), Carmel Area Land Use Plan, Coastal Zone Proposed CEQA Action: Consider and adopt a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Plan pursuant to Section 15074 of the CEQA Guidelines.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Draft Resolution, 3. Exhibit B – Vicinity Maps, 4. Exhibit C – Advisory Committee Minutes, dated June 3, 2019, 5. Exhibit D – Mitigated Negative Declaration and Draft Initial Study, 6. Exhibit E – Public Comments, 7. RESza_20-001_PLN190010_010920

Date	Ver.	Action By	Action	Result
1/9/2020	1	Monterey County Zoning Administrator		

PLN190010 - STATE OF CALIFORNIA (CHARTER SPECTRUM)

Public hearing to consider a coastal development permit for excavation and boring within 750 feet of known archaeological resources involving underground installation of internet cable along a 4.97-mile length of State Route 1 between post-miles 69.666 to 74.638.

Project Location: State Route 1, between post-miles 69.666 to 74.638 (south of Carpenter Street and north of Fern Canyon Road), Carmel Area Land Use Plan, Coastal Zone

Proposed CEQA Action: Consider and adopt a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Plan pursuant to Section 15074 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Zoning Administrator:

- Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- Approve a Coastal Development Permit to allow development within 750 feet of known archaeological resources (i.e., excavation and boring to allow underground placement of approximately 0.66 miles of internet cable along a 4.97-mile length of State Route 1); and
- Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**).

Staff recommends approval subject to eleven (11) conditions, including three (3) mitigation measures.

PROJECT INFORMATION:

Property Owner: California Department of Transportation (Caltrans)

Applicant: Charter Spectrum

APN: 000-000-000-000

Zoning: Unclassified (Not Applicable to a Road Right-of-Way)

Flagged and Staked: Not Required

SUMMARY:

The overall project involves the aerial and underground installation of fiber optic cable within the road right-of-way from State Route 1 post-mile 69.666 to post-mile 74.638. All installation activities would take place in developed areas within the existing right-of-way. The proposed method of aerial installation would involve the attachment of a single overhead fiber optic cable on existing utility poles that already have electrical and telecommunications attachments. This method of aerial installation does not require the construction of new utility poles or modification of existing structures.

The proposed underground method of line installation involves directional underground boring with a bore size of approximately four inches in diameter. Underground lines are needed where utility poles and aerial infrastructure are either absent or already at full capacity. This method is estimated to displace approximately 3,750 cubic feet of earth. Installation also involves the excavation of approximately 26 three-foot by five-foot bore pits, and seven two-foot by three-foot hand holes, for a total of 33 excavation sites within the project area. Underground lines would be installed by direct boring to a maximum depth of four feet in areas where no previously identified cultural resources are present. In areas planned for underground lines falling within 100 feet of known archeological resources, directional boring would occur at depths between 10 to 20 feet below the surface with the intent of avoiding any cultural resources or subsurface deposits.

In total, approximately 4.31 miles or 86.7 percent of the fiber optic cable would be installed using the aerial method and approximately 0.66 miles or 13.3 percent would be installed using the underground method. Potential impacts to visual and cultural resources were analyzed, and conditions and mitigation measures have been recommended to reduce potential impacts to less than significant.

DISCUSSION:

Viewshed and Visual Resources

The project area 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. Specific LUP Policy 2.2.4.11 states that new overhead power or telephone lines will be considered only where overriding natural or physical constraints exist.

Within the State Route 1 viewshed, existing poles and ground mounted equipment are already visible. The project involves aerial installation/attachment of a single 0.41-inch (10.4 mm) black overhead fiber optic cable on existing utility poles that already have electrical and telecommunications attachments. Portions of the cable would be placed underground to minimize impacts to the natural scenic character of the area. Since utility poles and aerial lines are already in place, the visual impact caused by the aerial installation of the new cable would be minimal.

Public Utilities Code Section 320 encourages underground installation of new utility and telecommunications

cables in the proximity of State Scenic Highways. However, in this case because there are pre-existing utility lines along State Route 1 within the project area, the California Public Utilities Commission (CPUC) approved a request for a deviation from Public Utilities Code Section 320 to construct new overhead (aerial) fiber facilities along State Route 1 in Monterey County (Charter Fiberlink CA-CCO, LLC's; U-6878-C; CPUC Resolution T-17589, dated June 21, 2018 and issued June 25, 2018). As proposed, the project would extend and/or improve high-speed internet service to County residents that have limited broadband capability. Per CPUC Resolution T-17589, the proposed network upgrade will provide substantial benefits to residents and businesses of Monterey County, approximately a quarter of which lack access to high-speed internet and digital video services except on mobile devices. This service deficiency results in impediments to public safety and economic development. Therefore, 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.

Cultural Resources

County records identify the underground portions of the project are within an area of high sensitivity for cultural resources, and the project includes a Coastal Development Permit to allow development within 750 feet of known archaeological resources, including areas of known archaeological resources. The applicant prepared and submitted a Cultural Resources Constraints Study and a Cultural Resources Inventory Report (LIB190008) for the project which identified a total of 14 archaeological sites within the project area limits. Due to the presence of known archaeological resources, the property owner (Caltrans) required the preparation of an Environmentally Sensitive Area (ESA) Action Plan to avoid impacts to these archaeological sites. The reports and ESA Action Plan indicate that, of the 14 archaeological sites, eight are located in an area where the proposed fiber optic cable would be carried overhead by existing poles and would thus be avoided by the project. Additionally, these eight sites would be identified on construction plans and designated as "no parking" areas. The Action Plan identifies the remaining six archaeological sites as ESAs and work-exclusion zones, and requires archaeological monitoring in the vicinity of these zones. In these areas, the project would utilize directional drilling for the placement of the fiber optic line and all drilling would be conducted beneath the lowest depth of each site. To minimize or avoid potential impacts to cultural resources, the County will require conditions and mitigation measures to ensure monitoring and protection of resources that could potentially be discovered during excavation activities (Condition Nos. 10 and 11). Additionally, based on tribal consultation which occurred on April 2 and August 13, 2019, the County has included Mitigation Measure No. 3 to require a tribal monitor during all site excavation activities.

As described above, underground lines would be installed by direct boring to a maximum depth of four feet in areas where no previously identified cultural resources are present. In areas planned for underground lines falling within 100 feet of known archeological resources, directional boring would occur at depths between 10 to 20 feet below the surface with the intent of avoiding any cultural resources or subsurface deposits. Therefore, the project has been designed to minimize or avoid impacts to known archaeological resources. Adherence to required conditions and mitigation measure will reduce potential impacts to unknown archaeological and/or cultural resources to less than significant.

ENVIRONMENTAL REVIEW:

Pursuant to Public Resources Code Section 21083 and California Environmental Quality Act (CEQA) Guidelines Section 15063(a), Monterey County as Lead Agency completed environmental review to determine if the project may have a significant effect on the environment. The County prepared a Draft Initial Study and Mitigated Negative Declaration (MND) for this project (**Exhibit D**). The MND was filed with the County Clerk on September 16, 2019, and circulated for public review and comment from September 17 to October 18, 2019 (SCH No. 2019099057). The County received a comment letter from Caltrans (**Exhibit E**), which identified that the project would require an encroachment permit from Caltrans, must be completed in a manner

consistent with Caltrans' engineering and environmental standards, and at no cost to the State. The County also received three other comment letters and/or emails during the public review period from members of the public and a private organization (also at **Exhibit E**). Two of the letters supported the project as proposed, and one letter asked that all of the cables be placed underground. The aerial installation of new cable has been addressed in the Viewshed and Visual Resources section above. Aerial installation of new cable would not result in substantial adverse visual impacts, while undergrounding of all cable would significantly increase potential impacts to cultural resources and transportation. The County considered the comments received, and they do not conflict with or challenge the analysis and conclusions of the Draft Initial Study or MND. Therefore, no further response is required.

The Draft Initial Study and MND identified potentially significant impacts to transportation, tribal cultural resources, and wildfire. Staff has proposed mitigation measures to reduce the identified impacts to a level of less than significant. Mitigation Measures No. 1 would reduce potential impacts to transportation by implementing a Construction Traffic Management Plan to minimize traffic flow interference from construction activities. Mitigation Measure No. 2 would also reduce potential impacts to transportation by establishing and implementing a communication protocol to inform the public of the project and associated impacts to traffic. Mitigation Measure No. 3 would reduce and/or avoid potential impacts to tribal cultural resources by requiring the presence of a tribal monitor during all excavation activities. No unresolved issues remain.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

RMA-Public Works
RMA-Environmental Services
Carmel Highlands Fire Protection District
Environmental Health Bureau

The project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at a duly-noticed public meeting on June 3, 2019, and voted 4 - 0 to support the project as proposed.

Prepared by: Joe Sidor, Associate Planner, x5262
Reviewed by: Craig Spencer, RMA Services Manager
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Development Services

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution, including:

- Recommended Conditions of Approval
- Plans

Exhibit B - Vicinity Maps

Exhibit C - Advisory Committee Minutes, dated June 3, 2019

Exhibit D - Mitigated Negative Declaration and Draft Initial Study

Exhibit E - Public Comments

cc: Front Counter Copy; California Coastal Commission; Carmel Highlands Fire Protection District; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Joseph Sidor, Associate Planner; Brandon Swanson, RMA Acting Chief of Planning; Craig Spencer, RMA Services Manager; Caltrans, District 5 (Attn: Chris Bjornstad), Property Owner; Charter Spectrum, Applicant; Rich

Larsen, Interested Party; Augie Louis, Interested Party; Joel Stalker, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN190010