



## Board Report

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**File #:** ZA 19-107, **Version:** 1

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### **PLN190123/CALTRANS (COUNTY OF MONTEREY)**

Public hearing to consider the installation of “No Parking” signage along a 3,600-foot (0.68 mile) section of State Route (SR) 1 from post-mile 70.07 to post-mile 70.75 along Point Lobos State Natural Reserve, and to allow development within 750 feet of known archaeological resources.

**Project Location:** SR 1, from post-mile 70.07 to post-mile 70.75, Carmel Area Land Use Plan, Coastal Zone

**Proposed CEQA Action:** Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines.

#### RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a. Find that the project qualifies as a Class 1 Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines there are no exceptions pursuant to Section 15300.2; and
- b. Approve a Combined Development Permit, consisting of:
  1. Coastal Development Permit and Design Approval to allow the installation of traffic control signage [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 along Point Lobos State Natural Reserve; and
  2. Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**). Staff recommends approval subject to no Conditions of Approval.

#### PROJECT INFORMATION:

**Property Owner:** State Department of Transportation (Caltrans)

**Project Applicant:** County of Monterey

**APN:** 000-000-000-000 (Caltrans right-of-way)

Properties on the east side of SR 1 fronting the affected section of road include APNs 243-112-005-000, 243-112-015-000, 243-112-020-000, 243-112-024-000, 243-112-027-000.

**Zoning:** Unclassified (Caltrans right-of-way)

**Parcel Size:** NA

**Flagged and Staked:** No - not a structure.

#### SUMMARY:

As visitation has increased to Point Lobos over time, patrons often park along the east side of Highway 1 and cross the roadway to access the park. This interaction of foot traffic and high-speed vehicles has created potentially unsafe conditions for drivers and pedestrians alike. The County has received multiple requests from local residents advocating that the County obtain approvals from California Department of Transportation (Caltrans) and, if needed, the California Coastal Commission (CCC) to establish no parking at any time on the east side of SR 1. Permission has been obtained from Caltrans to install the signs. This Coastal Development Permit is being processed at the request of CCC staff for installation of seventeen (17) no parking signs along the east side of Highway 1 outside of Point Lobos State Natural Reserve.

## DISCUSSION:

On January 29, 2019, the County of Monterey Board of Supervisors (Board) adopted an Ordinance (Board Order 19-016 and Ordinance No. 5307; **Exhibit C**) prohibiting parking along this section of SR 1, and authorized the Resource Management Agency (RMA) to apply to Caltrans for an encroachment permit to install no parking signs in accordance with the ordinance. Subsequently, on March 28 and April 8, 2019, Caltrans approved an order prohibiting parking along this section of SR 1 (**Exhibit D**) and issued Encroachment Permit No. 0519 NSI 0136 (**Exhibit E**) to allow the installation of the signage as proposed by the County.

This Combined Development Permit would allow the installation of seventeen (17) “No Parking Any Time” signs along a 3,600-foot (0.68 mile) section of State Route 1. The signs would be placed on the shoulder along the northbound direction of travel, for a distance of 1,800 feet both north and south of the Point Lobos State Natural Reserve driveway. The proposed project will not physically alter the roadway and would only restrict parking along the section of SR 1 from post-mile 70.07 to post-mile 70.75. The “No Parking Any Time” signs would be spaced approximately 200 feet apart in the shoulder on the east side of the road. 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. The County’s intent is to balance the identified safety concerns with preservation of public access to Point Lobos State Natural Reserve.

### Public Parking:

CCC staff has contended that installation of the signs to restrict parking along SR 1 removes “public parking”, and therefore creates an adverse impact to public access. Further, CCC staff has stated that any parking “spaces” lost through installation of these signs will require an in-kind replacement somewhere else to offset the parking that was lost (CCC staff estimated 75-100 “spaces”). The County disagrees with this position. The area on the east side of SR 1, which has become de-facto parking, does not constitute parking based on the County’s adopted Local Coastal Plan (LCP), and Title 20 Zoning Code; therefore, no replacement parking would be required.

The parking section of Title 20 is clear about what should be counted as parking, and the area outside of the State Reserve does not meet the test. Sections 20.58.10 and 20.58.030 of the code both refer exclusively to “off street parking” in the Purpose and Regulations. Also, Section 20.58.50.D says that *“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 State Reserve. Furthermore, Section 20.58.50.D reads that *“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. For all these reasons, it is clear that the spaces on the east side of the highway do not constitute public parking.

Currently, the County is working with State Parks to review and provide input on pending potential projects to provide additional safe public parking for visitors outside of the park. These projects would be located in close proximity to Point Lobos and would help provide additional public access. If entitlements are required, the projects will be brought forward to the Appropriate Authority for decision. However, it should be noted that these projects are not related to the installation of these signs and are not intended to be in-kind offsets for the installation of no parking signs along SR 1. These projects are part of a larger program that State Parks is undertaking in response to increased demand for visitation to their facilities in the area.

Coastal Development Permit:

CCC staff has requested that a Coastal Development Permit (CDP) be processed for the installation of the no parking signs. Initially, County staff determined that installation of the signs qualified for an exemption from a CDP under Section 20.70.130.R of Monterey County Code which exempts: *“Repair and maintenance activities, and safety improvements on public or private roads that do not result in addition to, or enlargement or expansion of the object of such repair or maintenance activities (See Coastal Commission’s September 5, 1978 “Repair, Maintenance, and Utility Hook-Up Exclusions from Permit Requirements” document for further detail on which public road projects are exempt”*. CCC staff took the position that the exemption referred to in 20.70.120 R did not apply. This position was based on reading the 1978 document, which states that projects are exempt from a Coastal Development Permit only when there is no risk for substantial adverse impact on public access. CCC staff believes the safety improvements (i.e., signs) will displace public parking to one of the area’s most popular visitor destinations, thereby requiring a CDP. As discussed above, the County does not agree that area being restricted constitutes “public parking” but agreed to process a CDP as part of the overall project.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15301 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, the project is consistent with the 15301 categorical exemption.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- RMA-Public Works
- Caltrans
- California Coastal Commission

Caltrans approved an order prohibiting parking on March 28, 2019 (**Exhibit D**) and approved and issued an encroachment permit (No. 0519 NSI 0136) on April 8, 2019 (**Exhibit E**). County staff has also consulted with the Coastal Commission staff regarding the coastal development permit requirement.

The project was not referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. 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. On January 29, 2019, the Board approved an ordinance prohibiting parking along this area of SR 1 (Order No. 19-016 and Ordinance No. 5307; **Exhibit C**).

Prepared by: Joe Sidor, Associate Planner, x5262  
Reviewed by: Brandon Swanson, Interim RMA Chief of Planning  
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:

- Signage Design

Exhibit B - Vicinity Map

Exhibit C - Board Order No. 19-016 and Ordinance No. 5307

Exhibit D - Caltrans Order dated March 28, 2019

Exhibit E - Caltrans Encroachment Permit (without attachments) dated April 8, 2019

cc: Front Counter Copy; Caltrans District 5, Property Owner; 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 Chief of Planning; Craig Spencer, Interim RMA Services Manager; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN190123