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# F15c

**Prepared January 20, 2023 for February 10, 2023 Hearing**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director  
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**Subject: Monterey County LCP Amendment Number LCP-3-MCO-22-0062-2  
(Highway 156)**

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## SUMMARY OF STAFF RECOMMENDATION

Monterey County is proposing to amend its certified Local Coastal Program (LCP) to allow construction of an interchange and associated highway safety and bicycle/pedestrian improvements at the intersection of State Highway 156 and Castroville Boulevard, immediately northeast of the unincorporated community of Castroville in the North County area of Monterey County. Specifically, the proposed amendment would add Subsection 8 to Section 3.1.3 of the LCP's North County Land Use Plan (LUP), allowing for construction of an interchange project despite its potential impacts to coastal resources, provided that specified impact avoidance and mitigation standards are met. The proposed amendment would also add Section 20.144.020.B.6 to the LCP's Coastal Implementation Plan (IP) to further specify performance standards and required metrics for such an interchange project that may impact coastal resources, including in terms of mitigation.

Highway 156 is a two-lane regional east-west highway that connects Highway 101 in the east with Highway 1 in the west. As such, it serves as an important connector for residents of the greater San Francisco Bay Area to access the Monterey Peninsula, and vice-versa. The increasingly busy intersections of Highway 156 with Castroville Boulevard and Monte del Lago Road have long been recognized by Caltrans and other transportation agencies as a public safety hazard, with accident rates well above area averages. Caltrans proposed to improve the safety of these two intersections by connecting them to a new interchange. However, essentially any project that seeks to improve this stretch of highway outside of its current footprint would encroach into agricultural lands and wetland habitats, and these impacts are generally not permissible under the Coastal Act and LCP. Hence the need for this LCP amendment to specifically provide for it. If the amendment is approved, Caltrans would still need to receive a coastal development permit (CDP) from Monterey County for a final project proposal, where County action on that CDP would be appealable to the Commission.

The LUP rigorously protects agricultural lands from conversion, but allows exceptions for necessary public health and safety projects. The LUP does not specify what types of public health and safety projects might warrant such a conversion. The current IP provides a corresponding public health and safety exception, but that exception addresses only necessary water quality and water quantity projects. In other words, the LUP includes very strong protections for these coastal resources, but does provide some exceptions for a limited subset of projects that serve other public needs. The policy is not specific to what types of projects are eligible for this public health and safety allowance, but rather must be ascertained via LCP amendment that further specifies and identifies what and how the project will be carried out. The County's LCP amendment here seeks to do just that by further identifying the specific location and type of project that may be eligible for authorization.

This proposed amendment would specifically identify a project at the Highway 156-Castroville Boulevard intersection<sup>1</sup> as allowable under the public safety exception of the LUP. The amendment language limits the allowable conversion to this particular location, requires any such project to be sited and designed to minimize coastal resource impacts, and requires that any such project promote stable boundaries between the highway and adjacent agriculture and sensitive habitat, including to help avoid inducing future development in these areas. The amendment also requires mitigation to offset any unavoidable loss of farmland or sensitive habitat, and to offset any other coastal resource impacts.<sup>2</sup> Specifically, to offset any unavoidable loss of farmland resulting from an interchange project at the site, the proposed IP language requires Caltrans to provide an agricultural mitigation plan that provides for a combination of restoring or permanently protecting a proportionate acreage of farmland, as well as a suite of agricultural enhancements designed to broadly improve agriculture in northern Monterey County. The proposed IP language similarly requires unavoidable impacts to wetlands and other sensitive habitat to be mitigated, and Caltrans has already proposed a combination of on-site habitat enhancement as well as 4.75 acres of re-establishment, restoration, and rehabilitation of wetlands and functionally connected transitional upland habitat on the Elkhorn Highlands Reserve property, which is located in the same sub-watershed as the interchange site.

The proposed LCP amendment also contains language intended to clarify and ensure that the contemplated interchange project is consistent with the transportation, public access, and visual resources policies of the North County LUP. All of these specific requirements to minimize and mitigate unavoidable coastal resource impacts would be required to be included as conditions of approval for any project approved by Monterey County consistent with the LCP at the interchange site.

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<sup>1</sup> Where the one interchange would take the place of the intersections of both Castroville Boulevard and Monte del Lago Road via the use of highway side connector roads.

<sup>2</sup> As currently envisioned by Caltrans, the interchange project that would follow this amendment would permanently impact approximately 23 acres of agricultural lands and about 1 acre of wetlands. Caltrans, in conjunction with County and Commission staff, is considering siting and design options that could reduce such impacts, and is developing a mitigation package to address any unavoidable impacts that would be an enforceable component of any CDP approval for the project.

In summary, the proposed LCP amendment would facilitate important public safety improvements at the intersections of Highway 156 and Castroville Boulevard and Monte del Lago Road, including bicycle and pedestrian improvements, and would ensure that any unavoidable agricultural land conversion, habitat degradation, and other adverse impacts to coastal resources associated with such improvements are effectively offset. Specifically, a new interchange would facilitate public access to and from coastal Monterey County by allowing vehicular traffic to circulate through this segment of Highway 156 more safely and more efficiently. Importantly, the proposed LCP amendment is specifically designed to address existing traffic capacity only, and is not structured in a way that could allow or accommodate highway expansion, including as it could relate to potential widening of Highway 156 east of the project extending to Highway 101. Staff recommends that the Commission approve the proposed LCP amendment as submitted, and the two motions to do so are found on page 5 below.

**Procedural Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on January 9, 2023. The proposed amendment affects both the LCP's LUP and IP, and the 90-working day action deadline is April 9, 2023. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until April 9, 2023 to take a final action on this LCP amendment.

If the Commission declines to take action on the proposed motions below (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:*** *I move that the Commission extend the time limit to act on Monterey County Local Coastal Program Amendment Number LCP-3-MCO-22-0062-2 to April 9, 2024, and I recommend a yes vote.*

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**Exhibits**

**Exhibit 1:** Proposed LCP Amendment Text

**Exhibit 2:** Location Aerial

**Exhibit 3:** Caltrans' Currently Proposed Interchange Project

## 1. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make two motions, one on the LUP amendment and a second on the IP amendment, in order to act on this recommendation.

### **A. Certify the LUP Amendment As Submitted**

Staff recommends a YES vote on the motion below. Passage of the motion will result in the certification of the LUP amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of the majority of the appointed Commissioners.

***Motion to Certify:*** *I move that the Commission certify Land Use Plan Amendment LCP-3-MCO-22-0062-2 as submitted by Monterey County, and I recommend a yes vote.*

***Resolution to Certify:*** *The Commission hereby certifies Land Use Plan Amendment LCP-3-MCO-22-0062-2 as submitted and adopts the findings set forth below on the grounds that the Amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Amendment complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Amendment may have on the environment.*

### **B. Certify the IP Amendment As Submitted**

Staff recommends a NO vote on the motion below. Failure of the motion will result in the certification of the IP amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of the majority of the Commissioners present.

***Motion to Certify:*** *I move that the Commission reject Implementation Plan Amendment LCP-3-MCO-22-0062-2 as submitted by Monterey County, and I recommend a no vote.*

***Resolution to Certify:*** *The Commission hereby certifies Implementation Plan Amendment LCP-3-MCO-22-0062-2 as submitted and adopts the findings set forth below on the grounds that the Amendment is consistent with and adequate to carry out the certified Land Use Plan; and, certification of the Amendment will meet the requirements of the California Environmental Quality Act, because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Amendment.*

## 2. FINDINGS AND DECLARATIONS

### A. Proposed LCP Amendment Description

The proposed amendment would modify the North County Land Use Plan (LUP) and the North County Implementation Plan (IP) components of Monterey County's certified Local Coastal Program (LCP). The purpose of the amendment is to modify certain coastal resource protection standards to allow for construction of an interchange and associated highway safety and bicycle/pedestrian improvements at the intersections of State Highway 156 and Castroville Boulevard and Monte del Lago Road in the North County area of Monterey County. Specifically, the amendment would modify the certified LCP by adding Subsection 8 to Section 3.1.3 (Transportation Specific Policy) of the North County LUP, and by adding Subsection 6 to Section 20.144.120.B of the IP. As discussed in more detail below, the amendment's purpose is to specifically allow such a project despite some unavoidable impacts to adjacent agricultural lands and sensitive habitats, and to specify important metrics and protocols for any such proposed project, including any necessary mitigation for the development

The interchange site is located in northern Monterey County near the inland boundary of the coastal zone approximately four miles from the shoreline and just outside the unincorporated community of Castroville. Highway 156 is a two-lane regional east-west highway that connects Highway 101 in the east with Highway 1 in the west. As such, it serves as an important connector between the greater San Francisco Bay Area and the Monterey Peninsula, as well as for visitors from other regions approaching the coast from Highway 101. At present, Castroville Boulevard intersects with Highway 156 at a signalized intersection approximately 0.3 miles east of where the highway enters Castroville. Approximately 0.6 miles east of this intersection, Highway 156 intersects another road, Monte del Lago Road, which connects the highway to the residential subdivision of Monte del Lago. This intersection is not signalized. Continuing another 0.2 miles east of Monte del Lago Road, Highway 156 crosses over Moro Cojo Slough, a sensitive wetland and habitat area that is part of the larger Elkhorn Slough watershed. **Exhibit 2** shows an aerial depiction of the interchange site.

The intersections of Highway 156 with Castroville Boulevard and Monte del Lago Road have long been recognized by Caltrans and other transportation agencies as a public safety hazard. This hazard is caused by motorists needing to turn across highway traffic to enter or exit either Castroville Boulevard or Monte del Lago Road. In this traffic pattern, slow-moving, turning vehicles are traveling perpendicular across oncoming highway traffic, which is moving significantly faster (the posted speed limit is 55 miles per hour). Further compounding the risk is growing congestion along Highway 156, which makes turning windows smaller and leads to risky decision-making by motorists. The cumulative result is an unacceptable risk of side-impact (i.e., "T-bone") collisions between highway traffic and turning vehicles. This risk is borne out in traffic safety data. According to the Caltrans Traffic Accident Surveillance and Analysis System, in the four years between December 2015 and December 2019, a total of 94 crashes occurred on Highway 156 in the one-mile stretch of roadway encompassing the Castroville Boulevard and Monte del Lago Road intersections. Thirty-one of those crashes caused injuries, and all caused property damage. This collision rate is 20 percent higher than the state average, and also higher than the rate on nearby Highway 101, which is a

larger four-lane highway with considerably more traffic. Moreover, the need to turn across highway traffic further adds to traffic congestion. Given that Highway 156 is a major east-west thoroughfare connecting the Monterey County coast with the San Francisco Bay Area and the inland Salinas Valley and beyond, this congestion serves to restrict coastal access by making it difficult for inland communities to reach to coast safely and efficiently.

For approximately 15 years, Caltrans has been planning to alleviate the hazards and congestion in this area by replacing the current intersections with a grade-separated interchange consisting of a bridge over Highway 156 with interchange ramps connecting both directions of highway traffic with the adjoining local roads. Originally, the interchange was to be Phase 1 of a larger “State Route 156 West Corridor Project,” with subsequent phases widening Highway 156 from two lanes to four lanes from the Castroville Boulevard interchange to Highway 101 (most of which is outside of the coastal zone). In 2013, Caltrans completed a Final Environmental Impact Report for this larger project. However, in approximately 2014 the State Route 156 West Corridor Project was put on hold due to a lack of funding.

In more recent years, new funding sources have become available to Caltrans and its partners for highway safety and improvement projects, while prevailing attitudes in transportation policy have begun shifting away from highway expansion. As such, Caltrans has resurrected the Castroville Boulevard interchange project<sup>3</sup> as a standalone project (without any highway widening) in order to address the ongoing public safety hazard at that site. As part of its latest proposal, interchange ramps serving both sides of the highway would be connected to Castroville Boulevard via two roundabouts, and a third roundabout would replace the intersection of Castroville Boulevard and Collins Road (north of the highway). The existing intersection connecting Monte del Lago Road and Highway 156 would be removed, and a new frontage road would be constructed to connect the subdivision with the interchange. Consistent with Caltrans’ emphasis on multimodal transportation improvements, the project would also include new bicycle and pedestrian paths to connect frontage roads with existing bicycle and pedestrian paths. **Exhibit 3** shows a conceptual depiction of Caltrans’ current proposal for the interchange. The final project designs would be determined in conformance with the proposed LCP amendment.

However, given constraints at the site, including prime agricultural lands, wetlands, and other important coastal resources, all of which are strongly protected by the LCP, essentially any highway interchange improvement project that expands outside the current highway footprint would result in impermissible impacts under the LCP, as discussed in more detail below. As such, given the important public safety concerns at this particular site, Coastal Commission, Caltrans, and Monterey County staffs all agreed that several modifications to the Monterey County LCP are necessary in order for a project to be approved at this site. Therefore, Monterey County is proposing this LCP amendment in order to allow an interchange project to be approved.

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<sup>3</sup> Where the one interchange would take the place of the intersections of both Castroville Boulevard and Monte del Lago Road via the use of highway side connector roads.

As an overview, the County's proposed amendment adds language to the North County LUP allowing for construction of an interchange near the intersection of Highway 156 and Castroville Boulevard, notwithstanding other LCP coastal resource protection provisions, provided that any such interchange project: (1) is required to meet current and future regional public access needs; (2) provides stable boundaries between the Highway 156 corridor and adjacent agricultural lands and sensitive habitat; (3) represents the least environmentally-damaging feasible alternative for addressing the public safety needs; and (4) unavoidable impacts to coastal resources are fully mitigated.

The proposed amendment would add language to the IP further augmenting these broader proposed LUP policies with more specific standards and benchmarks to guide an LCP consistent project. The new IP provisions include additional standards for project scoping, criteria for mitigating impacts to sensitive habitat, a rubric for providing a combination of agricultural mitigation and enhancements to compensate for unavoidable impacts to agricultural lands, and qualitative standards for minimizing visual impacts and improving public access and circulation through the interchange site. See **Exhibit 1** for the complete text of proposed LUP and IP amendments.

In summary, the proposed LCP amendment is a project-driven amendment that seeks to address the unique combination of public safety needs and sensitive resources around the intersections of Highway 156 and Castroville Boulevard and Monte del Lago Road. Caltrans would still need to receive a CDP for the final project design consistent with the LCP as amended. The proposed modifications to the North County LUP and IP are the result of collaboration between Coastal Commission, Monterey County, and Caltrans staff, and would allow the type of public safety project contemplated by Caltrans to be permitted in an LCP consistent manner.

## **B. Proposed LUP Amendment Consistency Evaluation**

### ***Standard of Review***

The Monterey County LCP is divided into four segments, each with its own LUP. The subject amendment applies only to specified highway improvements located within the North County LUP segment. The standard of review for the proposed modifications to the North County LUP is the policies of Chapter 3 of the Coastal Act. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies, which give local guidance as to the kinds, locations, and intensities of coastal development and applicable coastal resource protection requirements.

### ***Applicable Coastal Act Provisions***

The proposed LUP amendment would add Subsection 8 to LUP Policy 3.1.3. Subsection 8 and its four subparts pertain to public access and associated public works, agricultural resources, environmentally sensitive habitat, and wetlands. Beginning with public access, Subsection 8(a) speaks to meeting current and future regional public access needs. Coastal Act provisions broadly relevant to this language include:

***Section 30210.*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and*



*recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

**Section 30212.5.** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

**Section 30213.** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

**Section 30223.** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

**Section 30254.** *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division....*

The Coastal Act includes the following relevant provisions pertaining to agricultural resources:

**Section 30241.** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following: (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses. (b)...*

**Section 30242.** *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

**Section 30243.** *The long-term productivity of soils and timberlands shall be protected...*

The Coastal Act also contains the following relevant requirements regarding wetlands and environmentally sensitive habitat areas:

**Section 30231.** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial*

*interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

**Section 30233.** *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: ... (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines....*

**Section 30240.** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

### **Consistency Analysis**

As described above, some of the fundamental Coastal Act objectives are to maximize public recreational access to and along the shoreline, as well as to preserve and protect agricultural lands and to avoid impacts to wetlands and environmentally sensitive habitat areas. The Coastal Act strongly supports the preservation and viability of coastal agriculture, and does so by, among other things, strictly limiting conversion to non-agricultural uses under very limited criteria and only with specific findings made. The Coastal Act protects wetlands and other sensitive habitats by similar means, including allowing fill or impacts within such habitats for only specifically enumerated uses and only if certain requirements are met (alternatives analysis, mitigation, etc.).

These Coastal Act provisions are implemented in Northern Monterey County via the North County LUP. The LUP includes a suite of policies protecting agricultural land and wetlands, mirroring the Coastal Act in this regard. For example, LUP Policies 2.6.1 and 2.6.2.1 impose strong protections on prime agricultural lands, including those designated Agricultural Preservation. Policies 2.6.2.2 and 2.6.3.2 limit conversions and subdivisions of prime agricultural lands zoned Agricultural Preservation by prescribing narrow exceptions, with additional requirements/protections imposed in order to utilize these exceptions. Similarly, Policies 2.3.2.1, 2.3.2.5, 2.3.2.8, and 2.4.2.2 establish protections for environmentally sensitive habitat areas, including wetlands, by generally prohibiting development in or adjacent to these areas that would convert or otherwise affect the quality of such habitats.

At the same time, and in conformance with other Coastal Act policies supporting public access, the LUP also includes policies promoting a multimodal transportation network and generally ensuring that transportation infrastructure is operating and provided in a manner that protects the public health and safety. Specifically, Policy 2.6.2.2 allows for

development within agricultural lands when needed to protect an overriding public health and safety need. Similarly, Policy 2.4.3.6 also allows for certain public infrastructure projects within wetland habitat when certain findings are made (through incorporation of Coastal Act Section 30233(a)(4)). In other words, the LUP includes very strong protections for these core coastal resources, but does provide some exceptions for a limited subset of projects that serve other public needs. These policies are not specific as to what projects are eligible for this public health and safety allowance, but rather such allowances must be developed through an LCP amendment that further specifies and identifies what and how the project will be carried out. This process protects coastal resources in the LUP, allows for some exceptions, but ensures those exceptions are reviewed and certified by the Commission. The County's proposed LCP amendment seeks to identify one such project that may be eligible for this exception.<sup>4</sup>

In accordance with these standards, the proposed amendment would add LUP Policy 3.1.3.8 to specifically allow for construction of an interchange and associated highway safety improvements at the intersections of Highway 156 and Castroville Boulevard/Monte del Lago. Policy 3.1.3.8 would also espouse four sub-policies to broadly guide development of such a project, including listing performance measures and standards to avoid, minimize, and mitigate any resultant coastal resource impacts. These policies echo corresponding policies in the Coastal Act, and serve as the foundation for more detailed IP provisions discussed below. The proposed IP policies set forth more specific mitigation and minimization standards, such as specific requirements for agricultural and habitat mitigation, that would be required for any project seeking CDP approval under the LCP as amended.

#### Transportation and Public Access

The first of these sub-policies, 3.1.3.8(a), ensures that any proposed interchange project here is consistent with and carries forward the Coastal Act's public access mandates. Coastal Act Section 30210 requires public access to be maximized consistent with public safety, private property rights, and resource protection. Section 30213 gives preference to development that provides public recreational opportunities, and in particular no or low-cost facilities, and Section 30223 states that upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible. When read in tandem, these policies broadly support maintaining a safe, efficient, and no-user-fee transportation system for the public to access the coast. Section 30254 speaks specifically to public works, such as roads, and requires them to accommodate public needs consistent with the other policies of the Coastal Act.

The proposed LUP policy would allow for the creation of a highway interchange and other safety improvements that would improve safe access to and from the coast, as well as expand multi-modal public access. As noted above, traffic collisions at the intersections of Highway 156 and Castroville Boulevard and Monte del Lago Road are well above area averages. The interchange would eliminate the dangers associated

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<sup>4</sup> This construct (of the LCP very broadly providing a public health and safety exception to otherwise strict coastal resource policies that must be explicitly specified via LCP amendment) is very similar to the process undertaken some 15 years ago for the Highway 1-Salinas Road interchange project, which is discussed in more detail below.

with traffic turning across the highway and generally streamline vehicular movement through the area. The Monte del Lago Road intersection is not signalized, and is another frequent location of vehicular collisions. The proposed amendment would allow this intersection to be rerouted to the Castroville/156 interchange along a proposed new frontage road, safely consolidating traffic to a single intersection. The LUP amendment also allows for bike and pedestrian trail improvements to be included in any potential interchange project permitted under the amendments. Taken together, the safety improvements and multi-modal enhancements in LUP amendment will further public access, including no cost access, consistent with Coastal Act public access provisions.

At the same time, the proposed LUP amendment limits the allowable highway improvements to those necessary to ensure safety. Proposed LUP Policy 3.1.3.8(a) requires that the contemplated interchange project meet current and future regional public access needs, particularly with respect to the connection between the Highway 101 corridor to the east and the southern Monterey Bay area to the southwest. This policy is counterbalanced by subpart (c), which requires that the project represent the least environmentally damaging feasible alternative available for meeting such needs. Taken together, these subparts ensure that any interchange project at the site will be able to address the identified public safety needs and to provide improved public access, consistent with the public access and recreation policies of the Coastal Act, while minimizing coastal resource impacts.

#### Agricultural Resources

Coastal Act Sections 30241, 30242, and 30243 broadly require preservation and protection of agricultural resources, including agricultural soils and prime agricultural land. As part of promoting coastal agriculture, Section 30241 also requires conflicts between agricultural and urban land uses to be minimized, including by establishing stable boundaries between urban and rural land uses. Taken together, these policies cumulatively protect agricultural lands and limit the conversion of such lands. The North County LUP contains policies which mirror the Coastal Act provisions protecting agricultural resources and limiting conversion of agricultural lands. Among these, certified LUP Policy 2.6.2.2 protects land zoned Agriculture Preservation or Agricultural Conservation, only allowing for conversion of such lands where there is an overriding public health or safety need. The Commission's previous approval of this policy is instructive, as it signifies a level of protection considered appropriate for the LCP to implement the agricultural resources provisions of the Coastal Act.

In a similar fashion, proposed LUP Policy 3.1.3.8 seeks to narrowly restrict the construction of any future highway safety improvements in the vicinity of the intersection of Highway 156 and Castroville Boulevard, including an interchange, by requiring such construction to avoid and minimize impacts to agricultural lands to the greatest extent feasible. Any impacts that cannot be avoided must be mitigated. (Further protections for agricultural lands through mitigation, which will require restoration and preservation of offsetting agricultural lands, are set forth in the proposed IP amendments, discussed below.) Moreover, any highway safety improvements constructed at that location must also serve to stabilize the boundaries between the highway corridor and adjacent agricultural resources, in furtherance of Coastal Act Section 30241(a). These requirements provide a cumulative level of protection that is commensurate to certified

LUP Policy 2.6.2.2 but with language that is specifically tailored to the unique resource constraints of this segment of Highway 156. In this way, the language of proposed Policy 3.1.3.8 is in line with and reinforces the LUP provisions previously determined by the Commission to be consistent with the agricultural resources policies of the Coastal Act, adding a site-specific nuance while maintaining the LUP's consistency with the Coastal Act.

Wetlands and Coastal Habitats

Coastal Act Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade those areas. Section 30233(a) requires that impacts to wetlands, a term which encompasses the relevant sensitive habitats in this case, be the least environmentally damaging feasible alternative, and limits impacts to specified land uses. As previously interpreted by the Commission, when a wetland area is also an ESHA, the wetland protections provided by Section 30233 are more specific than the ESHA protections policies of Section 30240, and therefore are controlling. Therefore, impacts to wetland ESHAs are considered allowable if all the requirements Section 30233(a) are met.<sup>5</sup>

Development impacting wetlands is permissible under Section 30233(a) if: (1) it is for one of the seven allowable uses listed under Section 30233(a)(1)-(7), (2) there is no feasible less environmentally damaging alternative, and (3) feasible mitigation measures have been provided to minimize adverse environmental effects. As recognized by the Commission previously and clarified in the *Bolsa Chica* decision, wetland fill associated with roadway safety improvement projects (including highway interchanges) that do not increase highway traffic capacity are allowable under Section 30233(a)(4) as an incidental public purpose.<sup>6</sup> Proposed LUP Policy 3.1.3.8 carries forward this requirement by allowing for construction of an interchange and other associated highway safety improvements at the intersection of Highway 156 and Castroville Boulevard while not allowing for an increase in highway capacity at this site. The proposed policy also incorporates the second and third requirements of Section 30233(a) by requiring that construction of an interchange represent the least environmentally-damaging feasible alternative and that impacts to coastal resources be fully mitigated. In this way, the proposed LUP policy is designed to closely mirror Coastal Act policies protecting wetland ESHAs, limiting the impacts that can occur in such habitats, and imposing avoidance, minimization, and mitigation requirements. Thus, Policy 3.1.3.8, can be found consistent with the applicable habitat protection policies of the Coastal Act.

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<sup>5</sup> This interpretation was upheld by the Court of Appeal in *Bolsa Chica Land Trust et al., v. The Superior Court of San Diego County* (1999) 71 Cal.App.4th 493, 515.

<sup>6</sup> In the words of the Court, "... we accept Commission's interpretation of sections 30233 and 30240 ... In particular we note that under Commission's. interpretation, incidental public services are limited to temporary disruptions and do not usually include permanent roadway expansions. Roadway expansions are permitted only when no other alternative exists and when the expansion is necessary to maintain existing traffic capacity...." *Bolsa Chica Land Trust et al., v. The Superior Court of San Diego County* (1999) 71 Cal.App.4th 493, 517.

In conclusion, the Coastal Act encourages public access enhancement, but also includes strong protections for agricultural lands and wetlands, and generally does not allow their conversion or deterioration except in limited circumstances with mitigation. These policies are implemented in the North County LUP by policies and standards that similarly protect these resources, but also allows some limited exceptions for public health and safety purposes so long as it is further identified in the LCP. The proposed amendment does just this by specifically allowing for an interchange project at the Highway 156-Castroville Boulevard intersection, and by framing this allowance with requirements to minimize and mitigate any adverse impacts to agricultural and habitat resources in conformance with Coastal Act and in line with existing LUP policies. As proposed, the amendment can be found consistent with the Coastal Act.

### **C. Proposed IP Amendment Consistency Evaluation**

#### ***Standard of Review***

The standard of review for IP amendments is that they must conform with and be adequate to carry out the policies of the certified LUP. Thus, IP standards typically further refine LUP policies to provide more precise guidance, sometimes on a parcel-by-parcel or equally specific level. The Monterey County LCP is divided into four segments, each with its own LUP. The subject amendment applies only to specified highway improvements located within the North County LUP segment, and therefore the analysis below pertains to that segment. The North County LUP protects coastal resources, including public access, agriculture, sensitive habitats, and visual resources. Overall, these LUP requirements reflect and implement fundamental goals of the Coastal Act. Applicable LUP policies are listed in the following findings, along with an analysis of the IP amendment's conformity with each.

#### ***Transportation and Public Access***

##### ***Land Use Plan Policies***

The North County LUP contains a suite of transportation and public access policies intended to promote an efficient, multimodal transportation system throughout northern Monterey County and to the coast:

***LUP Policy 3.1.1.*** *State highways within the North County coastal area should be upgraded to provide for a safe and uncongested flow of traffic. Major County roads should be expanded or managed to accommodate traffic volumes at Level of Service C. Public transit should be expanded to provide a viable transportation alternative.*

***LUP Policy 3.1.2.3.*** *Construction of access roads to Highway 1 and Highway 156 should be limited due to impacts on the safe and free flow of traffic on these highways. Wherever feasible, access roads should be consolidated to provide fewer points where vehicles can turn onto or off of the highway.*

***LUP Policy 3.1.2.5.*** *The major arterial roads in North County should be upgraded as necessary to serve the planned growth of North County. Other local, rural roads should be upgraded only as necessary to serve local traffic and not through-traffic demand.*

**LUP Policy 3.1.3.4.** *Access to new development at the Highway 156-Castroville Boulevard intersection should be via Castroville Boulevard only.*

**LUP Policy 3.1.3.6.** *Bicycle shoulders should be provided and routes signed along Maher Road, Castroville Boulevard, and Dolan Road.*

**Proposed LUP Policy 3.1.3.8.** *Notwithstanding agricultural, environmentally sensitive habitat area, and wetland provisions of this Land Use Plan, the Highway 156-Castroville Boulevard intersection may be relocated just east of its current location and modified to replace stoplight traffic control with on and off ramps and related connectors, including repurposing the existing alignment of Castroville Boulevard for bicycle and pedestrian access, provided that: a) The intersection project is required to meet current and future regional public access needs, particularly with respect to the connection between the Highway 101 corridor and the southern Monterey Bay area; (b) ...*

**LUP Policy 6.2.** *Public access to the shoreline and along the coast shall be protected and provided, and opportunities for recreational hiking access shall be enhanced.*

#### Consistency Analysis

The proposed IP amendment sets specific terms for the construction of any interchange and associated roadway improvements at the Highway 156-Castroville Boulevard intersection under LUP Policy 3.1.3.8 as proposed, that will also be consistent with other LUP policies. The terms for the interchange project in the proposed IP amendment will alleviate significant and longstanding safety and circulation issues in the vicinity of the Highway 156-Castroville Boulevard intersection by upgrading this portion of the State Highway, consistent with one of the underlying purposes of LUP Policies 3.1.1 and 6.2. Additionally, a primary purpose of the proposed improvements will be to maintain the capacity for traffic to flow through the intersection and to and from the Castroville Boulevard arterial, consistent with its function as identified in Policy 3.1.2.5. East of the Castroville Boulevard intersection, Monte del Lago Road intersects Highway 156. The Monte del Lago Road intersection is not signalized, and is another frequent location of vehicular collisions. The proposed amendment would allow this intersection to be re-routed to the Highway 156-Castroville Boulevard interchange along a proposed new frontage road, safely consolidating traffic in conformance with LUP Policies 3.1.2.3 and 3.1.3.4.

Per Section 20.144.120.B.6(f) of the proposed IP amendment, the contemplated interchange would also enhance multimodal access through the interchange by constructing a Class I separated bicycle and pedestrian path along Castroville Boulevard and the northern roundabout connecting Castroville Boulevard to the interchange. This path would further formalize the existing bicycle and pedestrian path connecting North Monterey County High School (north of the interchange site) and the community of Castroville. Although no significant pedestrian traffic is anticipated, foot traffic would be able to walk on the shoulders of the non-highway parts of the project as well as the dedicated bicycle and pedestrian path off of Castroville Boulevard. Collectively, these features will improve the safety of bicyclists and pedestrians

commuting to and from North County High School, thereby encouraging non-motorized transportation and further alleviating congestion in the immediate area. These proposed improvements, required by the proposed IP language, are consistent with LCP directives fostering multimodal transportation in LUP Policies 3.1.3.6.

As required by Section 20.144.120.B.6(c), the interchange project contemplated by Caltrans would not widen Highway 156 itself. Caltrans has stated that the project is only needed to address a significant public safety issue for existing traffic capacity in conformance with proposed LUP Policy 3.1.3.8(a), and that the project is not intended to increase the capacity of Highway 156 or otherwise induce growth that would necessitate widening Highway 156 east of the interchange.<sup>7</sup>

In conclusion, the proposed IP amendment will allow for a project that will serve to maintain overall regional public access along the Highway 156 corridor in conformance with proposed LUP Policy 3.1.3.8, and will enhance public access opportunities through bicycle and pedestrian improvements. As indicated previously, the Highway 156 corridor is an important public access corridor, especially for those visiting the coast from the greater San Francisco Bay Area and the Salinas Valley via Highway 101. The proposed transportation improvements that would be allowed by the amendment would serve to help to relieve an increasingly severe safety impairment to motorized public access to the coast, as evidenced by Caltrans traffic safety data, and by extension to relieve congestion as well. By maintaining the capacity of this stretch of Highway 156 to efficiently convey vehicular traffic, the project made allowable by the proposed IP amendment will maintain the value of Highway 156 for reaching shoreline access points without expanding highway capacity. The proposed amendment is thus consistent with, and will serve to carry out the applicable transportation and public access policies of the North County LUP, and as provided by the Coastal Act. Therefore, the IP amendment is in conformity with the LUP's transportation and public access policies.

## ***Agricultural Resources***

### ***Land Use Plan Policies***

The Monterey County North County Land Use Plan contains policies designed to preserve and protect agriculture, including by restricting conversion of agricultural land with only narrow, case-specific exceptions. The LUP states:

***LUP Policy 2.6.1.*** *The County shall support the permanent preservation of prime agricultural soils exclusively for agricultural use. The County shall also protect productive farmland not on prime soils if it meets State productivity criteria and does not contribute to degradation of water quality. Development adjacent to prime and productive farmland shall be planned to be compatible with agriculture.*

***LUP Policy 2.6.2.1.*** *Prime and productive farmland designated for Agricultural Preservation and Agricultural Conservation land use shall be preserved for agricultural use to the fullest extent possible as consistent with the protection of*

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<sup>7</sup> Any proposal to widen Highway 156 beyond its current two-lane configuration would also require an LCP amendment akin to this one for similar coastal resource reasons.



*environmentally sensitive habitats and the concentration of development.*

**LUP Policy 2.6.2.2.** ...*Subdivision or **conversion** of Agriculture Preservation or Agricultural Conservation farmland for non-agricultural use shall be permitted only where there is an **overriding need to protect the public health and safety** or where the land is needed to infill existing "developed" areas.* [emphasis added]

**LUP Policy 2.6.3.2.** *Development of Agriculture Preservation lands shall be limited to accessory buildings, including farm residences, and uses required for agricultural activities on that parcel.*

**Proposed LUP Policy 3.1.3.8.** *Notwithstanding agricultural, environmentally sensitive habitat area, and wetland provisions of this Land Use Plan, the Highway 156-Castroville Boulevard intersection may be relocated just east of its current location and modified to replace stoplight traffic control with on and off ramps and related connectors, including repurposing the existing alignment of Castroville Boulevard for bicycle and pedestrian access, provided that: ... b) Stable boundaries between the highway corridor and adjacent agricultural resources and sensitive habitat are provided; c) Modifications represent the least environmentally-damaging feasible alternative available for meeting such needs; and d) Impacts to coastal resources are mitigated to the maximum extent feasible.*

#### Consistency Analysis

LUP Policies 2.6.1 and 2.6.2.1 require the preservation of designated agricultural lands "...for agricultural use to the fullest extent possible..." This aspect of the LUP carries out the portions of Coastal Act Sections 30241, 30242, and 30243 that mandate that agricultural lands and soils, including prime agricultural land, be maintained. This intent is reinforced by LUP Policy 2.6.3.2, which defines allowable uses in areas zoned Agricultural Preservation, such as the area affected by this LCP amendment, and Policy 2.6.2.1, which generally prohibits conversion to other uses. An exception is allowed in LUP Policy 2.6.2.2 that allows conversion "where there is an overriding need to protect the public health and safety..." This LUP provision reflects the direction of Coastal Act 30254, which limits new or expanded public works facilities, and requires protection of public works facility capacity for priority uses, including essential public services. The certified LUP policy in effect upholds the need to protect the maximum amount of agricultural land while granting the need to accommodate a particular category of "essential public services" (i.e., public safety). However, as described in the LUP consistency analysis above, this public safety exception is not a carte blanche override, but rather must be specifically identified via LCP amendment to identify what might constitute such a "public health and safety" project. As proposed, LUP Policy 3.1.3.8 establishes an interchange at Highway 156 and Castroville Boulevard as such an exception, provided that stable boundaries between the highway corridor and adjacent agricultural resources are established, the modifications represent the least environmentally damaging feasible alternative available for meeting such needs, and impacts to coastal resources are offset by mitigation.

The IP reinforces the LUP policies that protect designated agricultural lands from conversion. It restricts even public and quasi-public uses within agricultural areas. For

example, as a general rule in the County's coastal zone, IP Section 20.64.260.A states that public utilities and roads are consistent kinds of uses in all zoning districts except in Agricultural Preservation and Agricultural Conservation zoning districts. At the same time, Section 20.144.080.D.2 does repeat the LUP's exception for public health and safety. The IP continues on to provide several examples of circumstances where such conversions may be permitted. Specifically, it states: "...non-agricultural uses shall be permitted only where there is an overriding need to protect the public health and safety from adverse erosion or water quality/quantity impacts...."

As an example of the Coastal Commission and County utilizing these LUP sections to amend the IP, in 2008, the Coastal Commission approved an amendment modifying this section of the IP to add an additional exception for a specific highway interchange project at the intersection of Highway 1 and Salinas Road.<sup>8</sup> This amendment was driven by a recognition that while addressing the significant public safety hazards at that intersection through construction of an interchange broadly fell within the scope of public health and safety projects, and thus could be found consistent with LUP Policy 2.6.2.2, that project was not specifically for the purpose of protecting water quality or water quantity as detailed in the existing IP text. Thus, the language added by that IP amendment found that the Salinas Road interchange project was another permissible public health and safety conversion, provided that the project satisfied certain coastal resource impact avoidance, minimization, and mitigation standards. Specific to agricultural impacts, the Highway 1-Salinas Road interchange amendment required that the conversion of agricultural lands needed for that interchange project, which were approximately 26 acres, be offset through an agricultural mitigation plan. The amendment went on to list appropriate agricultural restoration and enhancement measures to guide the development of the required agricultural mitigation plan, which was required to be approved by the County.

Although the Commission's previous approval of an LCP amendment allowing for construction of the Highway 1-Salinas Road interchange shows that the Commission has previously approved LCP changes similar to the present proposal, it should not be construed as excepting all interchange projects from the agricultural and other coastal resource protection policies of the LUP. As stated previously, the Coastal Act and the LUP provide significant protections for agricultural lands. While the LUP does provide an exception allowing for conversion of agricultural lands for public health and safety, the public health and safety need must be "overriding." This language sets a high bar which, aside from water quality and quantity projects, precludes broad categorical exceptions and instead requires a site-specific justification. The Commission found that the intersection of Highway 1 and Salinas Road was a site with an overriding public health and safety need, and thus added an exception to the IP to allow for construction of an interchange and associated safety improvements at that site, subject to strict siting, design, and mitigation requirements.

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<sup>8</sup> See Coastal Commission report for Monterey County LCP Amendment Number 1-08 Part 1 (Highway One-Salinas Road Intersection), available online at <https://documents.coastal.ca.gov/reports/2008/8/Th27b-8-2008.pdf>.

The presently proposed IP amendment would find that the intersection of Highway 156 and Castroville Boulevard similarly warrants a site-specific exception. As cited previously, Caltrans' traffic safety data shows that nearly one hundred vehicular crashes occurred in the vicinity of this intersection between December 2015 and December 2019, one-third of which resulted in injuries. This collision rate is 20 percent higher than the state average. Based on this documented risk, there is a need to protect public health and safety, and Caltrans has determined that the sole feasible solution is to construct a grade-separated interchange. Thus, in furtherance of proposed LUP Policy 3.1.3.8, the proposed IP language allows for construction of an interchange at the intersection of Highway 156 and Castroville Boulevard despite the requisite conversion of agricultural lands.

As with the Highway 1-Salinas Road interchange, the proposed IP language is narrowly tailored to ensure the allowable project appropriately protects the maximum amount of agricultural land while accommodating the necessary safety improvements. The proposed IP language in Section 20.11.120.B.6 mandates that an interchange at the intersection of Highway 156 and Castroville Boulevard avoid and minimize impacts to coastal resources, including agricultural resources, to the greatest extent feasible. Subsection (2) further requires the interchange to be designed to avoid future encroachments into agricultural lands. This language is intended to ensure that the interchange includes only those elements necessary to alleviate the current traffic safety and congestion hazards, and will not induce growth by providing accessways to serve future developing in adjoining agricultural lands.

Caltrans has worked through several project designs and alternatives to reduce agricultural impacts. As initially proposed, the State Route 156 West Corridor Project (Alternative 11) would have converted approximately 165 acres of agricultural land to non-agricultural use. When Caltrans shrank the project scope to only the interchange area, the area of proposed agricultural conversion decreased significantly to approximately 28 acres. Caltrans subsequently revised the interchange proposal further from a "diamond formation" to the currently proposed roundabouts, based on a site-specific traffic safety study which determined that construction of roundabouts would substantially increase driver safety along an interchange of this size and configuration. Caltrans also removed the proposed highway widening from the design, instead maintaining the current two-lane configuration. The cumulative result of these design modifications was further reduction in the acreage of agricultural impacts to approximately 23 acres, which are zoned Agriculture Preservation. Caltrans is still finalizing project designs, including with Commission and County staff, and the proposed IP language guides this effort by requiring that the interchange impact the least amount of agricultural lands feasible.

The proposed IP language further requires that all unavoidable agricultural impacts associated with the interchange project be fully mitigated, per LUP Policy 3.1.3.8(d). Specifically, subsection (d)(2) requires that impacts to land zoned Agriculture Preservation be mitigated through a combination of restoring or permanently protecting a proportionate acreage of agricultural lands to those acres being impacted by the project (at a minimum ratio of 1:1) as well as a suite of additional agricultural sustainability enhancements. The proposed language then prescribes a detailed list of

examples of agricultural enhancements that could contribute to an overall portfolio of agricultural mitigation for the project. These examples are based on previous collaboration between Coastal Commission staff, Monterey County staff, Caltrans staff, and regional mitigation partners. The measures listed in the LCP amendment were selected from this broader list of potential agricultural mitigation modalities.

Caltrans has begun to develop a plan that would identify suitable agricultural mitigation lands near the project site. The rubric contained in the proposed IP language provides a framework to guide this process as it continues. The selected lands would be restored or enhanced for sustainable agricultural uses and compatibility with adjacent sensitive habitats. As provided by the proposed IP language, the approved mitigation measures must remain in place in perpetuity. Caltrans indicates that this will likely be accomplished through agreements with local partners, backed up by recordable legal instruments to permanently preserve the selected parcels.

In summary, with the proposed amendment, the IP will remain consistent with, and adequate to carry out, the above-cited LUP policies that protect agricultural lands from conversion. The highway safety project that would be allowable under the amendment has been designed to minimize unavoidable loss of agricultural lands. In particular, the amendment will be consistent with the LUP's Policy 2.6.2.1 general policy direction of preserving agricultural lands "...to the fullest extent possible..." The proposed amendment elaborates the scope of what constitutes a public health and safety project, consistent with LUP Policies 2.6.2.2 and 3.1.3.8, through the addition of a site-specific exception based on a demonstrated overriding public safety need. It does this in a way that preserves the basic LUP policy structure, which harmonizes the high priority to protect agricultural resources with the need to protect public safety. The amendment safeguards agricultural resources by limiting its applicability to the Highway 156-Castroville Boulevard interchange project and by providing for offsetting mitigation of any lands that are unavoidably converted.

### ***Wetlands and Coastal Habitats***

#### ***Applicable Land Use Plan Policies***

The North County LUP contains policies protecting environmentally sensitive habitat areas, including wetlands:

***LUP Policy 2.3.2.1.*** *With the exception of resource dependent uses, all development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, **wetlands**,...* [emphasis added]

***LUP Policy 2.3.2.5.*** *Where private or public development is proposed in documented or potential locations of environmentally sensitive habitats - particularly those habitats identified in General Policy No. 1 - field surveys by qualified individuals or agencies shall be required in order to determine precise locations and to recommend mitigating measures to ensure protection of any sensitive habitat present. ...*

***LUP Policy 2.3.2.8.*** *Where development is permitted in or adjacent to environmentally sensitive habitat areas (consistent with all other resource protection policies), the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) to the minimum amount necessary for structural improvements.*

***LUP Policy 2.4.2.2.*** *In order to prevent further reduction in the size and quality of remaining wetlands habitat, no diking, dredging, or filling shall be allowed except the minimum required for uses permitted in policy 2.4.2.(1). Such development shall be permitted only when an equivalent area of new or degraded wetlands (identified pursuant to Section 30411 of the Coastal Act), within the same estuarine system is created or restored in a manner which maintains or enhances overall biological productivity. ...*

***LUP Policy 2.4.3.6.*** *The County's diking, dredging, filling, and shoreline structures regulations shall incorporate Coastal Act Sections 30233(a) and (c), ...and 30607.1.*

***Proposed LUP Policy 3.1.3.8.*** *Notwithstanding agricultural, environmentally sensitive habitat area, and wetland provisions of this Land Use Plan, the Highway 156-Castroville Boulevard intersection may be relocated just east of its current location and modified to replace stoplight traffic control with on and off ramps and related connectors, including repurposing the existing alignment of Castroville Boulevard for bicycle and pedestrian access, provided that: ... b) Stable boundaries between the highway corridor and adjacent agricultural resources and sensitive habitat are provided; c) Modifications represent the least environmentally-damaging feasible alternative available for meeting such needs; and d) Impacts to coastal resources are mitigated to the maximum extent feasible.*

### Consistency Analysis

LUP Policy 2.3.2.1 generally prohibits construction in environmentally sensitive habitat areas, including wetlands, with limited exceptions. Policies 2.3.2.5 and 2.3.2.8 impose additional requirements on the types of development allowed within environmentally sensitive habitat areas (i.e., only resource-dependent uses) in order to minimize the impacts of those developments on sensitive habitat. Proposed LUP Policy 3.1.3.8 takes it a step further, and explicitly allows for an interchange project to fill wetlands provided it minimizes and mitigates unavoidable impacts to such resources.

As explained in the LUP consistency analysis findings, the more specific wetland fill policies are used to evaluate impacts to wetlands. Specific to wetlands, LUP Policies 2.4.2.1 and 2.4.2.2 (taken together) restrict development in wetlands but provide an exception for wetland alterations needed for “public health and safety” uses. This policy construction parallels Coastal Act standards: as a general matter, new roads are not permitted in wetland areas. However, LUP Policy 2.4.3.6 carries into the LUP the exceptions enumerated in Coastal Act Section 30233(a). As explained above, wetland impacts associated with roadway safety improvement projects (including highway

interchanges) that do not increase highway traffic capacity are allowable under Section 30233(a)(4) as an incidental public purpose. LUP Policy 2.4.3.6 carries this exception into the LUP by way of reference to Coastal Act Section 30233(a). Construction of an interchange to address the public safety risk in the vicinity of the intersection of Highway 156 and Castroville Boulevard broadly falls under the exceptions provided in these policies. LUP Policy 3.1.3.8 makes this conformity explicit while imposing certain impact minimization and mitigation standards on any such project.

The LUP's restrictions on wetland fill are reflected in Sections 20.144.040.B.1 and 20.144.060.C.2 of the certified IP. The former section allows an exception for "...activities for maintenance of existing structures and roads..." and the latter section explicitly allows exceptions for incidental public service purposes. The interchange project made allowable through proposed LUP Policy 3.1.3.8 would not add any additional lanes of capacity to the 2-lane segment of Highway 156 through the project area. Caltrans has stated that its current designs for an interchange project address only the existing public safety concern for existing traffic capacities. In this way, the contemplated interchange project is incidental to safe highway operation within the meaning of IP Section 20.144.060.C.2.

The proposed IP amendment would also impose additional site-specific requirements on the Highway 156-Castroville Boulevard interchange beyond not expanding highway capacity. Specifically, Section 20.144.120.B.6 subsections (a)-(d) and (g) collectively require that an interchange project address the documented traffic safety hazard in the way that avoids and minimizes coastal resource impacts to the greatest extent feasible. Any interchange project must also be designed to avoid future additional encroachments into wetlands, stabilizing the boundary between the highway and adjacent sensitive ecosystems. These requirements supplement existing LUP and IP policies to clarify what specific requirements an interchange project at the intersection of Highway 156 and Castroville Boulevard must satisfy in order to conform with LCP policies protecting wetlands and other sensitive, wetland-related resources.

While Caltrans is still finalizing its design for an interchange project at this site, Caltrans has made multiple modifications throughout its design process to minimize the acreage of wetlands that would be impacted. As originally proposed, construction of the interchange at Castroville Boulevard would have impacted approximately 3.39 acres of wetlands (1.22 acres permanently, and 2.17 acres temporarily). By removing the previously proposed highway widening, reconfiguring the interchange, and introducing roundabouts, Caltrans reduced the estimated wetland impacts of the project by approximately 62% to the 1.27 acres currently estimated (0.92 acres permanently, 0.35 acres temporarily). Caltrans will continue to explore additional opportunities to further reduce wetland impacts as project plans are finalized.

Where these habitat impacts cannot be completely avoided or minimized, the LUP policies cited above require that such impacts be offset through compensatory habitat mitigation measures. In furtherance of these policies, Subsection 6(d)(1) of the proposed IP language requires that the impacts of an interchange project on sensitive habitat areas be fully mitigated through a combination of habitat, rehabilitation, enhancement, and preservation, with preference given to creating new like areas of

similar habitat functionally connected to existing habitat areas near Highway 156 within the same watershed, among other supporting requirements. These criteria imposed by the proposed IP language help tailor the mitigation already required by the LUP to the Highway 156-Castroville Boulevard interchange site, ensuring that the mitigation provided for the interchange project compensates for the wetland-related habitats impacted at that site and is commensurate to the anticipated impacts.

In this case, Caltrans has already proposed to offset the anticipated impacts to wetland habitat impacts of the interchange project through a combination of on-site and off-site mitigation. Based on Caltrans' current plans, Caltrans would enhance 0.35 acre of wetland habitat on-site around three existing culverts. Caltrans also proposes to re-establish 1.82 acres of wetland habitat, to rehabilitate 1.91 acres of wetland habitat, and to restore an additional 1.02 acres of riparian and transitional upland habitat (total 4.75 acres) on the Elkhorn Highlands Reserve property, which is located in the coastal zone approximately four miles northeast of the interchange site, though still within the Moro Cojo Slough sub-watershed. Caltrans has stated that the proposed habitat re-establishment, rehabilitation, and restoration would provide increased groundwater recharge and flood protection, improve habitat values within the wetland, improve diversity and interspersion of wetland habitats, and expand available breeding habitats for amphibians. As a condition of receiving a CDP to construct the interchange, Caltrans will submit a Mitigation and Monitoring Plan to Monterey County staff describing restoration techniques, performance standards, and success criteria for these mitigation proposals, and all aspects of the plan would be enforceable components of the CDP.

In summary, the proposed IP amendment would allow a highway interchange project as an incidental public service that would not expand highway capacity, and thus would be allowed by the LUP in combination with on-site and off-site mitigation. Impacts to wetland-related habitats must be avoided and minimized to the greatest extent feasible while addressing the present public safety need, and the proposed IP language sets criteria to ensure that mitigation appropriately compensates for unavoidable impacts. Thus, the proposed IP amendment is in conformity with the above-cited LUP policies.

## **Public Views**

### Applicable Land Use Plan Policies

The North County LUP contains policies protecting the coastal agrarian landscape of northern Monterey County:

***LUP Policy 2.2.2.6.*** *Agricultural uses on flat or rolling land should be preserved as a productive and visual resource. ...*

***LUP Policy 2.2.3.4.*** *Roadways shall be designed to conform to the natural topography in order to minimize grading, erosion, and the scarring of hillsides.*

***LUP Policy 2.2.3.5.*** *New overhead utility and high voltage transmission lines that cannot be placed underground should be routed to minimize environmental and scenic impacts.*

***LUP Policy 3.1.2.4. Improvements to Highway 1 and 156 and the design of access points, turnoffs, and intersections shall be consistent with the objectives and standards of a designated State Scenic Highway.***

***LUP Policy 6.4.G.1. Future land use planning should be compatible with the goal of providing visual access. To this end, all new structures and ancillary facilities within the public viewshed should be located and designed to be compatible with the existing character of the natural and built environments as specified in Section 2.2 of this plan... Particular attention should be given to the location and design of new roads or improvements to existing roads.***

### Consistency Analysis

Highway 156 provides pleasant rural vistas for the coastal traveler, generally characterized by rolling agrarian landscapes stretching from Castroville to the more inland Highway 101 corridor, though developed pockets of residential housing also exist and are visible in this corridor. The proposed LCP amendment would allow the construction of highway improvements that will alter the visual experience along this stretch of highway. This portion of Highway 156 is a designated State Scenic Highway, and the LUP policy references State Scenic Highway standards as a way of protecting scenic resources in the North County area.<sup>9</sup>

In furtherance of the LUP policies listed above, the proposed IP amendment would impose requirements on the Highway 156-Castroville Boulevard interchange project to protect these visual resources. Specifically, Subsection B(6)(e) of Section 20.144.120 requires that the interchange project be sited and designed to blend with the surrounding rural aesthetic character of the Highway 156 corridor to the greatest extent possible, and that all visual impacts be offset through enhancement of visually degraded areas near Highway 156. Toward this end, Caltrans has worked toward siting and design that can limit visual impacts, including minimizing areas of road coverage as much as feasible, and implementing surface treatment and vegetation. On the latter, Caltrans currently proposes that the overcrossing structure, bridge railings, roundabout islands, pedestrian areas, and roadside paved elements receive aesthetic treatments with input from the local community. Caltrans would also provide landscaping designed to help mitigate the urban appearance of the project by using natural elements to reduce the perceived scale of the overcrossing, filter cumulative views of the ramps and other project features where applicable, and provide a natural transition from the adjacent landscape to the project. Where feasible, all overhead utility lines throughout the project area would be placed underground per the proposed IP amendment language and State Scenic Highway policy. Overall, these measures will help to preserve the scenic, agrarian context as directed by LUP Policy 2.2.2.6.

In summary, the visual impacts to be allowed by the amendment are specific to an interchange project at the intersection of Highway 156 and Castroville Boulevard, and the proposed visual resource protection requirements reflect what is expected for a designated State Scenic Highway. Accordingly, the amendment will yield a project that

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<sup>9</sup> One practical effect for Highway 156, and for Highway 1 closer to the coast, has been the banning of billboards and similar commercial advertising intrusions.



is in conformity with the LUP policies cited above.

**Conclusion**

The proposed amendment is for the purpose of allowing the construction of a particular public safety project at the Highway 156-Castroville Boulevard intersection. The LUP already contains an exception allowing conversion of agricultural lands for public safety purposes, and makes provision for incidental alterations of wetlands to maintain public works service capacity. With the proposed amendment, the IP will clarify that the contemplated interchange project is allowable under the policies of the LUP provided that the prescribed coastal resource protection and mitigation measures are satisfied.

The proposed amendment will allow a project that is consistent with, and does not detract from, the other applicable LUP policies and IP standards. These specifically include the LCP's transportation, public access, agriculture, wetlands, and visual resource protection policies, as noted above. Accordingly, the proposed LCP amendment can be approved as submitted.

**D. California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the County exempted the proposed amendment from environmental review (citing CEQA Section 15062).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, has addressed comments received to date, and has concluded that approval of the proposed LCP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).