

MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 28, 2009	Time: 9:00 A.M.	Agenda Item No.: 2
Project Description: Design Approval for the installation of two Changeable Message Sign Systems.		
Project Location: Post-miles 89.4 and 90.5, near the Molera and Nashua Road interchange.	APN: 000-000-000-000 /within the Caltrans right-of-way	
Planning File Number: DA090140	Owner: Caltrans	
Planning Area: North County Coastal Land Use Plan and North County Area Plan	Flagged and staked: Yes	
Zoning Designation: Not Applicable; the surrounding properties are zoned either Coastal Agricultural Preserve (Coastal Zone) [CAP (CZ)] or Farming, 40 acres per unit (F/40).		
CEQA Action: Statutorily exempt per CEQA Guidelines Section 15270(a)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit B**) to:

- 1) Statutorily exempt DA090140 per CEQA Guidelines Section 15270(a); and
- 2) Deny DA090140, based on the findings and evidence (**Exhibit B**):

PROJECT OVERVIEW:

Caltrans proposes to install Changeable Message Sign Systems (CMSSs) at two locations along Highway 1 in the North County Coastal Zone and inland area. These CMSSs would provide real-time traffic information to commuters. The purpose of the project is to reduce congestion, improve operations, and enhance safety.

Staff recognizes the potential value of these types of sign systems for serving public safety and highway operations. However, staff must recommend denial of this Design Approval request because the proposed signs do not minimize development within the viewshed in accordance with the applicable goals and policies, would be visually intrusive and detract from the character of the scenic corridor, would neither blend nor be consistent with the existing rural setting and visual character of the area, and would not complement the visual character of the area. See **Exhibit A** for a more detailed discussion of the project.

Section 20.44.040.E directs that the Planning Commission shall be the Appropriate Authority to consider Design Approval applications for those structures which have the greatest potential to impact public views, such as structures along scenic highways or road corridors, in areas designated at critical viewshed, or which may be prominent from common public viewing areas.

OTHER AGENCY INVOLVEMENT:

The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. The LUAC, at a public meeting held on September 21, 2009, unanimously voted to support the project as proposed.

Note: The decision on this project is appealable to the Board of Supervisors. It is not appealable to the Coastal Commission.

cc: Front Counter Copy; Planning Commission (11); County Counsel; California Coastal Commission; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; Caltrans, District 5, Owner; Planning File DA090140

Attachments: Exhibit A Project Discussion
Exhibit B Draft Resolution, including:
1. Site Plans, Elevations, and Photo Simulations
Exhibit C Vicinity Map
Exhibit D Advisory Committee Minutes
Exhibit E Caltrans Determination Form

This report was reviewed by Carl Holm, RMA – Planning Department Assistant Director.

EXHIBIT A PROJECT DISCUSSION

PROJECT OVERVIEW:

Caltrans proposes to install Changeable Message Sign Systems (CMSSs) at two locations along Highway 1 in the North County Coastal Zone and inland area. These CMSSs will provide real-time traffic information to commuters. The purpose of the project is to reduce congestion, improve operations, and enhance safety.

The two sites are located within the Caltrans right-of-way (Assessor's Parcel Number 000-000-000-000). The specific locations are:

- a. PM 89.4, south of the Molera and Nashua Road interchange, on the east side of Highway 1. The installation of a 20-foot pole (above ground), and a 125 square foot (approximately 5' x 25') changeable message sign.
- b. PM 90.5, north of the Molera and Nashua Road interchange, on the west side of Highway 1. The installation of a 20-foot pole (above ground), and a 125 square foot (approximately 5' x 25') changeable message sign.

Staff conducted a site visit on October 6, 2009, to determine if the proposed project sites are suitable and consistent with the plans as submitted by the applicant. Attached photo simulations (**Exhibit B**) depict the ground perspective of each location.

The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Design Approval subject to review by the Planning Commission. The North County Coastal LUAC unanimously voted to support the project as proposed, at a public meeting held on September 21, 2009.

Viewshed and Visual Access Impacts:

Staff recognizes the potential value of these types of sign systems for serving public safety and highway operations. However, staff recommends denial of this Design Approval request because the proposed signs do not minimize development within the viewshed in accordance with the applicable goals and policies, would be visually intrusive and detract from the character of the scenic corridor, would neither blend nor be consistent with the existing rural setting and visual character of the area, and would not complement the visual character of the area.

The project does not minimize development within the viewshed in accordance with the applicable goals and policies of the applicable land use plan and area plan. The proposed signs would be approximately 20 feet high, approximately 125 square feet in area, and would have illuminated characters. These sign systems would be significantly larger than existing signs along the Highway 1 corridor in Monterey County, and would add illumination to a rural area that does not presently have significant sources of light.

Due to the size and illumination, this type of sign system would be visually intrusive and would detract from the character of the scenic corridor along Highway 1 (North County Coastal Land Use Plan Recommended Action 2.2.4.3). In addition, North County Coastal Land Use Plan Recommended Action 2.2.4.4 further directs that the visual character of the scenic corridor along CALTRANS (DA090140)

Highway 1 from Marina to the County line at the Pajaro River should be preserved, and where feasible restored. The addition of new changeable message sign systems would not restore, but rather further detract from the scenic character of this existing scenic highway corridor.

The existing rural/agricultural and natural-lighting visual character of the surrounding Molera – Nashua Road interchange area would not be complemented by these sign systems (North County Coastal Land Use Plan Policy 2.2.3.7 and Visual Resource Development Standards, Section 20.144.030 of the Monterey County Coastal Implementation Plan).

Moreover, the subject project sites are described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Coastal Land Use Plan), including visual access. Policy 6.4.G.1 directs that future land use planning be compatible with the goal of providing visual access, and further states that 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, and to retain existing visual access to the shoreline from major public viewpoints and viewing corridors. The signs would be inconsistent with the goal of retaining existing visual access, are not compatible with the existing character of the natural environment, and would degrade the visual access to the shoreline from this major viewing corridor. Section 20.144.150 of the Monterey County Coastal Implementation Plan directs that accessway improvements, such as signs, minimize visual impacts. It further directs that signs be small-scale and unobtrusive. As previously stated, these sign systems would be significantly larger than existing signs along the Highway 1 corridor in Monterey County, and would add illumination to a rural area that does not presently have significant sources of light.

Therefore, the project as proposed is not consistent with policies of the North County Land Use Plan and the North County Area Plan dealing with visual resources, and will have a significant impact on the public and highly sensitive viewshed along the Highway 1 corridor.

Staff has not identified possible alternative designs or locations within the North County Highway 1 corridor that would be suitable for these types of illuminated sign systems. Approval of this type of development would require amendments to the North County Local Coastal Program and Area Plan. In addition, these amendments would require review under the California Environmental Quality Act, either in the form of an Initial Study or Environmental Impact Report.

Due to these inconsistencies with applicable plans and policies, staff recommends denial of the proposed changeable message signs along the North County Highway 1 corridor.

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

CALTRANS (DA090140)

RESOLUTION NO.

Resolution by the Monterey County Planning
Commission:

- 1) Statutorily exempting DA090140 per CEQA Guidelines Section 15270(a); and
- 2) Denying a Design Approval for the installation of two Changeable Message Sign Systems.

(DA090140, Caltrans, Post-Miles 89.4 and 90.5, North County Coastal Land Use Plan and North County Area Plan, 000-000-000-000, Caltrans Highway 1 Right-of-Way)

The Caltrans application (DA090140) came on for public hearing before the Monterey County Planning Commission on October 28, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the Monterey County General Plan,
 - North County Coastal Land Use Plan,
 - North County Coastal Implementation Plan,
 - North County Area Plan, and
 - Monterey County Zoning Ordinance (Titles 20 and 21)The project is inconsistent with the text, policies, and regulations of the plans listed above. Conflicts were found to exist with policies regarding visual resources (see Finding Nos. 6 and 7).
b) The property is located within the Caltrans right-of-way, on State Route 1, at post-miles 89.4 and 90.5 (Assessor’s Parcel Number 000-000-000-000), North County Coastal Land Use Plan and North County Area Plan. The project sites do not have a County zoning designation. The surrounding properties are zoned either Coastal Agricultural Preserve (Coastal Zone) [CAP (CZ)] or Farming, 40 acres per unit (F/40).
c) Design Approval: The project sites are located near the Molera and Nashua Road interchange along a designated scenic highway (SR1/Highway 1) in the North County area. Design review is required

per the plans listed in Evidence a) above. Section 20.44.040.E directs that the Planning Commission shall be the Appropriate Authority to consider Design Approval applications for those structures which have the greatest potential to impact public views, such as structures along scenic highways or road corridors, in areas designated as critical viewshed, or which may be prominent from common public viewing areas.

- d) The project planner conducted a site inspection on October 6, 2009, to verify whether the project sites conform to the plans listed above.
- e) Access, Viewshed, and Visual Resources. See Finding Nos. 6 and 7.
- f) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involved development requiring a Design Approval subject to review by the Planning Commission. The LUAC, at a public meeting held on September 21, 2009, unanimously voted to support the project as proposed.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File DA090140.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the RMA - Planning Department. The site is not suitable for the proposed development.
 - b) Staff identified potential impacts to visual resources. The project is not consistent with the visual resource policies related to scenic corridors and Highway 1 listed in the applicable plans.
 - c) Staff conducted a site inspection on October 6, 2009, to verify that the site is not suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File DA090140.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA-Planning Department. The project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Preceding findings and supporting evidence for DA090140.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
- b) Staff conducted a site inspection on October 6, 2009, and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File DA090140.
5. **FINDING:** **CEQA (Exempt):** The project is statutorily exempt from environmental review.
- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15270, statutorily exempts projects which a public agency rejects or disapproves.
- b) See preceding and following findings and supporting evidence.
6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:** a) The subject project sites are described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Coastal Land Use Plan), including visual access. Policy 6.4.G.1 directs that future land use planning be compatible with the goal of providing visual access. It further states that 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, and to retain existing visual access to the shoreline from major public viewpoints and viewing corridors. The signs would be inconsistent with the goal of retaining existing visual access, are not compatible with the existing character of the natural environment, and would degrade the visual access to the shoreline from this major viewing corridor.
- b) Section 20.144.150 of the Monterey County Coastal Implementation Plan directs that accessway improvements, such as signs, minimize visual impacts. It further directs that signs be small-scale and unobtrusive. The proposed signs would introduce new and significant visual impact to the existing setting.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File DA090140.
- d) The project planner conducted a site inspection on October 6, 2009.

7. **FINDING: VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes an application for development within a public and highly sensitive viewshed. In accordance with the applicable policies of the North County Land Use Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Titles 20 and 21), a Design Approval is required and the conditions to grant said permit have not been met.
 - b) North County Coastal Land Use Plan Policy 2.2.3.7 states that Highway direction and other public signs should be minimized and designed to complement the visual character of the area. The Visual Resource Development Standards, Section 20.144.030 of the Monterey County Coastal Implementation Plan, directs that structures within public view to and along the ocean shoreline from Highway 1 must blend with the rural setting. It further directs that highway signs be of a scale and design consistent with the visual character of the area. The proposed signs would neither blend nor be consistent with the existing rural setting and visual character of the area. The signs would be approximately 20 feet high, approximately 125 square feet in area, and would have illuminated characters.
 - c) North County Coastal Land Use Plan (LUP) Recommended Action 2.2.4.3 directs that no uses or development should be allowed that are visually intrusive and detract from the scenic character of the scenic corridor along Highway 1. In addition, LUP Recommended Action 2.2.4.4 directs that the visual character of the scenic corridor along Highway 1 from Marina to the County line at the Pajaro River should be preserved, and where feasible restored. Figure 8 of the North County Area Plan also identifies this section of Highway 1 as an existing scenic highway. The proposed changeable message signs would detract from the scenic character of this existing scenic highway corridor.
 - d) The project as proposed is not consistent with policies of the North County Land Use Plan and the North County Area Plan dealing with visual resources, and will have a significant impact on the public and highly sensitive viewshed along the Highway 1 corridor.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File DA090140.
 - f) The project planner conducted a site inspection on October 6, 2009, to verify whether the project minimizes development impacts within the viewshed.

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

- EVIDENCE:**
- a) Board of Supervisors: Sections 20.44.070, 21.44.070, 20.86.030, and 21.80.040.D of the Monterey County Zoning Ordinances allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission: Sections 20.44.070 and 20.86.080 of

the Monterey County Zoning Ordinance (Title 20). The project is not subject to appeal by/to the California Coastal Commission because it does not involve a discretionary permit subject to the Commission's jurisdiction.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Statutorily exempt DA090140 per CEQA Guidelines Section 15270(a); and
- B. Deny a Design Approval for the installation of two Changeable Message Sign Systems.

PASSED AND ADOPTED this 28th day of October, 2009, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

MIKE NOVO, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

