

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

Th27b

Prepared July 23, 2008 (for August 7, 2008 hearing)

To: Commissioners and Interested Persons

From: Charles Lester, Deputy Director

Dan Carl, District Manager

Lee Otter, Coastal Planner/Transportation & Public Access Liaison

Subject: Monterey County LCP Major Amendment Number 1-08 Part 1 (Highway One-Salinas Road intersection). Proposed major amendment to the Monterey County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's August 7, 2008 meeting to take place at the City of Oceanside, 300 North Coast Highway, in Oceanside, San Diego County.

Summary

Monterey County is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP) to allow construction of an overpass and associated interchange improvements at the intersection of State Route Highway 1 and Salinas Road, approximately 2 miles south of Watsonville, in the North County area of Monterey County.

The amendment would modify the certified LCP's North County segment IP by adding language to Section 20.144.060.C.2 (Diking, Dredging, Filling, and Shoreline Structures Development Standards) and Section 20.144.080.D.2 (Agricultural Development Standards). The amendment is specific to proposed public safety improvements at the Highway One-Salinas Road intersection, including the new overpass and a frontage road extending south to Jensen Road. The specific amendment text is attached as Exhibit A.

Agricultural land conversion. The primary issue raised by this amendment—allowing conversion of designated agricultural land to accommodate a non-agricultural use—arises from the need to meet particular design standards for the proposed public safety improvements. Although project design modifications have reduced agricultural land conversion to the limit of feasibility, the minimum effective project would still unavoidably encroach onto adjacent agricultural lands.

The standard of review for this proposed IP amendment is the certified LCP Land Use Plan (LUP). 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 only addresses necessary water quality and water quantity projects.

This proposed IP amendment would add Highway 1-Salinas Road intersection improvements as a third type of public safety exception in the agricultural land conversion standards. The amendment language limits the allowable conversion to this particular location, and prescribes appropriate mitigation to offset the unavoidable loss of farmland (about 26 acres). There are compelling public safety and congestion



issues at this intersection. The IP's short list of allowable public safety projects can be amplified without fundamental conflicts with the underlying LUP policy that it is implementing.

Wetland impacts. Also within the project area are agricultural drainage ditches that meet the Coastal Commission criteria for delineation as wetland. An area of about 0.2 acre will be unavoidably impacted. The LUP generally prohibits roadway expansion into wetland areas, but references the Coastal Act section 30233(a)(5) exception for necessary incidental public service purposes. The amendment clarifies how this exception would be applied, by amplifying the IP's list of "incidental public service" examples to clearly allow the proposed public safety improvements only at the Salinas Road-Highway 1 intersection.

Growth Inducement/Maintaining Highway One as Two-Lane Rural Highway. The pressure to widen Highway One to a four lane road through Elkhorn Slough and the rural lands surrounding Moss Landing has been an on-going issue since passage of the Coastal Act. The LCP currently has conflicting policies that both envision the possible widening of Highway One on its current alignment (as opposed to an inland alignment planned in the 1970s); and that clearly prohibit the expansion of roads into wetlands and agricultural lands, as would be required by any widening of the existing highway.

In the draft 2004 Commission findings on the Monterey County LCP Periodic Review (not yet adopted), staff provided an updated analysis of transportation planning and related Coastal Act issues for North Monterey County. In addition, staff concluded that any proposal to widen Highway One would require an LCP amendment to address the conflicting and outdated policies of the certified LCP, including the policies that currently would not allow such widening.

The Periodic Review also specifically addressed the possibility of allowing the Salinas Road Interchange project, subject to certain constraints and impact mitigation proposals. In this case, Caltrans has stated that the Salinas Road Interchange project is only needed to address a significant public safety issue for existing traffic capacity, and that the project is not intended to increase the capacity of Highway One or otherwise induce growth that would necessitate widening Highway One south of the Interchange. The IP amendment also contains specific language that observes this fact. In addition, any proposal to widen Highway One would require an LCP amendment of the LUP to move forward.

Therefore, the project will not preface or otherwise necessitate the widening of Highway One, consistent with the overarching Coastal Act mandate to maintain Highway One as two-lane scenic road in rural areas.

Potential CDP issuance. Certification of this LCP amendment will likely result in issuance of a coastal development permit (CDP) for the proposed intersection improvements.¹ The tentatively-approved design minimizes agricultural land conversion and wetland impacts, but would still unavoidably encroach beyond the existing edge of the highway. To offset this loss, Caltrans is working with the Elkhorn Slough Foundation to develop and implement an agricultural mitigation plan within the general

¹ Preliminary approval granted to Caltrans by Monterey County Planning Commission, April 9, 2008. Final action and issuance is dependent on, and awaits, the outcome of this LCP amendment request.



agricultural area that includes the Salinas Road intersection, structured on an agricultural mitigation matrix suggested by Coastal Commission staff. Selected nearby parcels will be rehabilitated and permanently maintained with sustainable agricultural practices.

The impacted wetlands will be offset through creation of a replacement wetland on a 1-acre site adjacent to the site. The proposed project also includes public transit and bikeway improvements, and maintains Highway One in its two lane configuration downcoast of the project site.

Timing is critical. This project has special statewide importance as it will receive funding from the Corridor Mobility Improvement Account, from the Proposition 1B bonds passed by voters in 2006. Executive Order S-02-07, issued by Governor Arnold Schwarzenegger on January 24, 2007, significantly increases the California Transportation Commission's delivery monitoring responsibility for bond funded projects. Specifically, the Transportation Commission is required to develop and implement an accountability process, with primary focus on the delivery of bond funded projects within their approved scope, cost and schedule.

Approval of the LCP amendment before Sept.2008 is critical to the project schedule, since issuance of the Coastal Development Permit (CDP) is dependent on this step. Issuance of the CDP is necessary for the next project milestone—submittal of complete contract documents (plans, specification & estimate)-by the target date of September 18, 2008. Reaching this "ready to list" milestone means that the project can receive funding allocation and begin advertising for a construction contract.

Conclusion. In summary, the proposed LCP amendment would facilitate critically needed public safety improvements at the Highway One-Salinas Road intersection, and would ensure that any unavoidable agricultural land conversion associated with such improvements is effectively offset. In addition, a new overpass at this intersection will allow southbound Highway 101-oriented traffic to pass safely over the highway and onto Salinas Road, which will also facilitate safe public access through this critical coastal transportation corridor. The project and the LCP amendment is specifically designed to address existing traffic capacity only, and will not induce or otherwise require the widening of Highway One to the south of the project.

Staff recommends that the Commission find that the proposed amendment is consistent with and adequate to carry out the provisions of the certified Land Use Plan.

Staff Report Contents

	page
I. Staff Recommendation – Motion and Resolution.....	4
II. Findings and Declarations.....	5
A. Proposed LCP Amendment.....	5
1. Description of Proposed LCP Amendment.....	5
2. Need and purpose of proposed LCP amendment.....	5
3. Procedural & Permit History	12
4. Periodic Review Recommendation.....	13
5. Effect of Proposed Amendment.....	14



B. LUP Consistency Analysis	16
1. Standard of Review	16
2. Land Use/Priority Uses, overall	16
3. Transportation/Highways	18
4. Agricultural Resources	20
5. Wetland Resources	24
6. Visual and scenic resources	29
7. Public Access	30
8. Conclusion	32
C. California Environmental Quality Act (CEQA)	33

I. Staff Recommendation – Motion and Resolution

1. Approval of Implementation Plan Major Amendment Number 1-08, Part 1, as Submitted
Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the changes to the zoning ordinance and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. I move that the Commission reject Major Amendment Number 1-08, Part 1, to the Monterey County Local Coastal Program Implementation Plan as submitted by Monterey County.

Certification Resolution. The Commission hereby certifies Major Amendment Number 1-08, Part 1, to the Monterey County Local Coastal Program Implementation Plan as submitted and adopts the findings set forth in this staff report on the grounds that Major Amendment Number 1-08, Part 1, as submitted is consistent with and adequate to carry out the certified Land Use Plan; and, certification of the Implementation Plan 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 Implementation Plan 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 Implementation Plan amendment.



II. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

1. Description of Proposed LCP Amendment

The proposed amendment would modify the Implementation Plan (IP) portion of Monterey County's certified Local Coastal Program (LCP). The purpose of the amendment is to allow certain highway safety improvements at the intersection of State Route Highway 1 and Salinas Road, approximately 2 miles south of Watsonville, in the North County area of Monterey County. To this end, the amendment would modify the certified LCP's North County segment IP by adding language to Section 20.144.060.C.2 (Diking, Dredging, Filling, and Shoreline Structures Development Standards) and Section 20.144.080.D.2 (Agricultural Development Standards).

The amendment is specific to proposed public safety improvements at the Highway One-Salinas Road intersection, about one mile south of the Pajaro River and approximately two miles east of the Monterey Bay shoreline, in the North County planning area of Monterey County. The wetlands of Elkhorn Slough are about one mile distant, to the southeast. All or nearly all of the proposed intersection improvements, including the new overpass and a frontage road extending south to Jensen Road, are located in the Coastal Zone (see Exhibit B).

As an overview, the County's proposed amendment: 1) expands the IP's listed examples of public safety projects to include the highway safety project at the Salinas Road intersection (the LUP prohibits most conversions of agricultural lands, but allows an exception for public safety purposes); 2) specifies that permanent mitigation measures will be required to offset the loss of coastal agricultural lands; 3) provides examples of appropriate agricultural mitigation measures; 4) clarifies that the County may consider exceptions to the IP's prohibitions on wetland alterations within this agricultural district, if incidental to necessary improvements of existing roadways.

See Exhibit A for the complete text of proposed amendment and Board of Supervisors resolution submitted by Monterey County.

2. Need and purpose of proposed LCP amendment

The standard of review for the proposed IP amendment is the certified LUP. Nonetheless, to place the proposed amendment in its proper policy context, it is necessary to understand the project that it would allow. The following section addresses the proposed Salinas Road-Highway 1 intersection improvements in terms of the adopted need and purpose statement, as well as regional transportation strategies. References to Coastal Act policy sections are illustrative only, to shed light on the project purposes—as viewed from a Coastal Act perspective.



a. Problem statement: outmoded intersection

The 4-lane Highway 1 freeway, constructed southward from the Hwy.17 intersection in Santa Cruz, was originally planned to extend southwards to Castroville; the Salinas Road surface-level intersection was considered an interim stopping point in construction. However, plans to expand the highway were suspended in the years following the Coastal Act.

Subsequently, a series of minor alterations have been undertaken over the years, in an effort to improve the safety and functionality of the intersection. This produced the current configuration of a shortened Hwy.1 four lane section, a lengthened southbound turn lane, and closure of a problematical Hwy.1 free-right northbound turn lane. These modifications all appear to have occurred after 1978².

The transition from freeway to 2-lane rural highway at Salinas Road remains relatively abrupt. Southbound traffic turning onto the Salinas Road arterial must cross over the opposing lane of traffic—which approaches through a dip, along an S-curve, on a hill with constrained sight distance. The accident rate at this location is substantially greater than the state average for similar roadway situations.

The State Highway Route 1-Salinas Road intersection also represents a convergence of several regional arterial routes. At present, this is a simple surface-level junction. Traffic movement is complicated and impaired by nearby service roads, including the entrance to a major agricultural processing plant (Hilltop Industries/Diamond Organics). These are likewise only simple surface connections to Highway 1. While informal farm roads partially parallel the highway on some properties, there are no improved frontage roads as such.

Traffic safety issue. Following a history of fatality accidents, the Highway 1 Corridor Safety Task Force was convened in 1997. As documented in the project's CEQA document, it found that the Salinas Road-Highway 1 intersection area has the highest collision occurrence of any state highway intersection in Monterey County. In one 5-year sampling period commencing in 1999, there were 170 separate collisions, resulting in 54 injuries and 2 fatalities. This rate is about double the statewide average for equivalent intersections.

Many of the Task Force's recommendations, such as initiating a daylight headlight zone, were implemented. While these non-structural measures reduced fatal and rear-end accidents, the total incidence of collisions is on the increase. Accordingly, the Task Force recommends building the grade-separated interchange at the Salinas Road junction.

Congestion issue. On summer weekends, Caltrans has recorded a peak hour average of 2,500 vehicles traveling through the Salinas Road intersection (more than 40 vehicles per minute). During the peak summer recreational period, this equates to Level of Service 'F' in Caltrans' functional capacity rating system—meaning demand exceeds capacity, and considerable delays can be expected.

Regional traffic modeling demonstrates that demand at this intersection can be expected to increase into the future. Growth in housing, population and employment in the surrounding area is expected to

² Generally, pavement re-striping, signage and similar work that does not expand the roadway falls within the scope of the Repair, Maintenance and Utility Hook-up Exclusion, adopted by the Coastal Commission on Sept. 5, 1978.



increase traffic an average of 1.7% per year through 2030, resulting in a 50% increase from the current traffic volume by 2030. If no improvements are made, Caltrans projects that even current service function will decline, and even longer delays will result. In other words, improvement is necessary just to maintain existing service capacity.

Turn lanes and other technical measures have been installed in an effort to improve safety and ease congestion, but these have not been sufficient to resolve the public safety problems at this intersection. Regional traffic volumes have continued to increase, aggravating the problem. The congestion bottleneck and continuing record of injuries and fatalities at the Salinas Road intersection can not be feasibly corrected with further surface-level modifications.

b. Correction of significant traffic hazard & Highway 1 traffic bottleneck

The amendment will assure that approval of a particular highway safety project at the Highway 1-Salinas Road intersection is consistent with the certified Local Coastal Program. The stated purpose of the project "...is to improve the safety and function of the intersection...in a cost effective and timely manner, while minimizing environmental, social and economic impacts."

The project is needed because the high volume of traffic traveling on Highway 1 and the number of vehicles making left turns across Highway 1 at Salinas Road frequently exceeds the operational capacity of the intersection. This, combined with the uncontrolled entry and exit of vehicles from private drives onto the highway, results in a high number of collisions. It also results in long delays for backed-up traffic near that intersection, particularly during the weekday commute and on summer weekends when recreational traffic increases.

As noted above, despite the past completion of improvements recommended by the Highway 1 Safety Corridor Task Force, the number of collisions at the intersection is about double the statewide average for similar intersections. Without further improvement of the intersection, the collision rates and long delays are expected to increase accordingly.

c. Facilitation of appropriate circulation patterns

The regional circulation function (and dysfunction) of this intersection can be understood by description of each approaching traffic direction, as follows (please refer to Exhibit B for locations).

Northbound on Hwy.1, to Santa Cruz. Motorists approaching the intersection from Moss Landing experience a long, straight stretch of the original 2-lane rural highway, followed by a relatively abrupt dip and S-curve to meet Salinas Road and the Highway 1 freeway. This is the point where east-bound motorists must cross in front of northbound traffic. While the northbound lane often moves at speeds of around 50 m.p.h., traffic is heavy (23,600 ADT³ c. 2005, and at summer peaks, reportedly more than 30,000 ADT for the roadway as a whole). Breaks for queued eastbound motorists to cross-over are few, and patience grows thin. Result: "t-bone" side-impact collisions, at speed, with periodically fatal outcomes.

³ Average Daily Traffic, both directions.



While the existing intersection configuration normally appears to have little bearing on regional circulation, Coastal Commission staff has witnessed at least six occasions when accident-induced backups extended past Castroville, some 10 miles distant. A traffic signal is not feasible as a solution, because it would disrupt the smooth flow of traffic and produce large-scale traffic back-ups. Smooth flow is absolutely essential for this 2-lane roadway being able to handle the high ADT.

The proposed highway improvements, to be allowed under the proposed IP amendment, would maintain smooth flow by directing eastbound traffic safely over the highway, via a new overpass. The improvements also include a new frontage road. This measure will help maintain smooth flow by eliminating turning movements directly onto and off of Highway 1. This includes not only farm equipment and field workers making left turns across traffic, but all the trucks and employees entering and leaving the packing plant.

Northbound on Hwy.1, to Watsonville. For motorists commuting northbound from Moss Landing (and Castroville, Monterey Peninsula, Salinas, and points southward along Hwy.101), the Salinas Road intersection is the first and most direct way to access the Pajaro-Watsonville urban area from Highway 1. In fact, Salinas Road—the name assigned to the *former* Route 1 alignment—soon widens to 4 lanes as it approaches the community of Pajaro. The regional circulation issues for this component of traffic will be similar as for Santa Cruz-bound traffic, as detailed above.

Westbound on Salinas Road, to Moss Landing and south. Motorists coming from the Pajaro-Watsonville urban area, as well as those using the G12 corridor to cross over from Hwy.101 to Hwy.1, emerge from Salinas Road at the intersection--and are confronted with the left turn against opposing northbound traffic, noted above. Sight distances are limited. Long waits are common. Drivers are pressured by those waiting behind. Patience runs out. Such vehicles are periodically found on the receiving end of “t-bone” accidents here. The proposed overpass will be an effective solution.

Westbound on Salinas Road, to Santa Cruz and north. The Salinas Road intersection represents the seaward end of an important connection between Hwy.101 and Hwy.1, via the “G12” corridor. Route G12 is a major Monterey County arterial, comprised of the linked San Miguel Canyon, Hall, and Salinas Roads. Recent improvements, including an interchange with a “flyover” overpass at the 101 exit, and improvements at the San Miguel-Hall Road intersection, make this the most efficient way for traffic coming from Salinas to reach Santa Cruz. An additional advantage is that G12 goes around, not through, the Elkhorn Slough saltmarsh wetlands.

The better-known, more conventional connection for northbound traffic coming from Hwy.101, is from Salinas via Hwy.183 to Castroville, and then northwards through the Moss Landing corridor on the rural, 2-lane segment of Hwy.1. But, this route is becoming increasingly congested and subject to delays. Hwy.183 also serves as the main street for the growing community of Castroville. And, on the 2-lane rural Moss Landing segment of Hwy.1, traffic coming from Salinas has to compete with all of the coastwise traffic between Monterey Peninsula and Santa Cruz County. These competing streams of traffic produce higher levels of congestion and periodic calls to widen Hwy.1 through the Elkhorn Slough wetlands.



Because there is already a free-right turn from Salinas Road onto Highway 1 northbound, the proposed improvements at the Salinas Road intersection will not substantially change the way that this particular northbound traffic stream will flow. However, overall, the improvements will protect the intersection's capacity to convey existing demand, and therefore will encourage motorists to select G12 (San Miguel-Salinas Road) as their preferred route to cross over to the coast.

Southbound on Hwy.1, to Monterey. During periods of lighter traffic, southbound motorists moving around the perimeter of Monterey Bay are able to move fairly easily through the existing intersection. Hwy.1 tapers down from its full 4 lane width (2 southbound) as it approaches the junction.

The problems arise during peak periods, when the left-turn traffic backs up into the southbound through lanes. This impairs smooth flow, and is a hazard because inattentive drivers reaching the end of the freeway are suddenly confronted with non-moving traffic waiting to make a left turn. Not surprisingly, a series of rear-ender accidents has occurred here. And, each accident itself creates a major if temporary bottleneck. Commission staff has witnessed back-ups extending as far as the Hwy.129 exit, almost 2 miles north.

The proposed overpass that would be allowed by this amendment will provide a substantial measure of relief for existing traffic conditions by providing a safer, speedier alternative for that fraction of southbound traffic that is heading to Hwy.101, Salinas and south coast destinations. In addition, to the extent that such southbound traffic is thus diverted from the Moss Landing corridor, the intersection improvements will help protect the existing capacity of the rural 2-lane Hwy.1 segment for coastwise traffic, going towards Monterey.

Although not the standard of review for this LCP amendment, as designed the proposed overpass project that will be facilitated by the amendment will address basic Coastal Act policies. Consistent with Coastal Act policy 30254, the design will protect the capacity of Highway 1 to serve priority (coastal) uses, that have *no* alternative route available. And, it will reduce the pressure for highway widening, consistent with Coastal Act policies 30233 regarding protection of wetlands, 30241 regarding prime agricultural lands, and 30254 regarding the character of rural, 2-lane segments of Highway 1.

Southbound on Hwy.1, to Hwy.101 via Salinas Road. This is arguably the most problematical traffic stream of all. In contrast to northbound G12-Salinas Road motorists, southbound travelers must queue in a left turn lane at the south end of the Hwy.1 freeway segment. No one in the southbound queue can move until the vehicle at the head of the line makes its move across the opposing lane of northbound traffic. As the queue lengthens, the pressure to make this risky cross-over move builds. Hence, the elevated accident history for this intersection.

Increasingly over the years, the safety issue here has pushed southbound travelers to *not* make this turn. This has the effect of loading up the rural, 2-lane Moss Landing corridor with traffic that could just as well have proceeded via the G12 corridor, were it not for the perceived hazard and frequent lengthy wait times.

The proposed overpass that would be allowed under this amendment would correct these problems.



Once again, the exit from Highway 1 onto Salinas Road would be perceived as a safe choice. The intersection's capacity to accommodate through traffic would be restored. Hwy.1 south of the intersection would retain its rural, 2-lane character. Southbound travelers would have the option to go around, not through, the Elkhorn Slough wetlands. The rationale for widening Hwy.1 (at the expense of the important wetlands and prime agricultural soils north and south of Moss Landing), would be diminished significantly.

d. Regional transportation strategy & alternative transportation modes

In the context of regional planning partnerships, Coastal Commission staff has continued to emphasize that highway improvements must go hand-in-hand with concurrent and complementary efforts to provide meaningful alternatives to the private motor vehicle. Consistent with Coastal Act sections 30252, 30253(4), and 30254, Commission staff have maintained that expansion of the rural, 2-lane portions of Highway 1 would not be consistent with Coastal Act policies, and that such expansion should not be considered until all other reasonable alternatives have been exhausted. In addition, as discussed below, it is also clear that any such proposed expansion would require an LCP amendment to authorize the wetland and agricultural impacts entailed by such an expansion, and to address changed circumstances since the LCP was first certified.

Reasonable alternatives to widening Highway 1 include living within the constraints of the existing Highway 1 capacity and thus making the most of the existing Highway 1 facility, improving transit opportunities, and providing inviting non-motorized transportation modes. The proposed IP amendment is a key part of the first element of this overall strategy. It will allow highway intersection improvements that will restore the capacity of Salinas Road to absorb some of the traffic demand on the 2-lane segment of Hwy.1. This will allow the existing roadway facility to be more available for Coastal Act priority uses and coastwise traffic that has no good alternative.

Available transportation alternatives. Rail, bus transit and bicycle represent the available alternative modes for meeting transportation needs in the Monterey Bay area. These modes by themselves can not be expected to divert enough traffic from the constrained section of Highway 1 to obviate the need for the proposed safety improvements at the Salinas Road intersection⁴. However, each mode could be improved to accommodate at least some of the demand in the Moss Landing corridor. And, the proposed intersection improvements will improve the quality and effectiveness of the alternative transportation modes.

For example, the proposed design incorporates an improved bus transit stop, adjacent to the entrance for Hilltop Industries/Diamond Organics agricultural processing plant (a major employer). The transit stop will be complemented by a park & ride facility, adjacent. The project design will also provide paved-shoulder linkages to existing and proposed bike routes around Monterey Bay. In combination with the proposed overpass, this will make commuting from Watsonville by bicycle a reasonable proposition.

⁴ See website for the Victoria Transport Policy Institute [www.vtpi.org], for traffic studies that demonstrate the degree of benefit to be expected from construction of rail transit systems and bikeways. A particular reference is *Generated Traffic and Induced Travel-- Implications for Transport Planning*, Todd Litman, Victoria Transport Policy Institute, 17 September 2007. Discusses generated traffic impacts, and describes alternatives to roadway capacity expansion.



Relationship to rail lines. Historically, two north-south rail lines connected Monterey County to Santa Cruz County. One of these routes is in the process of being reconstituted and brought back to life as a regional multi-modal bikeway. The other is an active rail corridor that is planned for restored regional passenger rail service.

The long-defunct Pajaro Valley Consolidated R.R. (PVCRR) connected Watsonville and Salinas to the shipping port of Moss Landing, and provided a way for sugar beet growers to get their product to the big Spreckles mill near Salinas. North of Moss Landing, this rail line ran immediately behind the coastal dune strand. It is now the proposed route for the Monterey Bay Sanctuary Scenic Trail (MBSST)⁵, conceived as a multi-modal bikeway and hiking route. It is being incrementally constructed, with the most recent segment having been completed in the north Moss Landing Harbor area earlier this year.

The other historic rail line, built as the Southern Pacific RR's primary passenger rail connection between San Francisco and Los Angeles, runs along the axis of Elkhorn Slough, east of the proposed highway intersection improvements. It continues today, under Union Pacific RR ownership, and supports both mainline freight service and daily long-haul passenger rail service⁶. However, this passenger service presently bypasses Watsonville, and does not have the schedule frequency needed to be a viable commute alternative. TAMC is spearheading a partnership to restore local passenger rail service to this line.

With respect to this proposed IP amendment, the improved intersection will provide unimpeded access from Highway 1 to the planned Pajaro Caltrain station, located at the north end of Salinas Road. Funding sources have already been identified for extending passenger rail service southward from Gilroy, connecting Pajaro/Watsonville to the existing Salinas Amtrak station. This direct, convenient connection from Hwy.1 will encourage rail-based regional transportation choices.

e. Highway 1 as a *regional* public access facility

In project development meetings, Coastal Commission staff has emphasized the critical public access function of Highway 1 along the crescent of Monterey Bay. As the primary means for the public to reach shoreline access points and recreational destinations, the highway serves as the entrée to non-motorized coastal recreation, distributes recreational impacts so as to prevent overuse of any one area (consistent with Coastal Act 30212.5), and provides a scenic recreational motoring experience in itself.

For southbound visitors on Highway 1, the Salinas Road intersection provides the primary access route to reach the Elkhorn Slough National Estuarine Research Reserve (NERR) visitor center on Elkhorn Road. The NERR visitor center provides superb wetland educational and interpretive facilities that deserve to be readily and safely accessed from throughout the State. However, this access is presently compromised by the outmoded intersection at the Salinas Road junction.

By restoring and maintaining the through-traffic capacity of the Salinas Road intersection, the proposed

⁵ Monterey Bay Sanctuary Scenic Trail Master Plan, Transportation Agency for Monterey County (TAMC), January 2008.

⁶ Amtrak's *Coast Starlight*, daily each way.



improvements that will be allowed by this amendment will assure that the overall capacity of Highway 1 as a public access facility will be protected, consistent with Coastal Act sections 30210-30214 and 30254.

f. Protection of rural Highway 1 character

Prior to the 1972 Coastal Act, the Highway 1 freeway was completed southwards through Santa Cruz County, and reached as far south as Salinas Road in Monterey County. The Hwy.1 freeway was also incrementally extended northwards from Monterey, reaching Castroville under a 1973 CDP. However, under the Coastal Commission's permit conditions, that portion of the realigned Highway 1 north of the Highway 156 intersection was completed as a 2-lane limited-access route. As a result, an approximate 10-mile segment of Highway 1 between Highway 156 and Salinas Road (the "Moss Landing Corridor") retains its scenic, rural, 2-lane character.

As indicated above, there are ever-increasing traffic loads on this Highway segment. Motorist frustrations translate into a demand for widening. By restoring through-traffic functionality and providing an inviting alternative for non-coastal traffic, the proposed Salinas Road intersection improvements will help alleviate this demand. This in turn will favor the retention of the Moss Landing corridor as a rural, 2-lane segment of Highway 1, consistent with the purposes of Coastal Act section 30254.

g. Regional strategy for protecting Elkhorn Slough wetlands

The Elkhorn Slough wetland complex is a coastal resource of state and national significance. Every feasible measure needs to be undertaken to defend this special estuarine habitat system. At the time of LCP certification, fill for roadway expansion was considered a possible future detriment to the system, particularly since LUP policy 3.1.2.1 calls for *widening Hwy.1 to four lanes*.

However, LUP policy 2.3.2.1 specifically bans construction of roads and structures in wetlands, with only minor alterations allowed by subsequent policy 2.4.3.6 (in reference to the Coastal Act 30233 exceptions). The proposed Salinas Road intersection improvements do not include any alteration of the Elkhorn Slough wetland system, and there are no current plans for such widening.

The proposed amendment will in fact contribute to the protection of the natural wetlands of the Elkhorn Slough system, by helping to conduct traffic *around* and *away from* the sensitive saltmarsh wetlands. Specifically, the Salinas Road-G12 road corridor allows through traffic, southbound on Hwy.1, to connect to Hwy. 101 without passing through the Elkhorn Slough wetlands. The IP amendment will allow proposed highway improvements that will restore and maintain the capacity of the intersection to pass Salinas-bound Highway 1 traffic onto this easterly bypass route. This will help to implement a regional circulation strategy to protect the slough, and will diminish the argument for widening the Hwy.1 Moss Landing corridor.

3. Procedural & Permit History

The Monterey County Planning Commission recommended approval of the proposed IP amendment, and granted preliminary CDP approval to Caltrans for the proposed project, on April 9, 2008. But, the terms of the County approval specify that the CDP action shall not be considered final, and the permit



shall not issue, until and unless all the actions required for certification of the LCP amendment are completed. Final action and issuance is dependent on, and awaits, the outcome of this proposed LCP amendment request.

On May 6, 2008, following a duly noticed public hearing, the Monterey County Board of Supervisors adopted Resolution No. 08-159, recommending amendment of the applicable County Code sections, as needed to allow the proposed public safety improvements at the Salinas Road intersection. This resolution, along with the other necessary filing materials, were forwarded to the Coastal Commission as a request to amend the certified LCP.

Monterey County Local Coastal Program Amendment Number 1-08 Part 1 was filed as complete on June 2, 2008. The proposed LCP amendment would modify only the IP, and thus the 60-day requirement for Commission action applies. The 60th day was August 1, 2008. However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the 60-day time limit for a period not to exceed one year.

A one-year extension was approved by the Commission at its meeting of July 10, 2008, resulting in a new deadline for Commission action on the proposed amendment of August 1, 2009. However, circumstances of necessity dictate a more immediate resolution. In addition to the compelling need to correct an ongoing pattern of vehicular accidents, these circumstances include funding deadlines, further process for certification and CDP-issuance actions by Monterey County, and Caltrans' internal procedures for project implementation. The latter circumstance is detailed in the Summary, above, under "Timing is Critical."

4. Periodic Review Recommendation

In 2003-4, the Commission undertook a Periodic Review of the certified Monterey County Local Coastal Program, pursuant to the provisions of Coastal Act section 30519.5. In 2004 Commission staff delivered its Periodic Review recommendations, including this recommendation for the Salinas Road intersection:

LU-14.2 Upgrade and design Salinas Road interchange to address safety and protect coastal resources: Add a policy to the LCP as follows: To address ongoing safety and congestion problems at Salinas Road and Highway 1, the intersection should be upgraded by eliminating eastbound traffic queuing and left turns across the opposing lane of Highway 1. Project design should: (1) minimizing visual impacts by keeping any grade separation structure at the lowest elevation feasible and not projecting above the approximate original natural surface of the surrounding landscape; (2) maintain Highway 1 as a two lane road south of the new grade separation structure; (3) encourage smooth traffic flow in the directions of greatest demand (i.e., southbound and northbound on Highway 1, eastbound onto Salinas Road from Highway 1, and northbound from Salinas Road to Highway 1); (4) accommodate bicycle, pedestrian and park-and-ride facilities as appropriate; (5) Protect wetlands to the maximum extent feasible and allow relocation of existing man-made features, such as adjacent settling ponds, to accommodate traffic lane connection and avoid unnecessary conversion of farm lands so long as the relocated features have the same or better



wetland or riparian characteristics and functions within the same hydrologic system; (6) protect agricultural lands by having the minimum feasible footprint on cultivated agricultural lands, and fully mitigating for any loss of agricultural land; and (7) not induce growth or be larger than is necessary to accommodate the actual projected demand that can occur consistent with this Plan.

The Commission took receipt of these recommendations (see Exhibit C, attached), but has to date not adopted them. Accordingly, they are not binding on the County. Nonetheless, the Salinas Road intersection project has been designed with the recommended standards in mind, and is consistent with each. Therefore, certification of the proposed amendment will not prejudice the ability of Monterey County to update its LCP in a manner that will insure that it remains consistent with the California Coastal Act.

5. Effect of Proposed Amendment

Certification of the proposed IP amendment will result in modification of the County zoning ordinance, and potentially the issuance of a CDP for a particular intersection improvement project.

Modification of zoning ordinance. The existing zoning for the site is mostly Agricultural Preservation (AP). The earthwork for the off-ramp from the existing freeway may also impact land within the Agricultural Conservation (AC) zoning designation. These zoning designations generally limit uses to agriculture and agriculturally-related developments.

Highway 1 appears on both the certified LCP Land Use Map and zoning maps, and is addressed as a continuing use in the LCP text. Public transportation can therefore be reasonably inferred as an allowable category of use within the existing State Highway right-of-way, as it passes through those lands zoned AP and AC. Through project design modifications, the proposed project's need for agricultural land conversion has been minimized. But, the environmentally-preferable alternative would still unavoidably encroach on agricultural lands and wetlands beyond the existing right of way.

The LUP clearly allows exceptions for public safety improvements (as a broad category) within the Agricultural Preservation (AP) and Agricultural Conservation (AC) zoning districts. The IP currently identifies only two specific public safety projects: those which address **water quality** needs, and those which address **water quantity** needs. Because **traffic safety** needs are not mentioned as a basis for the public safety exception, this type of safety exception is not covered by the LUP policy.

The proposed amendment will correct this problem, by identifying traffic safety improvements at the Highway 1/Salinas Road intersection as an additional type of public safety project for which a conversion may be allowable. Similarly, the amendment would clarify that the necessary, unavoidable wetland alterations will fall within the incidental public service exception for wetland fill. Thus, while the amendment clarifies what is covered by the LUP's exceptions, it does not allow any *new* types of development.

Potential CDP issuance. The Caltrans-sponsored, multi-agency Project Development Team process identified the selected design as the environmentally-preferable alternative for effectively accomplishing



public safety, congestion relief and public access needs at this location. The CEQA environmental review process has been completed. The project design reflects an unusually high level of collaboration with community members, County and Coastal Commission staff throughout the design development process. Therefore, the additional development potential from the requested amendment is particularly well-understood.

The County has already granted preliminary, conditional approval of a coastal development permit (CDP) for the Salinas Road intersection improvement project, subject to approval of this LCP amendment⁷. Specifically, the development that would be expected to follow if this amendment is approved is as follows:

- an overpass structure over Highway 1, to correct the high rate of cross-over and rear-end collisions;
- connecting approach ramps, turn lanes, exit lanes, and bike lanes;
- merge lanes, to provide a safe transition from the existing 4-lane section of Highway 1 to the rural 2-lane segment south of the Salinas Road intersection;
- an improved, wheelchair-accessible transit bus stop (for Monterey-Salinas Transit);
- a park-and-ride parking facility, adjacent to the transit bus stop;
- an agricultural access lane on the landward side of the highway;
- reconfiguration of an existing industrial water storage (fire suppression) pond;
- establishment of a wetland mitigation area on unused industrial land adjacent to the project site; and,
- a frontage road extending from the Salinas Road intersection to Jensen Road, on the seaward side of the highway. The purpose of the frontage road will be to provide safe access to an existing agricultural packing plant (Hilltop Industries/Diamond Organics), the new transit bus stop and park-and-ride facility, existing farm residences, and an existing roadside produce market (Dominic's), as well as to provide an off-highway bike route.

Finally, the environmentally-preferable project would impact about 26 acres of designated agricultural lands. This impact will be offset through implementation of an agricultural mitigation plan. Caltrans is working with the Elkhorn Slough Foundation, to develop and implement such a plan, structured on a agricultural mitigation matrix suggested by Coastal Commission staff.

⁷ The Monterey County Planning Commission granted preliminary CDP approval to Caltrans for the proposed project, on April 9, 2008. But, the terms of the County approval specify that the CDP action shall not be considered final, and the permit shall not issue, until and unless all the actions required for certification of the LCP amendment are completed. Final action and issuance is dependent on, and awaits, the outcome of this proposed LCP amendment request.



B. LUP Consistency Analysis

1. Standard of Review

The standard of review for proposed modifications to the County's IP is that they must be in conformity with and adequate to carry out the provisions of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. Implementation Plan (zoning) standards then typically further refine LUP policies to provide guidance on a parcel-by-parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified LUP.

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 North County LUP protects coastal resources, including groundwater, sensitive habitats, coastal-dependent agriculture, and visual resources. It also distinguishes between urban and rural development, and directs development to developed areas best able to accommodate it. Overall, these LUP requirements reflect and implement similar fundamental goals of the Coastal Act.

Therefore, while this amendment does not propose any changes to the North County LUP, the applicable LUP policies need to be identified and the proposed IP amendment must be evaluated for conformity with this standard. Accordingly, selected LUP policies are listed in the following findings, along with an analysis of the IP amendment's conformity with each.

2. Land Use/Priority Uses, overall

a. Policies

LUP 4.3.4 Key Policy All future development within the North County coastal segment must be clearly consistent with the protection of the area's significant human and cultural resources, agriculture, natural resources, and water quality.

LUP 4.3.5.1. The rural character of the coastal area of North County with its predominant agricultural, low-density residential and open space land uses shall be retained. Prime and productive agricultural soils shall be protected for agricultural use.

LUP 4.3.5.4 Where there is limited land, water, or public facilities to support development, coastal-dependent agriculture, recreation, commercial and industrial uses shall have priority over residential and other non-coastal-dependent uses.

LUP 4.3.5.8. Development within the North County coastal zone shall be consistent with the land uses shown on the plan map and as described in the text of this plan.

LUP 4.3.6.G.3 Public and quasi-public uses should be located in areas where they will be compatible with adjacent land uses and local traffic conditions.



b. Conformity of the IP Amendment

State Highway Route 1 provides the key roadway infrastructure around the perimeter of Monterey Bay. The certified LUP Land Use Map shows the existing Highway 1 freeway extending southwards to Salinas Road, through a region designated for Agricultural Preservation and Agricultural Conservation uses. The Land Use Map shows Highway 1 as then continuing southward through Moss Landing and to all points beyond. The above-cited LUP policies call for the protection and continuation of these uses and functions.

The proposed amendment would allow construction of highway safety improvements at the southern terminus of the existing freeway segment. The proposed improvements would not extend the freeway, but would change the way that the freeway intersects with Salinas Road, a regional arterial route. The existing pattern of surface-level cross-overs (i.e., left turns across opposing lanes of highway traffic) would be replaced by an overpass, to make this a grade-separated intersection. A frontage road would be extended southwards to support a roadside produce sales outlet (Dominic's) and the Hilltop Industries/Diamond Organics complex, a major agricultural packing plant that supports growers in the surrounding region.

The scope of the amendment is limited to these highway safety improvements in the area of the Highway 1-Salinas Road intersection. The amendment does not change the LUP's designated land uses, nor does it change the highway alignment shown in the LUP. As part of an existing roadway feature shown on the certified LUP's Land Use Map, the improvements contemplated under the proposed amendment can therefore be inferred as a type and location of use consistent with LUP policy 4.3.5.8.

Regional recreational access. At present, recreational travel is increasingly impaired by congested conditions arising from the inability to make safe left-turn movements (e.g., as needed by southbound Highway 1 traffic attempting to reach the Elkhorn Slough NERR visitor center). At peak periods, these congested conditions can bring some through-movements to a standstill, particularly when there is an accident. The alternative of installing a traffic signal is infeasible due to the high volume of traffic. The sole feasible solution is the proposed grade-separated overpass. Consistent with LUP policy 4.3.5.4, the capacity of the intersection to handle recreational traffic around Monterey Bay would be protected accordingly.

Agricultural access. Similarly, agricultural access to the packing plant, produce stand, and adjoining fields is also hampered. Growth in overall traffic volume means that gaps in oncoming traffic become fewer and farther between, making left turns quite perilous. The movements of farm equipment, as well as empty trucks entering the packing plant and those carrying the packed produce to its next destination, all must enter or exit directly from the highway. The proposed frontage road connecting the Salinas Road intersection to Jensen Road would address this problem. By allowing these safety improvements, the amendment would therefore support priority coastal-dependent agriculture, commercial and industrial uses, in conformance with LUP policy 4.3.5.4.

Protection of rural landscape character. The amendment further includes the criterion that such project will "...not expand the overall capacity of the rural 2-lane highway segment south of the



proposed new grade separation structure at Salinas Road.” Because no expansion of highway through-capacity would result, it would not induce further development within the Moss Landing corridor, south of the intersection, or beyond. The agrarian landscape beyond the edge of the allowed roadway improvements would remain as it is. The existing rural character and prime agricultural soils of the North County coastal area will thus be retained, consistent with LUP Sections 4.3.4, 4.3.5.1 and 4.3.6.G.3. Therefore, the amendment will be consistent with the above-cited LUP policies that protect the overall character of this important coastal resource area.

The issue of growth inducement. With respect to the related question of growth inducement and maintaining Highway One as two-lane rural highway, it is important to acknowledge that the pressure to widen Highway One to a four lane or greater road through Elkhorn Slough and the rural lands surrounding Moss Landing has been an on-going issue since passage of the Coastal Act. The LCP currently has conflicting policies that both envision the possible widening of Highway One on its current alignment (as opposed to an inland alignment planned in the 1970s); and that clearly prohibit the expansion of roads into wetlands and agricultural lands, as would be required by any widening of the existing highway.

In the draft 2004 findings on the Monterey County LCP Periodic Review staff provided an updated analysis of transportation planning and related Coastal Act issues for North Monterey County (see Exhibit C, attached). In addition, staff concluded that any proposal to widen Highway One would require an LCP amendment to address the conflicting and outdated policies of the certified LCP, including the policies that currently would not allow such widening. As discussed above, the Periodic Review also specifically addressed the possibility of allowing the Salinas Road Interchange project, subject to certain constraints and impact mitigation proposals.

In this case, Caltrans has stated that the Salinas Road Interchange project is only needed to address a significant public safety issue for existing traffic capacity, and that the project is not intended to increase the capacity of Highway One or otherwise induce growth that would necessitate widening Highway One south of the Interchange. As cited above, the IP amendment also contains specific language that observes this fact.

In addition, it is clear that any proposal to widen Highway One beyond its current two-lane configuration would require Commission approval of an LUP amendment to allow such expansion. In light of this, and given the project description and specific IP amendment language, the Commission finds that the project does not preface or otherwise necessitate the widening of Highway One, consistent with the LUP mandate to protect the rural character of North Monterey County and thus the overarching Coastal Act mandate to maintain Highway One as two-lane scenic road in rural areas.

3. Transportation/Highways

a. Policies

LUP 3.1.1 Key Policy. *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 3.1.2.1. *Highway 1 should be widened on the existing alignment to four lanes of traffic with necessary left-turn lanes as soon as possible to serve increasing traffic volumes and provide safer and less congested traveling conditions. Barriers should be constructed between the northbound and southbound lanes where necessary to control traffic turns and increase traffic safety. The following criteria shall be met before approval of a permit for highway expansion: a) added lanes are needed to alleviate existing inadequate capacity and to facilitate safe access to developments with connections to the Highway...c) mitigation for any adverse wetland impacts, approved by the Department of Fish & Game, has been included in the project and will be completed in conjunction with road construction such that the design does not require wetland fill.*

LUP 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 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.*

3.1.3 Specific Policies

1. Due to the limited capacity of Highway 1 until the time it is expanded, development of coastal dependent industrial, agricultural, commercial, and recreational uses shall be given priority over non-coastal-dependent development in areas where Highway 1 provides the major transportation access.

2. Salinas Road, San Miguel Canyon Road, Hall Road, and San Juan Road should be designated as major arterial roads serving the North County coastal area. These should be upgraded as necessary to maintain Level of Service C traffic conditions. Wherever feasible, through traffic on these roads should be routed to State highways.

5. A program should be undertaken to provide public transit service to Royal Oaks Park, Manzanita Park, the North County State beaches, and Moss Landing when feasible. Service should be at a level that is adequate to attract ridership and provide an alternative to automobile transportation.

7. The Bicentennial Bicycle Route should be improved by separating the bicycle path from Highway 1 traffic between the Pajaro River and Molera Road.

b. Conformity of the IP Amendment

As detailed in the previous Finding, the proposed highway improvements do *not* include the



expansion to 4 lanes as contemplated by LUP policy 3.1.2.1. However, the improvements that would be allowable under the proposed amendment *will* help to provide for a safer and less-congested flow of traffic on State Highway Route 1, consistent with one of the underlying purposes of policies 3.1.1 and 3.1.2.1. And, a primary purpose of the proposed improvements will be to maintain the capacity for traffic to flow through the intersection and onto (or from) the Salinas Road arterial, consistent with its function as identified in LUP policies 3.1.2.5 and 3.1.3.2.

Along the seaward side of Highway 1, northwards from the Salinas Road intersection, are a number of existing entrances to various fields, farm housing and the Hilltop Industries packing plant complex. Each has a separate entry onto the mainline Highway 1. The amendment would allow these entry points to be safely consolidated along the proposed new frontage road, in conformance with LUP policy 3.1.2.3.

The project also incorporates an improved, ADA-compliant transit stop near the packing plant entrance. This amenity will be serviced by an existing Monterey-Salinas Transit bus route, plying the mid-Monterey Bay area between Watsonville and Salinas. Stops at Moss Landing and near several beach access points provide recreational access. The improved transit stop will provide a safe, off-highway waiting area, and will encourage utilization of the public transit option as a viable transportation alternative, in conformance with LUP policies 3.1.1 and 3.1.3.5.

The proposed project design incorporates bike lanes on the overpass and through the intersection, plus full-width paved shoulders along the proposed new frontage road. These features will improve the safety of bicycle commuting to and from the Watsonville urban area via Salinas Road. The proposed bikeway improvements will also provide a direct off-highway connection to the Pacific Coast Bike Route (formerly known as the Bicentennial Bicycle Route), which follows Jensen Road in the southbound direction after crossing the Pajaro River at Thurwachter Bridge. The amendment would allow these improvements in support of the non-motorized transportation mode, in conformity with LUP policy 3.1.3.7.

Finally, LUP policy 3.1.2.1(a) promotes highway expansion, while 3.1.2.1(c) appears to simultaneously bar wetland fill and require mitigation for wetland impacts in road construction projects. This confusion is cleared up by the IP amendment, which clarifies that the wetland alteration from the proposed Salinas Road intersection safety improvements comprises an allowable incidental public service use, in conformity with LUP policy 2.4.3.6. Please see the “Wetland Resources” section of these Findings for detail. If the project was of the nature of an expansion, this would not be the case, as permanent expansions of roadway capacity do not qualify for the incidental public service exception to the wetland fill prohibition.

4. Agricultural Resources

a. Policies

LUP 2.6.1 Key Policy. *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 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 environmentally sensitive habitats and the concentration of development.*

LUP 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.*
...

LUP 2.6.3.5. *Conversion of Agricultural Conservation lands to non- agricultural uses shall be allowed only if such conversion is necessary to:*

- a) *establish a stable boundary between agriculture and adjacent urban uses or sensitive habitats; or*
- b) *accommodate agriculture-related or other permitted uses which would economically enable continuation of farming on the parcel and adjacent lands.*

LUP 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 4.3.1.E Agriculture Preservation. *Preservation of agricultural land for exclusive agricultural use is required. The designation is applied to the prime and productive agricultural lands where the area does not generally exceed an average 10 percent slope. Major importance is given to the preservation of large, continuous areas of agricultural land capable of long term productivity in order to protect its viability from encroaching conflicting land uses. Development of residences, accessory buildings and uses required for agricultural activities on the parcel is allowed. Development of non-agricultural facilities is not allowed. A minimum parcel size of 40 acres is allowed for land divisions for agricultural purposes.*

LUP 4.1.3.F Agricultural Conservation. *Conservation of viable agricultural land is emphasized. The Agricultural Conservation land use is applied to: a) relatively small pockets of prime agricultural soils (SCS Class I and II) that are not within or adjacent to the more extensive agricultural areas designated under the Agriculture Preservation category; b) upon application, other productive agricultural lands generally characterized by slopes over 10% and erodible soils once an agricultural management plan has been approved; and c) grazing lands where such a low intensity agricultural use is the most compatible use of an area. The Agricultural Conservation category is also applied to lands not in areas designated under the Agriculture Preservation land use category that are placed into agricultural preserve contracts.*



Agriculture-related uses and very low density residential use at one unit per 40 acres are allowed on the less agriculturally viable areas of the parcel. A minimum parcel size of 40 acres is required for subdivision.

b. IP Sections Referenced in this Finding

IP section 20.64.260

A. Public and quasi-public uses such as schools, churches, parking lots, public facilities (except in Del Monte Forest), public utilities and roads are consistent land uses under all land use designations and in all zoning districts except for AP (CZ), AC (CZ), and RC (CZ) zoning districts.

IP section 20.144.040.D.2

...conversion of cultivated land for 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, or where the land is needed to infill existing ‘developed’ areas...

c. Conformity of the IP Amendment

The highway safety project that would be allowable under the proposed amendment would convert approximately 26 acres of designated agricultural lands. Some of this potentially impacted acreage is fallow, and the balance is comprised of cultivated calla lilies, artichokes, and strawberries. Roughly half of this agricultural land coverage would provide for the approaches to a new overpass, and the remainder would be for connecting frontage road construction.

Conversion is minimized. As initially conceived, the intersection project would have covered roughly 50 acres. Through identification of least-impacting design alternatives, obtaining exceptions to standard design criteria, and other measures, the projected total for the preferred “Alt.7” was reduced to 34.2 acres at the time of the original environmental analysis. Subsequent additional attention, in collaboration with Coastal Commission and County staff, has resulted in an even more compact design. The final net impact of about 26 acres represents the minimum, unavoidable agricultural impact for a safe, functionally effective intersection at this location.

Analysis of significance and viability of remainder. A methodical evaluation of the agricultural area to be impacted was completed by Caltrans. In accordance with the provisions of the Farmland Protection Policy Act, Caltrans uses the U.S. Department of Agriculture’s Farmland Conversion Impact Rating Form, AD-1006, to determine impacts to farmland. The Impact Rating Form was submitted to the Monterey County office of the Natural Resources Conservation Service on April 6, 2004. It was determined that the proposed conversion fell below the NCRS threshold of significance⁸, and would have only a “...minor effect on the overall value of farmland in the region.”

⁸ Pursuant to Federal Regulations 7 CFR Ch. VI Part 658.4. A complete 4-page summary of the entire evaluation, entitled “Salinas Road Interchange Farmlands Impacts and Mitigation Measures,” was submitted by Caltrans, and is part of the MCO-MAJ-1-08/Part1, amendment application file.



The issue of continued agricultural viability on the remainder areas of the impacted parcels was also addressed. The potentially impacted area is at the fringe of large-scale farming operations. The analysis concluded: “The conversion of farmland would maintain parcels of sufficient size that agricultural use would not be diminished, and the long-term viability of agricultural operations would not be impaired.”

Applicable LCP standards. Notwithstanding the above-cited Farmland Protection Policy Act determinations, LUP sections 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 Coastal Act Section 30241, which mandates that the maximum amount of prime agricultural land be maintained. This intent is reinforced by LUP sections 2.6.3.2, 4.3.1.E, and 4.1.3.F, which define allowable uses within the Agricultural Preservation and Agricultural Conservation land use categories. Conversion to other uses is generally prohibited.

An exception is allowed in LUP section 2.6.2.2 “...where there is an overriding need to protect the public health and safety...” This LUP provision appears to reflect 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 balances the need to protect the maximum amount of agricultural land with the need to accommodate a particular category of “essential public services”—i.e., public safety. But, it is left to the IP to identify what might constitute such a “public health and safety” project.

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 proposition for 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. But, in Section 20.144.080.D.2 of the zoning ordinance, the IP does repeat the LUP’s exception for public health and safety.

However, it 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...” The proposed Salinas Road intersection improvements are clearly driven by the public safety need, but are not specifically for the purpose of protecting water quality or water quantity as detailed in the existing IP text.

Effect of proposed LCP amendment. The proposed amendment would modify this section of the IP by *adding* the Salinas Road intersection highway safety project as another type of a permissible public health and safety conversion. Because the proposed Salinas Road intersection project already falls within the scope of public health and safety projects (in general), it would be consistent with the LUP section 2.6.2.2 text as certified.

The proposed amendment also requires that the conversion of agricultural lands needed for the proposed Salinas Road intersection project be offset through an agricultural mitigation plan, to be approved by the County. To guide the development of the required plan, the proposed amendment lists appropriate



agricultural restoration and enhancement measures.

Collaborative process assures meaningful agricultural mitigation. The agricultural mitigation examples listed in the proposed LCP amendment reflect the results of a collaboration between Coastal Commission staff, Monterey County planning staff, and the Elkhorn Slough Foundation. This collaboration identified, for the northern Monterey County context, the appropriate kinds of projects and measures that would be needed for an agricultural lands mitigation program. These measures have been summarized in an informal matrix format. The measures listed in the LCP amendment were selected from this broader list of potential agricultural mitigation modalities.

Working with the Elkhorn Slough Foundation, Caltrans has already taken the initiative to develop a plan that would identify suitable agricultural mitigation lands near the project site. The collaboratively-developed matrix provides a framework for this process. The selected lands would be restored or enhanced for sustainable agricultural uses, compatibility with adjacent sensitive habitats, and related agricultural education and/or community garden purposes.

As provided by the proposed LCP amendment, the approved mitigation measures must remain in place for the life of the highway project. Caltrans indicates that this will be accomplished through agreements with local land trusts and foundations, backed up by recordable legal instruments to permanently preserve the selected parcels.

The tangible steps taken to date demonstrate a commitment to develop and implement an agricultural mitigation plan that effectively offsets the unavoidable conversion of such lands. This evidence provides a high level of confidence that the mitigation required by the amendment will in fact be effective and timely.

Conclusion for agriculture. 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 section 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 section 2.6.2.2. It does this in a way that preserves the basic LUP policy structure that balances the need to protect agricultural resources with the need to protect other coastal resources and public safety. And, the amendment further safeguards the agricultural resource by limiting its applicability to the Salinas Road interchange project, which addresses a significant and demonstrably high public safety risk compared to other highway project contexts, and by providing for offsetting mitigation of any lands that are unavoidably converted.

5. Wetland Resources

a. Policies

LUP 2.3 Environmentally Sensitive Habitats



2.3.2 General Policies

*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 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 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 2.4 Diking, Dredging, Filling and Shoreline Structures

***LUP 2.4.2.1.** Further alteration of natural shoreline processes including drainage, erosion, water circulation, and sand transport, shall be limited to protection of public beaches, existing significant structures, coastal dependent development, and the **public health and safety**. [emphasis added]*

***LUP 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 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.*

Coastal Act 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.[emphasis added] ...*



(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. ...

Coastal Act 30607.1:

Where any dike and fill development is permitted in wetlands in conformity with Section 30233 or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action ...

b. IP Sections Referenced in this Finding

IP section 20.144.040.B.1. *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**,...As an exception, resource-dependent uses ...or activities for maintenance of existing structures and roads...may be allowed...if it has been determined through the biological survey that impacts of development will not harm the habitat's long-term maintenance. [emphasis added]*

IP section 20.144.060.C.2. *The diking, filling, or dredging of coastal wetlands or estuaries shall be limited to restorative measures...and appropriate facilities associated with access, research, education, ...If no wetland management plan has been approved for the area, appropriate facilities shall be limited to those consistent with Section 30233(a) of the Coastal Act, as follows: ...e. **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...[emphasis added]*

c. Conformity of the IP Amendment

The project that would be allowed under the proposed IP amendment will unavoidably impact a small area of wetland resource. These resources represent drainageways resulting from agricultural practices, within the 26-acre area of unavoidable impact identified in the above Finding for agriculture.

Policy context. LUP policy 2.3.2.1 generally prohibits road construction in wetland areas. The prohibition is reinforced by LUP policy 3.1.2.1(c), cited under the transportation /highway section above. This LUP section, in the context of possible expansion of the rural segment of Highway 1 to four lanes, requires that any such expansion be designed so that it “does not require wetland fill.”

County staff points out that the IP amendment would not lead to construction of a *new* road, nor would it add any additional lanes of capacity to the 2-lane segment of Highway 1 south of the Salinas Road intersection. Instead, the proposed project is best characterized as improvements needed to maintain the capacity of *existing* roadways already shown on the LUP's Land Use Map. By this interpretation, LUP 3.1.2.1 does not apply because it addresses Highway expansions.

Whether or not LUP 3.1.2.1 applies, the relevant question is whether or not the Salinas Road interchange



project, which definitely involves new roadway development, is an *expansion* of the existing Highway One facility in this location. As described previously, Caltrans has clearly described, and designed, the project to address a public safety concern for existing traffic capacities. The project is not intended to expand overall traffic capacity of Highway One along this segment but rather to maintain existing capacity. Nor will it induce, therefore, growth or pressure to widen Highway One south of the proposed interchange. And, as discussed below, because the project will not expand traffic capacity, it qualifies as an incidental public service and thus for an exemption to the wetland fill prohibition of the LUP.

In any case, under LUP sections 2.4.2.1 and 2.4.2.2 (taken together), an exception is allowed for wetland alterations needed for minimum required “public health and safety” uses.

This policy construction parallels Coastal Act standards: as a general matter, new roads are not permitted in wetland areas and limited expansions of existing roads are permitted only where necessary to protect existing traffic capacity (as clarified in the *Bolsa Chica* decision⁹). The LUP does not explicitly include an exception for “incidental public service purposes,” but LUP section 2.4.3.6 *does* allow for such exceptions by way of reference to Coastal Act section 30233(a).

Wetlands delineated, impacts minimized. As required by LUP policy 2.3.2.5, a wetland delineation¹⁰ was performed for the project that would be allowable under this amendment. The resultant report was reviewed by Commission staff, and--for the area to be impacted by the selected design alternative--the methodology was found to be “...appropriately based on the definition of wetlands contained in the Coastal Act and the Commission’s Regulations.”¹¹ This is consistent with the Coastal Act definition referenced in LUP policy 2.4.2.2. In this case, within the proposed construction perimeter are agricultural drainage ditches that meet the Coastal Commission criteria for delineation as wetland (about 0.2 acre).

⁹ The appropriate interpretation of Coastal Act section 30233(a)(5)’s exception for “incidental public service purposes” is clarified by the language of the Court’s decision in the case of *Bolsa Chica Land Trust et al., v. The Superior Court of San Diego County* (1999) 71 Cal.App.4th 493, 517. Specifically, the Court found that:

... 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 the expansion is necessary to maintain existing traffic capacity

The Court’s specific language is in reference to the Coastal Commission’s historic interpretation of incidental public service purposes, including those discussed in the Commission’s interpretive guidelines. While the guidelines themselves are definitely non-binding and are not to be used as a standard of review, they are nonetheless useful for interpreting what is meant by “incidental public service purposes” in the context of Coastal Act Section 30233(a)(5). The guidelines include the following clarification: “When no other alternatives exist, and when consistent with the other provisions of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted.” .

¹⁰ California Department of Transportation: Appendix B. Salinas Rd. Interchange wetland delineation report. Mon-1-99.9/101.5 05-315920. Attached to: *Initial study with proposed Mitigated Negative Declaration/Environmental Assessment*. U.S. Department of Transportation and California Department of Transportation. June 2005.

¹¹ John Dixon, Ph.D., Coastal Commission staff Ecologist/Wetland Coordinator, in memo to T. Grove, dated August 19, 2005.



While none of the impacted area comprises a *natural* wetland feature, neither the Coastal Act nor the LUP distinguishes natural wetlands from man-made wetland habitats. Design modifications have already been incorporated to minimize the amount of delineated wetland that will be impacted, irrespective of origins. These modifications will assure that the wetland alteration that would be allowable under this amendment is in fact “incidental” in terms of the project overall, and in terms of the wetland systems in this area. Therefore, the proposed project to be allowed under this amendment represents the unavoidable minimum wetland impact, in conformance with LUP policy 2.3.2.8.

Planned wetland mitigation measures. Where wetland impacts can not be completely avoided or minimized, the LUP requires that such impacts be offset through mitigation measures that create replacement habitat. In this case, the impacted wetlands will be offset through establishment and preservation of a replacement wetland, adjacent to the impacted project site.

The identified site is an unused area near the Hilltop Industries complex, not part of any farmed lands. The project includes the creation of a 0.6 acre pond surrounded by a permanent vegetated buffer on the approx. 1 acre mitigation site. This offset will be consistent with the delineation report’s recommended mitigation measures. And, it will conform with or exceed the LUP’s mitigation requirements, as established by LUP policies 2.3.2.5, 2.4.2.2 and 2.4.3.6 (through reference to Coastal Act sections 30233 and 30607.1).

Amendment will clarify application of incidental public service exception. The LUP’s restrictions on wetland fill are reflected in the corresponding sections 20.144.040.B.1 and 20.144.060.C.2 of the Monterey County IP. But, in contrast to the LUP, this former section of the zoning ordinance allows an exception for “...activities for maintenance of existing structures and roads...”—and the latter section explicitly allows exceptions for incidental public service purposes. Neither of these zoning ordinance sections mention the LUP’s public health & safety exception. Nor, is it clear that these exceptions would apply to projects for the purpose of maintaining the *capacity* of an existing roadway intersection, or to impacts incidental to highway safety improvements. In other words, the exceptions listed in the IP do not completely reflect those in the LUP.

The IP amendment clarifies that the proposed wetland reconfiguration, incidental to the proposed highway safety project, falls within the range of allowable exceptions, in conformity with the LUP. See Exhibit A, attached, for specific text.

Conclusion for wetland resources. Amendment of this IP section is appropriate, to clarify that the proposed highway construction work: a) constitutes a public health and safety improvement within the scope of the LUP’s allowable exceptions for wetland fill; b) constitutes a public service purpose consistent with exception allowed under the LUP’s reference to Coastal Act section 30233; and, c) brings the IP into alignment with the incidental public service references to limited roadway expansions in wetland areas, as applied in the *Bolsa Chica* decision. Accordingly, as amended, the IP will be in conformity with the above-cited LUP sections.



6. Visual and scenic resources

a. Policies

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

LUP 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 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 6.4.G.1. Visual Access. *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.*

b. Conformity of the IP Amendment

The proposed LCP amendment will allow the construction of highway improvements that will alter the visual experience in the existing highway intersection area. While this portion of Highway 1 is eligible for State Scenic Highway designation, the necessary actions by the County have not been implemented to date. Nonetheless, the LUP policy references State Scenic Highway standards as a way of protecting scenic resources in the North County area¹². The practical effect for other portions of Highway 1 in Monterey County has been the banning of billboards and similar commercial advertising intrusions.

Context: this portion of Highway 1 provides an abundance of pleasant rural vistas for the coastal traveler. Southbound freeway motorists climb up from the Pajaro River floodplain, past the Salinas Road intersection, and veer onto the 2-lane rural segment of the highway as it continues across a gently rolling landscape dominated by fields of strawberries, artichokes and other coastal crops. Northbound visitors coming from Moss Landing enjoy this same agrarian landscape. Then, as the Salinas Road intersection is reached, they are presented with an impressive sweeping vista of the Pajaro Valley and the Santa Cruz Mountains beyond.

The proposed new overpass will gracefully frame this northbound view for Highway 1 motorists. Motorists and bicyclists coming from Salinas Road will be treated to an even more expansive vista from their vantage point atop the overpass span. Southbound travelers will find that the new overpass extends from the natural horizon on either side of the existing highway road cut—in effect, recreating the natural horizon line as it once existed more than four decades ago.

¹² The IP's transportation development standards, in zoning ordinance section, 20.144.120, state: "...All improvements to Highway 1 shall conform to the "Scenic Highways" goals, policies, and objectives in the Monterey County General Plan." However, no amendment of this portion of the LCP is proposed, and therefore it is not analyzed here.



Careful attention has been given to the design of the proposed highway safety improvements, so that they will fit well with the site's scenic context. The overpass height was selected to conform with the natural horizon line, as noted above. This design feature insures consistency with LUP policy 2.2.3.4, which requires that roadways "... shall be designed to conform to the natural topography..."

The "footprint" of the intersection geometry was held to a minimum for this type of interchange. The separation between the westerly frontage road and the mainline Highway 1 was minimized. The easterly frontage road was reconfigured as an unpaved farm access route, to resemble the existing unimproved field roads paralleling the highway. These measures will preserve the scenic, agrarian context consistent with LUP policy 2.2.2.6.

The side barriers on the overpass will be topped with a "see-through" bicycle rail, in conformity with the LUP's section 6.4.G.1 visual access policy.

A community-based Aesthetic Design Advisory Committee (ADAC) was convened to help with architectural treatment of the proposed intersection structures. The ADAC provided advice as to form and surface treatments, including the artichoke and strawberry motifs to be incorporated on the face of the overpass (see attached exhibits). The remainder of the right of way will be shaped and landscaped with drought-tolerant local native plants. There will be no commercial advertising.

In summary, the visual impacts of the project to be allowed by the amendment are well-understood, and will reflect what would be expected if this were in fact a designated State Scenic Highway route. Accordingly, the amendment will yield a project that is in conformity with LUP policies 3.1.2.4 and 6.4.G.1 cited above.

7. Public Access

a. Policies

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

LUP 3.1.3.7. *The Bicentennial Bicycle Route should be improved by separating the bicycle path from Highway 1 traffic between the Pajaro River and Molera Road.*

b. Conformity of the IP Amendment

The proposed IP amendment will result in the construction of roadway improvements either seaward of, or comprising, the first public road nearest the sea. The project will serve to maintain overall regional recreational access along the Highway 1 corridor, and will enhance public access opportunities through bicycle and transit improvements. The County's action on the amendment¹³ included an analysis of public access conformity. The following is adapted from the County's adopted Findings:

1) First public road and applicable Coastal Act policies. As mapped at the time of LCP certification in 1986, only the northernmost extremity of the project at Jensen Road comprises the "through public

¹³ Monterey County Board of Supervisors: *Resolution to Recommend Amendment of County Code*, PLN070600/Caltrans, May 6, 2008.



road nearest the sea”--which at this juncture is in reference to the outer shoreline of Monterey Bay. However, the Elkhorn Slough estuary, which lies entirely *inland* from Highway 1 at this point, comprises an inland extension of the sea. Therefore, all of the project site is arguably subject to the requirements of Coastal Act Sections 30212 regarding the provision of public access in new development projects seaward of the first public road, as well as Section 30210 providing for public access opportunities to be maximized.

2) Highway 1 and route G12 as public access corridors. At this location, Highway 1 is a critical public access corridor for all motorized and bicycle recreational traffic moving along the coast, around the perimeter of Monterey Bay. Salinas Road, via County road corridor G12, also provides an efficient connection between the end of the Highway 1 freeway south of Watsonville, and the Highway 101 freeway north of Salinas, thereby facilitating north-south through traffic between Santa Cruz County and the southern coast of the State. However, increasing congestion and a dangerous left turn across oncoming traffic impairs this important access option. This means at least some of the 101-bound traffic stream continues southwards towards Moss Landing, cumulatively impacting the remaining capacity of the rural, 2-lane Highway 1 segment south of the Salinas Road intersection.

The proposed Salinas Road intersection improvements, including the proposed grade separation structure, will correct the cross-traffic left turn hazard. To the extent that non-coastal traffic is diverted onto Salinas Road, the proposed improvements will help to restore the ability of the public to move unimpaired along the coast. No feasible alternative to the grade separation structure has been identified for this purpose.

3) Pedestrian and transit access modes. Although no significant pedestrian traffic is anticipated, foot traffic will nonetheless be able to walk on the shoulders of the non-freeway legs of the project roadway connections. Coastal lateral access is already possible along the shoreline, about two miles to the west, through Zmudowski State Beach. For beach hikers, a coastal trail/transit bus connection is available at Moss Landing, several miles to the south.

An existing Monterey-Salinas Transit bus route provides service to/from Salinas/Amtrak, Monterey Peninsula, and Watsonville, via the Salinas Road intersection. However, the increasingly severe traffic bottleneck impairs bus transit connections around the perimeter of Monterey Bay and from urban population centers to the coast.

An improved transit bus stop is included in the project design, near the entrance to the Hilltop Industries packing plant complex. This will substantially improve commuting conditions for the relatively large numbers of field and packing plant workers in the area. Project plans also include space for a “park and ride” facility adjacent to the new bus stop. This will provide loop trip options for recreational hiking as well, using the bus to get to or from the shoreline trailheads.

4) California Coastal Trail. The Transportation Agency for Monterey County (TAMC) has developed a master plan to extend the Monterey Bay Sanctuary Scenic Trail northwards from Moss Landing, well seaward of project site. To complete this route, TAMC and other agencies are incrementally linking existing coastal bikeway and trail segments. This improved multi-mode recreational route is conceived



as a segment of the California Coastal Trail (CCT). By relieving the increasingly severe congestion impairment at the Salinas Road intersection, the proposed improvements, while several miles distant, will nonetheless support the CCT by facilitating highway and transit access to the planned Moss Landing CCT trailheads.

5) Bicycle access along the coast. Portions of the existing roadway comprise segments of the designated Pacific Coast Bike Route (shown in the North County Land Use Plan, Figure 6, under its previous identification of “Bicentennial Bicycle Route”).

All paved non-freeway legs of the project, including Salinas Road and the frontage road connecting the intersection with Jensen Road, are designed to include paved shoulders 4 to 8 ft. in width, together with appropriate pavement markings to facilitate safe bicycle use. This will be of particular benefit for non-motorized traffic going to and from the City of Watsonville and northern Monterey County. And, it will provide for conformity with LUP policy 3.1.3.7, by separating bicycle traffic from the highway..

6) Summary for public access and recreation policies. The LUP’s public access element contains no *specific* reference to the Salinas Road intersection. Nonetheless, the proposed amendment will allow a project consisting entirely of improvements that will help maintain and enhance public access along the coast, primarily for automobile, bus transit and bicycle modes.

The proposed intersection improvements that will be allowed by the amendment will significantly help to relieve an increasingly severe impairment to motorized public access along the coast, as identified in the Transportation findings above. By maintaining the capacity of the intersection to efficiently convey all types of motor traffic, the project will maintain the value of Highway 1 for recreational motoring and for reaching shoreline access points. These improvements will also relieve a significant impairment to bus transit to and along the coast.

The project also incorporates an improved bus transit stop available to recreational users, and its enhancements for mobility via bicycle will also improve safety for the occasional pedestrian. Accordingly, as designed, the project that would be allowed under this amendment will provide the types of public access improvements appropriate to the context. No additional public access facility needs, beyond those that are already addressed in project design, have been identified for this location.

The proposed improvements are therefore consistent with, and will serve to carry out the applicable *general* public access policies of the Monterey County Local Coastal Program, in conformity with LUP Key Policy 6.2—and, as provided by the Coastal Act public access policies for new development seaward of the first public road. Therefore, the IP amendment is in conformity with the LUP’s public access policies.

8. Conclusion

The proposed amendment is for the purpose of allowing the construction of a particular public safety project, at the Salinas Road-Highway 1 intersection. The project was designed in active collaboration with Coastal Commission, Monterey County, and other agency staffs. This process included identification of the applicable LUP policies, and designing the project to conform to those policies from



the start.

To address the intersection's ongoing accident history and increasingly-severe congestion issues, a host of alternatives were considered. The selected design represents the alternative that best corrects the traffic safety hazard, while maintaining the functional capacity of the intersection and meeting applicable environmental policy requirements—including the policies of the certified North County LUP.

The LUP already contains an exception allowing conversion of agricultural lands for public safety purposes, and makes provision for incidental alterations of agricultural wetlands to maintain public works service capacity. With the proposed amendment, the IP exceptions will be made more clearly consistent with the LUP's agriculture and wetland resource protection policies. And, the IP amendment makes it clear that the proposed highway improvements and wetland alterations at the Salinas Road intersection fall within the scope of the LUP's public safety and incidental public service exceptions.

The IP 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 priority use, transportation, visual resource protection and public access requirements, as noted in the above Findings. Accordingly, the proposed IP amendment can be approved as submitted.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County in this case relied on the certified CEQA document prepared by Caltrans for the proposed highway public safety improvement project. In this process, Caltrans identified the potential impacts of the project that would be allowed under the proposed LCP amendment. Alternatives were identified through a collaborative interagency and public process. The alternatives were analyzed in accordance with the appropriate procedures, and the environmentally preferable alternative was selected.

The County findings summarize as follows: "On May, 2006, the U.S. Department of Transportation, Federal Highway Administration and the State of California Department of Transportation (Lead Agency) completed an Initial Study pursuant to the California Environmental Quality Act (CEQA). This Initial Study identified potentially significant impacts to biological resources, traffic, and farmland conversion. Site investigations and technical reports determined that as a result of the proposed project potential significant impacts that would occur could be reduced to insignificance. A Mitigated Negative Declaration (MND) was circulated for public comment from July 14, 2005 to August 12, 2005. On June 1, 2006, the State of California Department of Transportation (Caltrans) adopted the Mitigated Negative Declaration and Mitigation Monitoring Program."



This staff report has discussed the relevant coastal resource issues with the proposal, and has identified the measures that are incorporated in the amendment to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act and Local Coastal Program findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, as submitted, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



EXHIBIT A

(ATTACHMENT B(2) TO County Resolution)

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTIONS 20.144.060.C.2 AND 20.144.080.D.2. OF THE MONTEREY COUNTY CODE (NORTH COUNTY COASTAL IMPLEMENTATION PLAN) TO ALLOW A ROADWAY IMPROVEMENT IN THE VICINITY OF THE SALINAS ROAD-HIGHWAY ONE INTERSECTION TO ADDRESS A SIGNIFICANT THREAT TO LIFE AND PROPERTY.

County Counsel Summary

This ordinance amends Sections 20.144.060 (Diking, Dredging, Filling, and Shoreline Structures Development Standards) and 20.144.080 (Agricultural Development Standards) of the Monterey County certified Local Coastal Program, North County Coastal Implementation Plan (Part 2, Chapter 20.144), to balance limited conversion of agricultural lands and wetlands with a specific public roadway improvement that addresses identified safety needs without increasing capacity or inducing growth, and while establishing the mitigation necessary for loss of such resources.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Section 20.144.060.C.2 of the Monterey County Code is amended to read as follows:

“2. The diking, filling, or dredging of coastal wetlands or estuaries shall be limited to restorative measures...and appropriate facilities associated with access, research, education, ...If no wetland management plan has been approved for the area, appropriate facilities shall be limited to those consistent with Section 30233(a) of the Coastal Act, as follows: ...e. 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, and other such temporary disruptions, as well as limited expansion of public highways, roads, and/or bridges when no other feasible alternative exists, the expansion is necessary to maintain existing traffic capacity, and the expansion will not result in an increase in traffic capacity overall;”

SECTION 2. Section 20.144.080.D.2 of the Monterey County Code is amended to read as follows:

"2. ...conversion of cultivated land for non-agricultural uses shall be permitted only where there is an overriding need to protect the public health and safety from adverse erosion of [*sic*¹] water quality/quality [*sic*²] impacts, or where the land is needed to infill existing 'developed' areas... Also, notwithstanding the provisions of Section 20.64.260(a) of these ordinances regarding public road development, conversion of agricultural lands for public health and safety purposes may be permitted as necessary to address a documented significant threat to life and property on Highway 1 in the vicinity of the Salinas Road-Highway 1 intersection; provided, that such project is necessary to maintain existing traffic capacity through the intersection, and does not expand the overall capacity of the rural 2-lane highway segment south of the proposed new grade separation structure at Salinas Road. Any necessary loss of designated agricultural lands due to the Salinas Road-Highway 1 intersection project shall be offset through implementation of an agricultural mitigation plan, submitted to and approved by the County at the same time as the public health and safety project.

Appropriate mitigation measures include, but are not limited to: preservation of existing or potentially productive croplands that under existing land division patterns could otherwise be converted to non-agricultural development; stabilization of urban-rural boundaries; restoration or enhancement of unproductive or degraded agricultural lands; and community garden or educational programs that support coastal agriculture. The permit for any such conversion shall be conditioned to require that the mitigation measures remain in place for the life of the project."

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. Following certification by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act, this Ordinance shall become effective on the 31st day after formal adoption by the Board of Supervisors.

¹ Reads "or" in the certified original IP text [footnote inserted by CCC staff]

² Reads "quantity" in the certified original IP text [footnote inserted by CCC staff]

PASSED AND ADOPTED this _____ day of _____ 2008,
by the following vote, to-wit:

AYES: Supervisors
NOES:
ABSENT:

FERNANDO ARMENTA, CHAIR
Monterey County Board of Supervisors

ATTEST:

DENISE PENNELL,
Interim Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
Charles McKee, County Counsel

By: _____
Leroy Blankenship, Senior Deputy

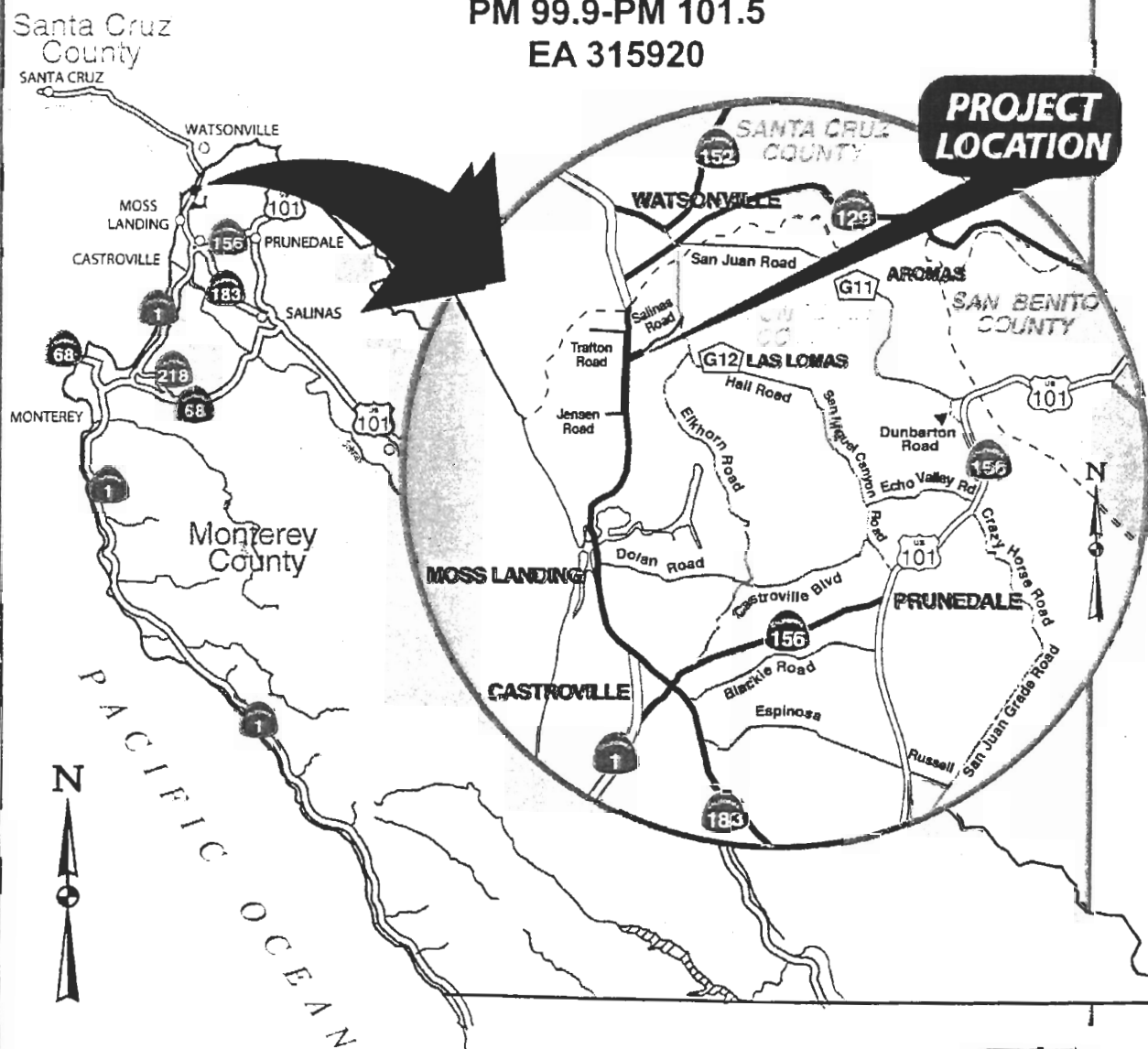
Salinas Road Interchange

5-MON-1

KP 160.7-163.3

PM 99.9-PM 101.5

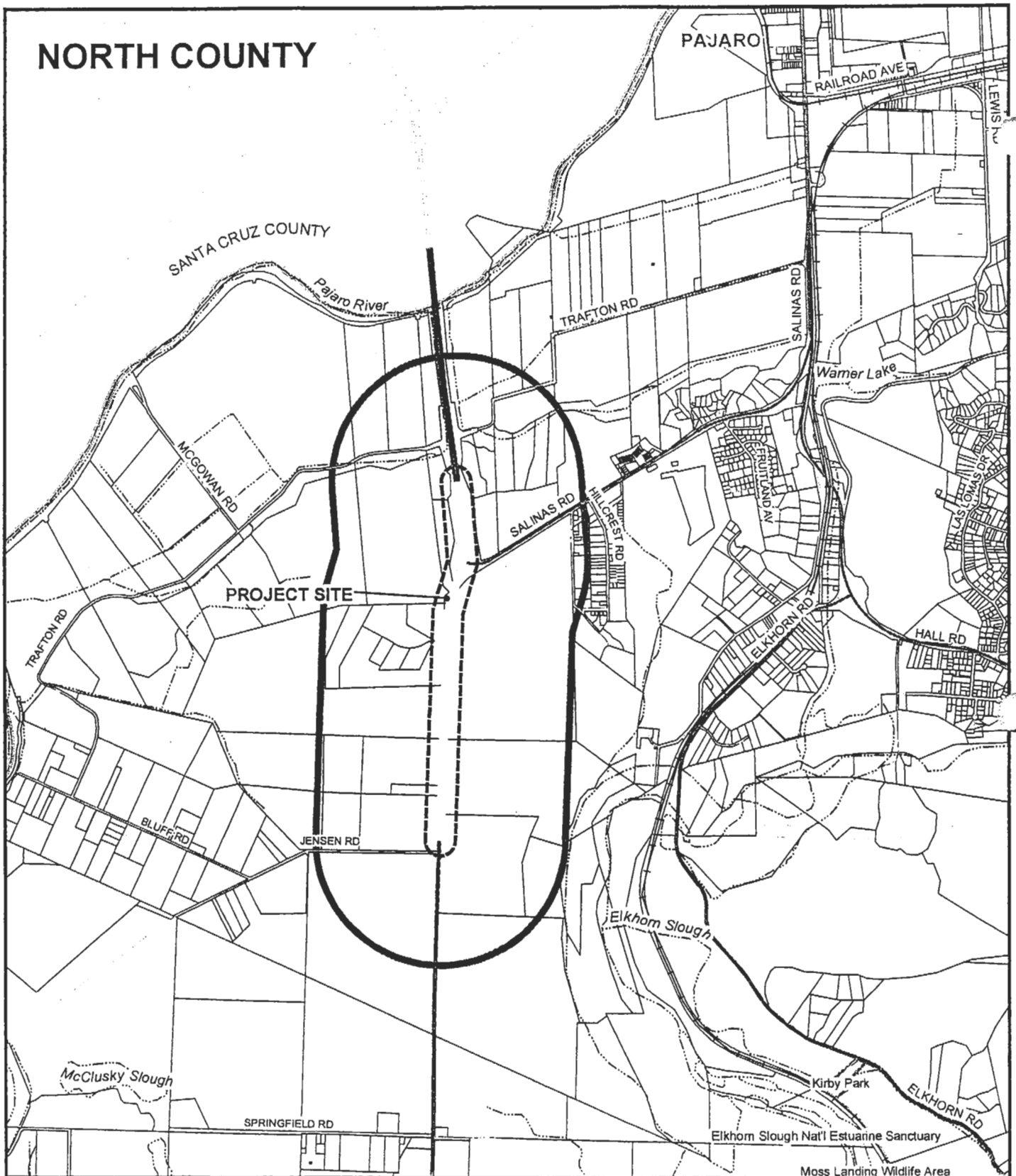
EA 315920



Not To Scale



NORTH COUNTY

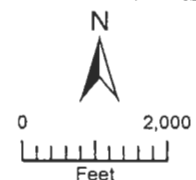


APPLICANT: CALTRANS (HWY 1 & SALINAS RD)

APN: N/A

FILE # PLN070600

300' Limit 2500' Limit City Limits



Source : Monterey County Resource Management Agency

CCC Exhibit **B.2**
(page 1 of 1 pages)

**EXCERPTS FROM THE PERIODIC REVIEW
OF THE MONTEREY COUNTY LCP**

RECOMMENDED ACTIONS, from report of Nov. 26, 2003 (note: the Commission has not adopted these recommendations to date)

Issue LU-14: Highway One and the Moss Landing Corridor

LU-14.1 Improve Highway 1 while maintaining two-lane configuration: Delete *North County Land Use Plan* policy 5.2.2.A and revise policy 3.1.2.1 and corresponding text and *County Code* provisions as follows: Highway One between Castroville and Salinas Road intersections shall remain a two-lane scenic road. The addition of through travel lanes, beyond the existing single lane in each direction, is prohibited. Necessary safety improvements that do not add travel lanes may be permitted, provided that the overall rural and scenic character of the roadway is not substantially altered. Safety improvements may include: alignment of Dolan Road with the Moss Landing Road intersection with some possible grade separation; improvement of the Springfield Road intersection with some possible grade separation; widening the existing motor vehicle travel lanes to a full 12 feet; paving shoulders up to 8 feet in each direction; adding or improving turnouts, paved pullouts, vista points, rest stops, trailhead parking areas, bus stops, shoulder tapers at intersecting roads, left turn safety pockets, merge lanes, access control features (i.e., frontage roads, median barriers, right-of-way fencing), and park-and-ride facilities. Also permitted are projects that maintain the existing scenic and rural character of the area and restore beneficial tidal circulation to the maximum extent feasible with a net restoration of productive wetlands in the Elkhorn Slough system, including highway realignment to avoid wetland encroachments (e.g., at Struve Pond); replacing long sections of wetland fill with causeways (e.g., at Bennett Slough and Moro Cojo Slough); and/or installing a new bridge span across Elkhorn Slough to provide the opportunity to reduce tidal flux to less-damaging pre-1946 levels.

All development must occur within the current Highway One right-of-way or elsewhere without disruption of adjacent agricultural lands. Notwithstanding *North County Land Use Plan* policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish incidental safety improvements or restoration projects that do not increase the overall capacity of this highway segment, is permitted provided there is no feasible less environmentally damaging alternative and feasible mitigation measures have been incorporated to minimize adverse environmental effects. Required compensatory mitigation (see recommendations for Issues SH-6: Mitigation for Habitat Loss) shall favor restoration of wetland areas filled from past construction on Highway One in the vicinity of the proposed work. Restoration plans shall address complete restoration of wetland habitats affected and include monitoring, performance criteria, and contingency remediation measures to assure the success of the hydrologic and revegetation mitigations. Pursuant to policy 4.3.5.9, all other resource protection policies also must be fully followed.

Filing Requirement for Subsequent LCP Amendment. Requests to amend the LCP to allow any highway project that does not meet these criteria shall not be filed absent supporting documentation that demonstrates (1) a comprehensive regional planning process has been conducted (based on thorough and up-to-date origin and destination

studies for the entire area) and has identified all feasible alternatives to the proposed project; (2) the project is necessary for addressing regional transportation needs; (3) all other feasible alternatives for meeting these regional transportation needs are exhausted, including: regional demand reduction (through measures such as reduced allowable zoning densities and encouragement of telecommuting); increased use of existing passenger and freight rail lines; improved transit service; more car-pool facilities; permanent signage and/or changeable message signs to encourage Highways 1 to 101 cross-over traffic to use less congested arterial roads east of Elkhorn Slough; identification of an east-of-Elkhorn bypass route to relieve the Santa Cruz-Salinas component of traffic demand; linkage of existing County roads west of Highway 1 to provide an alternative route for farm equipment movements; identification of a west-of-Highway 1 scenic byway linking existing County roads, to provide a bypass alternative for recreational traffic and improved access to Zmudowski State Beach; and encouragement of non-motorized transportation, especially through linking existing bikeways to complete the Monterey Bay Sanctuary Scenic Trail around the perimeter of the bay; (4) policies are incorporated to ensure that impacts to agricultural lands, environmentally sensitive habitat areas, including wetlands, from any additional projects allowed by the LCP amendment will be avoided, minimized and/or mitigated to the maximum extent feasible; and (5) an analysis of impacts to Agricultural lands, if the viability of existing agricultural uses is an issue, following the specific requirements of Coastal Act Section 30241.5.¹

LU-14.2 Upgrade and design Salinas Road interchange to address safety and protect coastal resources: Add a policy to the LCP as follows: To address ongoing safety and congestion problems at Salinas Road and Highway 1, the intersection should be upgraded by eliminating eastbound traffic queuing and left turns across the opposing lane of Highway 1. Project design should: (1) minimizing visual impacts by keeping any grade separation structure at the lowest elevation feasible and not projecting above the approximate original natural surface of the surrounding landscape; (2) maintain Highway 1 as a two lane road south of the new grade separation structure; (3) encourage smooth traffic flow in the directions of greatest demand (i.e., southbound and northbound on Highway 1, eastbound onto Salinas Road from Highway 1, and northbound from Salinas

¹ Coastal Act Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation:
 (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:
 (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.
 (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.
 For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.
 (b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the Executive Director of the commission.

Road to Highway 1); (4) accommodate bicycle, pedestrian and park-and-ride facilities as appropriate; (5) Protect wetlands to the maximum extent feasible and allow relocation of existing man-made features, such as adjacent settling ponds, to accommodate traffic lane connection and avoid unnecessary conversion of farm lands so long as the relocated features have the same or better wetland or riparian characteristics and functions within the same hydrologic system; (6) protect agricultural lands by having the minimum feasible footprint on cultivated agricultural lands, and fully mitigating for any loss of agricultural land; and (7) not induce growth or be larger than is necessary to accommodate the actual projected demand that can occur consistent with this Plan.

LU-14.3 Design Castroville interchange to address traffic safety and congestion:

Add a policy to the LCP as follows: Upgrade the Highway 156/Highway One and/or the Highway One/Molera Road intersections to provide a southbound off-ramp to Highway 156 northbound traffic prior to other Highway 183 congestion reduction projects. Highway 1 shall not be widened from two to four lanes north of the Highway 156 interchange. Intersection design(s) should be at the lowest elevation feasible; have the minimum feasible footprint on cultivated agricultural lands, and mitigate for the loss of agricultural land; incorporate bicycle, pedestrian and park-and-ride components; and not be growth inducing, i.e., no larger than is necessary to accommodate the actual projected demand that can occur consistent with this Plan.

LU-14.4 Ensure Highway 156 expansion is environmentally sound: Add the following to *North County Land Use Plan* policy 3.1.2.2 supporting expansion of Highway 156 to four lanes: "consistent with the resource protection policies of this plan. Such consistency shall include ensuring the project is aligned and designed so that: there is a reduction, or no net increase, in the amount of wetland fill as a result of the project; unavoidable erosion and siltation impacts are minimized; productive agricultural lands are avoided to the greatest extent feasible; and any reductions in agricultural lands, or negative impacts to agricultural operations on adjacent lands, are fully mitigated. Highway signage north of Marina shall encourage through northbound traffic to use Highway 101 via Highway 156 to reach northerly and easterly destinations."

LU-14.5 Allow rail improvements with mitigations: Add a policy to the LCP governing rail improvements that: a) requires retention of branch lines that serve Moss Landing (along Dolan Road), and from Castroville to the Monterey Peninsula along with their necessary supporting facilities and b) allows for all necessary improvements that will insure rail safety through the wetlands, including replacement of outmoded bridges; contingency plans for spills; restoration of wetland circulation by replacement of fills with causeways; and right-of-way and station enhancements needed for restored rail service to the Monterey Peninsula area. However, rail stations must comply with all Plan siting criteria and not be sited on agricultural land or sensitive habitats. New and replacement bridge and causeway structures crossing the Elkhorn Slough wetlands should be designed to incorporate pedestrian access, where consistent with protection of the NERR. Elsewhere, public access should be sought parallel to the rail right of way, and improvements such as fencing and warning signals installed where needed to protect public safety.

Notwithstanding *North County Land Use Plan* policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish these incidental safety improvements along the existing railroad alignments within the Elkhorn-Moro Cojo Slough system, and along the Castroville-Monterey branch line, is permitted provided all of the following circumstances apply, as applicable: the improvement is necessary to protect human life or property, or to protect or restore wetland or other natural habitat values; there is no feasible less environmentally damaging alternative to achieve restored or continued rail service; no significant disruption of habitat values will result, considering the local habitat system as a whole; no net loss of viable wetland or other environmentally sensitive habitat area will result in the local habitat system; the project will maintain or enhance the functional capacity of the wetland or estuary; feasible mitigation measures have been provided to minimize unavoidable adverse environmental effects; and, considering other alternatives including the "no project alternative," the project on balance is the most protective of significant coastal resources. Improvements that cannot meet this or other LCP resource protection policies will require LCP amendments.

LU-14.6 Limit industrial traffic generation: Amend *North County Land Use Plan* policy 4.3.6.F.3 to allow new agricultural facilities of an industrial nature in the Heavy Industry land use designation. Uses that can feasibly utilize rail transport and would otherwise generate substantial impacts on Highway One traffic should have priority for sites that are served by rail (i.e., the former National Refractories site and other locations along Dolan Road); All feasible traffic generation reduction measures shall be required of any new or expanded facility that would generate significant freight and employee traffic on the segment of Highway 1 between Castroville and Salinas Road. No expansions of agricultural facilities should be allowed if they would generate new traffic that would necessitate road improvements that involve wetland fill.

LU-14.7 Support regional transportation planning: Add an action to support and participate in initiatives for regional transportation planning, improved rail service, expanded transit service, demand reduction, and providing signing and other travel instructions that follow LCP objectives to the extent that resources allow.

g. Issue LU-14: Highway One and the Moss Landing Corridor

This subchapter addresses the following concern identified through issue scoping: **Ensure conflict between policies supporting Highway 1 & 156 widenings and not allowing wetland fill is resolved in a manner consistent with the Coastal Act.**

North County Land Use Plan contains provisions that apply specifically to Highway One. Additionally, the *Plan's* other resource protection policies would also apply to any project on Highway One. Policy 3.1.2.1 states:

Highway 1 should be widened on the existing alignment to four lanes of traffic with necessary left-turn lanes as soon as possible to serve increasing traffic volumes and provide safer and less congested traveling conditions. Barriers should be constructed between the northbound and southbound lanes where necessary to control traffic turns and increase traffic safety. The following criteria shall be met before approval of a permit for highway expansion:

- a) added lanes are needed to alleviate existing inadequate capacity and to facilitate safe access to developments with connections to the Highway and/or to Jetty or Moss Landing Roads.*
- b) any reconfiguration of the Elkhorn Slough highway bridge includes in its design the improvements identified in Table 2, item 12[pullout and shoreline accessway] as well as accommodating oil spill containment equipment.*
- c) mitigation for any adverse wetland impacts, approved by the Department of Fish & Game, has been included in the project and will be completed in conjunction with road construction such that the design does not require wetland fill.*

North County Land Use Plan Introduction to Circulation Section 5.2.2 states:

The primary transportation emphasis of the Coastal Act is to preserve highway capacity for coastal access and coastal dependent land uses. In this context the plan shows improvements to Highway One and recommends a reduction in the number [of] access points from the highway to minimize hazardous and congested conditions. Needed parking facilities are also proposed. Pedestrian access is discussed in item E. below and in Section 5.4.

North County Land Use Plan policy 5.2.2.A states:

Highway One should be improved as a four lane divided scenic highway. Access points to Highway One shall be consolidated and limited to Jetty Road, Dolan Road, Moss Landing Road and Potrero Road.

Other LCP policies address protection of wetlands and agricultural resources. For example, the *North County Land Use Plan* Policy 2.2.1 prohibits "to the fullest extent possible" any development that may adversely impact visual resources in wetlands areas. Policy 2.3.2.1 prohibits all development in wetlands, including grading, filling, and the construction of roads, unless it is a resource dependent use. Policy 2.4.2.2 specifically addresses filling in wetlands and limits this activity to "protection of public beaches, existing significant structures, coastal dependent development, and the public health and safety;" Policy 2.4.2.4 restricts diking, dredging and filling in Elkhorn Slough, Bennett/Struve Slough, and Moro Cojo Slough among others, to that which is needed to maintain or enhance their biological productivity. Policy 2.6.1 requires the "preservation of prime agricultural soils exclusively for agricultural use." Policy 2.6.2.1 requires that prime agricultural lands designated for Agricultural Preservation land use (such as those adjacent to Highway 1 north of Moss Landing) be preserved for agricultural use to the fullest extent possible. Policy 2.6.3.2 limits development in these lands to accessory buildings and uses required for agricultural activities; and Policy 4.3.1.E requires land designated Agriculture Preservation to be used exclusively for agricultural purposes and does not allow the development of non-agricultural facilities.

Other LCP policies generally relate to alternative transportation issues. For example, *North County Land Use Plan* Section 3.1 acknowledges that if transit is to help alleviate congestion a more comprehensive network is needed but mentions only bus and bicycle. *North County Land Use Plan* policy 3.1.3.5 generally recommends a program to provide public transportation as an alternative to automobile transportation. *North County Land Use Plan* policies 3.1.3.6 and 7 discuss providing and improving bicycle routes. Public transit (bus) is only generally addressed in the "Moss Landing Community Plan" Chapter 5. Rail is not specifically discussed, but some policies are somewhat applicable to rail safety and the risks of derailments at Elkhorn Slough. *LUP* policy 2.3.3.B.2 requires that activities be carried out to minimize impacts from..."biochemical degradation" and policy 2.3.3.B.8 prohibits oil and other toxics substances from entering or draining into the estuarine system and requires oil spill contingency plans. Development is allowed adjacent to an estuary only if it will not increase risk of oil or toxic discharge. *North County Land Use Plan* policy 5.5.2.4 provides that modernization and expansion of industrial facilities shall be compatible with circulation system capacities, planning objectives, and air quality; and, policy 5.5.2.6 calls for limiting access onto Highway 1 for the PG&E and Kaiser Refractories plants, with access preferred off Dolan Road.

In addition to State Highway Route 1, the primary regional road network in the North Monterey County coastal zone includes: Salinas Road to Hall Road, connecting to Highway 101 southbound via San Miguel Canyon Road; San Juan Road, leading from Watsonville to Highway 101; Highway 156, connecting Highway 1 and Castroville to 101, north- and east-bound; and Highway 183, leading from Castroville to Salinas, all

depicted on Map LU-14. The transportation network also includes the Union Pacific Railroad's main west coast (Portland-Los Angeles) rail line that runs through Elkhorn Slough, from Pajaro to Salinas, roughly paralleling Highways 1 and 101. In addition to its primary role for freight service, it is currently used for daily intercity (*Coast Starlight*) passenger service by AMTRAK, and capital improvements for extended CALTRAIN service from San Francisco to Salinas are well underway. A spur line runs from Castroville to Seaside, through Fort Ord seaward of the Highway 1 freeway. (See Map LU-14.)

Highway One between Salinas Road and Castroville is a rural two-lane road that winds through scenic, rich agricultural lands, the Elkhorn Slough wetland complex, and the Moss Landing community (see Map LU-14). At the time of LCP certification, the Commission noted that Highway 1 was congested and that demand from recreational traffic and the planned growth under the LCP would continue to strain the capacity of the transportation network. The policies cited above were adopted as a possible alternative to plans being promoted for a new freeway east of Highway 1 across the middle of the Slough (a proposal that is no longer active). In certifying the *North County Land Use Plan* in 1982, the Coastal Commission accordingly found that, while widening on Highway 1 was inconsistent with Section 30254 of the Coastal Act, such an alternative might be on balance more protective of coastal resources than retention of the proposed freeway alignment.

Since LCP certification two decades ago there have been a number of important changes in the region. For example, traffic volumes have increased, development patterns have changed, and experience and better scientific information have advanced our understanding of how to better manage the rich variety of coastal resources in the region, particularly the productive agricultural lands and the Elkhorn Slough wetland complex.

Relative to traffic volumes, for example, average daily traffic counts on Highway 1 at Dolan Road in Moss Landing went from 20,700 to 38,250 between 1982 and 2002, an increase of 85%.¹ According to background reports prepared for the 21st Century Monterey County General Plan update, portions of the major transportation corridors in the North County planning area, including Highway 1 from Santa Cruz south to State Route 156 (Castroville) and Highway 156 connecting inland Route 101 to the Coast Highway are congested and operating at level of service E or F during peak summer and commute hours.² As a result, traffic is also increasing on parallel arterial routes.

Caltrans engineers are concerned that future demand will overwhelm the capacity of the existing two-lane Highway 1, on the segment between Salinas Road and the Highway 156 junction (i.e., the "Moss Landing corridor"). Projections by traffic analysts--using recent growth rates and build-out at existing zoning densities--indicate that widening to 6 lanes (not just 4) would be needed, if Highway 1 is solely relied upon to provide for coastwise transportation needs. According to Caltrans traffic analysts, this segment of

¹ Caltrans, *1982 Traffic Volumes on State Highways Report*, pg. 5 and for current volumes: "Caltrans Traffic and Vehicle Data Systems Unit" website. See www.dot.ca.gov/hq/traffops/saferesr/trafdata. Note that this number is average for "ahead" and "back" traffic volumes at this location.

² See also Caltrans, *Project Study Report of Route 1 in Moss Landing*, July 2001 (pgs. 15-16).

Highway 1, while it serves interregional traffic (much of it tourist), is predominantly used by commuter traffic.³

Development patterns and changes that have likely contributed to this traffic situation since certification of the LCP include the establishment of a large marine research complex at Moss Landing, expansion of agricultural packing facilities along Highway 1, the draw of homeowners to northern Monterey and southern Santa Cruz Counties where land and home prices tend to be comparatively more affordable, and University and other developments associated with the conversion of Fort Ord. Rapid residential and commercial growth has particularly occurred in both the Watsonville and Salinas urban areas, which are connected by the North County road network. In addition, expansions of two major industrial-scale packing operations that rely on the Highway 1 Moss Landing corridor have been allowed, even though equally-suitable facilities sites served by rail are available nearby in Watsonville/Pajaro, at Castroville, and potentially along Dolan Road in Moss Landing. Heavy truck traffic entering and leaving the highway, as well as slower moving agricultural machinery, are often cited by traffic engineers as aggravating traffic flows and increasing safety risks.

Some projects that address safety and congestion issues have been initiated since LCP certification on Highway 1, while maintaining its two-lane character. These have included new left turn pockets at Salinas Road, Jensen Road, and the Capurro packing plant along with a median turn lane south of Jetty Road, a right turn lane at Moss Landing Road, two park-and-ride facilities, and transit bus stop improvements. Monterey-Salinas Transit (MST) now runs buses between Watsonville and Salinas every half-hour and between Watsonville and Monterey five times per day. A transfer is required to get to the CSU Monterey Bay campus.⁴ The Association of Monterey Bay Area Governments (AMBAG), in conjunction with the Santa Cruz County Regional Transportation Commission, sponsors Commute Solutions to facilitate ride sharing, van pooling, and other measures to reduce single-occupancy vehicle use throughout the Monterey Bay region.

Caltrans and TAMC (Transportation Agency of Monterey County) continue to favor widening Highway One in the long-term, but other projects have assumed higher priority.⁵ For example, constructing the Prunedale bypass on Highway 101 is the top priority transportation project in the County. The other main focus has been on improving the Salinas Road/ Highway One interchange. Also, State Transportation Improvement Program (STIP) funds have been allocated for advance analysis of widening Route 156 to four lanes and modifying the Routes 1/183 interchange. Both projects have some limited potential for congestion relief on the two-lane segment of Highway One. Recommendation LU-14.4 provides direction for addressing Highway 156 expansion in a manner consistent with the Coastal Act.

³ Ibid., pg. 3.

⁴ See <http://www.mst.org/>.

⁵ TAMC, 2002 *Regional Transportation Plan*, shows widening Highway One as an unfunded project over the next 20 years.

The Salinas Road interchange at Highway 1 has been a significant concern for a number of years because of the high incidence of serious collisions that occur at this intersection.⁶ Long lines of southbound vehicles waiting to make left turns onto Salinas Road not only tend to congest Highway 1, but probably contribute to higher overall traffic volumes through the Moss Landing corridor. The primary challenge is how to improve safety without inducing unwanted growth or inducing future widening of the rural, two-lane segment of Highway 1 south of the Salinas Road intersection.

Improvement of the Salinas Road junction to a grade-separated interchange—as currently planned by Caltrans—will, if properly configured allow a smooth flow of traffic onto Salinas Road, thereby eliminating both the congestion and the safety issues. Highway 1 (via Castroville and Highway 183) and Salinas Road (via San Miguel Canyon Road and Highway 101) represent almost equidistant routes for southbound traffic to move from Santa Cruz County to Salinas. Therefore, it can be expected that congestion in the Moss Landing corridor, and the pressure to widen the current rural two-lane Highway 1, will be at least partly reduced by the proposed Salinas Road interchange. In other words, by making it easier to go east around Elkhorn Slough wetlands, it will help relieve any perceived need to fill the wetlands (for highway widening) along Highway 1 as it crosses the same wetlands to the west. Recommendation LU-14.2 provides direction for improving this intersection in a manner consistent with the Coastal Act.

A little further to the south at the 1/183 interchange, the local redevelopment agency has taken the lead in advancing transportation planning following Caltrans' preparation of a Project Study Report for that intersection. Currently, the County is working with Castroville to develop a community plan as part of the 21st Century Monterey County General Plan update. Priorities for the Castroville plan include the elimination of the hazards of crossing Highway 1 onto Highway 183 into Castroville and the reduction of congestion through downtown by building a 183 bypass southwest of town, with an underpass from southbound Highway 1 to 183 adjacent to the Tembladero Slough as phase 1. This would require Slough armoring under the Highway 1 bridge, including floodwalls. Future phases of the project would include the filling of a significant portion of the historic Tembladero Slough flood plain and moving a portion of the current low flow channel south to accommodate the road. Such a proposal conflicts with several resource protection policies in the LCP and would confound ongoing planning efforts to find solutions to the flood and water quality problems within this drainage system. Additionally, for traffic to/from Salinas, such a bypass would have the potential to further induce congestion in the Highway 1 Moss Landing corridor. Recommendation LU-14.3 provides direction for addressing these issues in a manner consistent with the Coastal Act (see also Issues CH-12: Tembladero Slough and WQ-6: Watershed Planning).

In addition there are complementary alternative transportation initiatives that are receiving increased attention such as planning the Monterey Bay Sanctuary Scenic Trail (MBSST), which will fill in the often-lengthy gaps in the pedestrian and bicycle trail system parallel to the shoreline of Monterey Bay (see Issue PA-11). Also, hearings are currently being held regarding the implementation of extended Caltrain service from

⁶ Caltrans, *Project Study Report of Route 1 in Moss Landing*, July 2001, pg. 20, for example.

Gilroy to Salinas, along the existing Union Pacific mainline through Elkhorn Slough. At present, the majority of Santa Cruz County-Salinas travelers crowd the Highway 1 corridor. Resurrection of the historic station stop at Pajaro Junction—proposed in conjunction with the Caltrain extension--would provide a very attractive non-automotive alternative from Watsonville to Salinas. Another active passenger rail effort would restore service to the Monterey Peninsula, along the route of the pre-Amtrak era Del Monte Express. The rail line remains intact from its junction near Moro Cojo Slough through the former Fort Ord, and a demonstration rail excursion has already been completed. Finally, a study was prepared evaluating around the Monterey Bay rail service, but was shelved because SCCRTC did not favor rail service within Santa Cruz County.

Accordingly, while highway improvements have been installed and transportation planning has advanced, there is still a critical need for a comprehensive regional approach that carefully protects agricultural and wetland resources as well as the rural community character (see Recommendations LU-14.8 and LU-14.9). The challenge is how to meet regional transportation needs, while avoiding further congestion of Highway 1 and following Coastal Act mandates of maintaining the rural portions of Highway 1 as a scenic two-lane road, providing pedestrian and bicycle amenities, avoiding wetland loss while restoring the functions of the Elkhorn Slough complex, and keeping the maximum amount of existing farmland in production.

All these mandates, except the first, are embodied in parallel LCP policies. Application of these LCP policies, collectively, would preclude substantial widening of Highway One. The cited other LCP policies that say that Highway One “should” be widened to four lanes do not guarantee the widening because they are not mandatory, Policy 3.1.2.1 does not allow wetland fill, and Policy 4.3.5.9 requires all public development to conform to plan policies and meet the plan’s resource protection standards. However, by having these four-lane policies in the LCP, some ambiguity results.

It would be necessary for the County to submit an LCP amendment if it ever wanted to resolve the ambiguity in favor of actually allowing widening of Highway One to four lanes. Such an amendment request would not be consistent with the cited Coastal Act policies. In 1982, the Coastal Commission was able to find for the possibility of Highway One widening based on the balancing provision of the Coastal Act (Section 30007.5) that it was the only alternative to a more damaging outdated freeway proposal across the middle of Elkhorn Slough.⁷ A similar line of reasoning could not now apply to a request to actually allow the widening, from two perspectives. On the one hand, there is a host of other alternatives to four-laning Highway One to consider alone and in combination. And, on the other hand, the required Section 30007.5 argument that four-laning would be on balance more protective of the environment is not the case. Especially, with the establishment of the Elkhorn Slough Natural Estuarine Reserve, Monterey Bay National Marine Sanctuary (MBNMS), and related wetland and water quality preservation efforts,

⁷ Coastal Act Section 30007.5 provides that in applying all of the Act’s policies any “conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.” This means, for example that broader policies which, “serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies”

protection of the wetland complex is now the broader environmental good and the wetlands will be adversely impacted from expansion of the roadway to four-lanes.

In fact what would be best for the environment and supportable under the Coastal Act is reducing impacts from the existing road. Highway 1 crosses extensive wetland areas on fill prisms, which—along with tidegates at Moro Cojo Slough and Bennett Slough/Struve Pond--displace wetland acreage and interfere with natural tidal circulation. Clearly, carefully designed replacement of such fill with bridges and causeways, or realignment of the highway to minimize impingement on wetlands, could be a great benefit to the health of the Elkhorn Slough wetland system. Because even bridge and causeway piers can be defined as "fill," the existing LCP standard of no fill is essentially unworkable. Also, policy 5.2.2.A to limit access points to Highway One would not allow other intersection improvements that could be part of an improvement package that retains a two-lane highway.

What then can and should happen in this corridor? As suggested, a variety of Highway One related improvements can be made that do not conflict with Coastal Act policies and may even result in some resource improvement. Recommendation LU-14.1 includes criteria for approving such projects (see also Recommendation LU-11.2 to update the Moss Landing Community Plan).

To further address existing and projected congestion involves capacity increases and/or demand reduction. On the capacity increase side, Caltrans already is proceeding with plans for a major, costly improvement of Highway 101, as noted. Making that and other improvements on the roadway network, along with changes to signing and other means of directing travelers throughout the region would afford those who would currently use Highway One through Moss Landing an option to avoid its congestion. Recommendation LU-14.13 addresses signing to help achieve Coastal Act objectives. Of course, there may be various financial, environmental, social, and other constraints to completing this approach and it is beyond the Coastal Commission's purview to mandate it. But if the goal is to increase road capacity to relieve Highway One congestion, there is an alternative to widening the Moss Landing corridor to four lanes.

This approach of capacity increases elsewhere serves to reduce demand to use the Moss Landing corridor. Other demand reductions involve altering travel choices, such as carpooling, van pooling, staggering work hours and telecommunication. These options are already being promoted by SCCRTC and AMBAG to some extent, but not by specifically focusing on Highway One single-occupancy vehicle use. Recommendation LU-14.12 suggests that such specific targeting occur. Also, Recommendation LU-14.6 suggests an approach to limit industrial traffic generation. . Finally, demand reduction can be achieved by providing alternative transportation. At least in the short run given current societal preferences, providing alternatives through this corridor might not greatly reduce motor vehicle and hence congestion, but they would offer choices. Such choices could prove attractive to those travelers using the corridor for recreational purposes, which is consistent with Coastal Act objectives.

The four main alternatives, which to some degree already exist and which are being planned for some level of improvement, are pedestrian paths, bicycle routes, buses, and trains. The former two are further discussed under Issue PA-11: Coastal Trail System. As noted, while there is some support in the LCP for improved bus service, there is little that encourages rail use and protects its rights of way.⁸ Rail comprises an important part of the regional and national transportation system. A little-appreciated role of the region's rail lines is their tremendous freight transport capacity, and therefore their potential to relieve truck traffic loading on the Highway 1 corridor. Better utilization of the rail lines for both passenger and freight service would provide an alternative to motor vehicle use of Highway 1. This will require improvements to the tracks, which is addressed under Recommendations LU-14.5 and LU-14.10 (see also Recommendation LU-15.3 to provide a train station in Fort Ord).

All rail lines eventually fail, due to differential settling, saltwater corrosion, boring worms, etc., and railroads that cross wetlands are more prone to failure than elsewhere. Railroad locomotives and tank cars carry immense amounts of fuel oil, corrosive chemicals, etc. A single derailment accident can cause more harm to a wetland or stream than any number of other disturbances and Elkhorn Slough is very vulnerable. The LCP policies need to anticipate the need to maintain and improve the lines and include policies to guide such improvements in a manner consistent with the Coastal Act. The best strategy for protecting coastal resources is to minimize risk, by maximizing safety improvements. Recently, Union Pacific, at the urging of the Elkhorn Slough National Estuarine Research Reserve and the Reserve Advisory Committee, replaced the railroad bridge crossing the Parsons Slough, in order to prevent additional undermining and destabilization of the rail line there. However, the remaining rail line through the Elkhorn Slough wetlands is also in need of continued maintenance, which may result in at least some wetland impacts that would be prohibited by Policy 2.3.2.1. The LCP language should be revised consistent with Coastal Act Section 30233. Far worse impacts may occur if there is a derailment at any point along this subsiding wetland fill, and the Coast Starlight or a long line of tank cars dumps into the slough. While an alternative to double-track the existing single-track rail through the slough would avoid or minimize risk, under the Coastal Act, a parallel track could not be allowed on wetland fill. Instead, any such added rail line would need to consider siting on a causeway, with removal of existing wetland fill and restoration of more normal circulation. For such additional improvements that cannot be found consistent with Section 30230, the County

⁸ The policies seem to address new development of rail facilities but are less clear on ongoing activities. A *Joint Oil Spill Contingency Plan* was developed for Santa Cruz and Monterey Counties in 1991 and updated since then. The original (1991) Joint Oil Spill Contingency Plan was developed for both counties through a grant from OSPR. Subsequent updates were managed by each individual County, and were incorporated into the Federal US Coast Guard Central Coast Area Contingency Plan, since it dealt with more specific details of oil spill response for all areas of concern within each county. Monterey County participated in a mock oil spill drill in the Slough in 1999 and another drill in 2000. The Coast Guard developed a specific response plan for the Slough in 1998-99. These plans address emergency, not chronic, situations and not operations that can affect the Slough on a day-to-day basis. Therefore, to address daily rail traffic Elkhorn Slough resource protection managers sought out information from Union Pacific regarding maintenance of UPRR rails over the Slough. A workshop was held involving Elkhorn Slough National Estuarine Research Reserve (ESNERR) and Union Pacific, for the latter to explain its maintenance activities and inspection schedules. In response ESNERR plans to increase monitoring and communication with Union Pacific.

would need to submit an LCP amendment request and the Coastal Commission would have to determine if citing the balancing provision of the Coastal Act could justify an approval.

Enhanced transit service will require the cooperation of all those who now plan and/or provide such service as well as coordination with the demand reduction initiatives noted above (e.g., SCCRTC and AMBAG's Commute Solutions). Recommendation LU-14.11 addresses the desirability of this coordination.

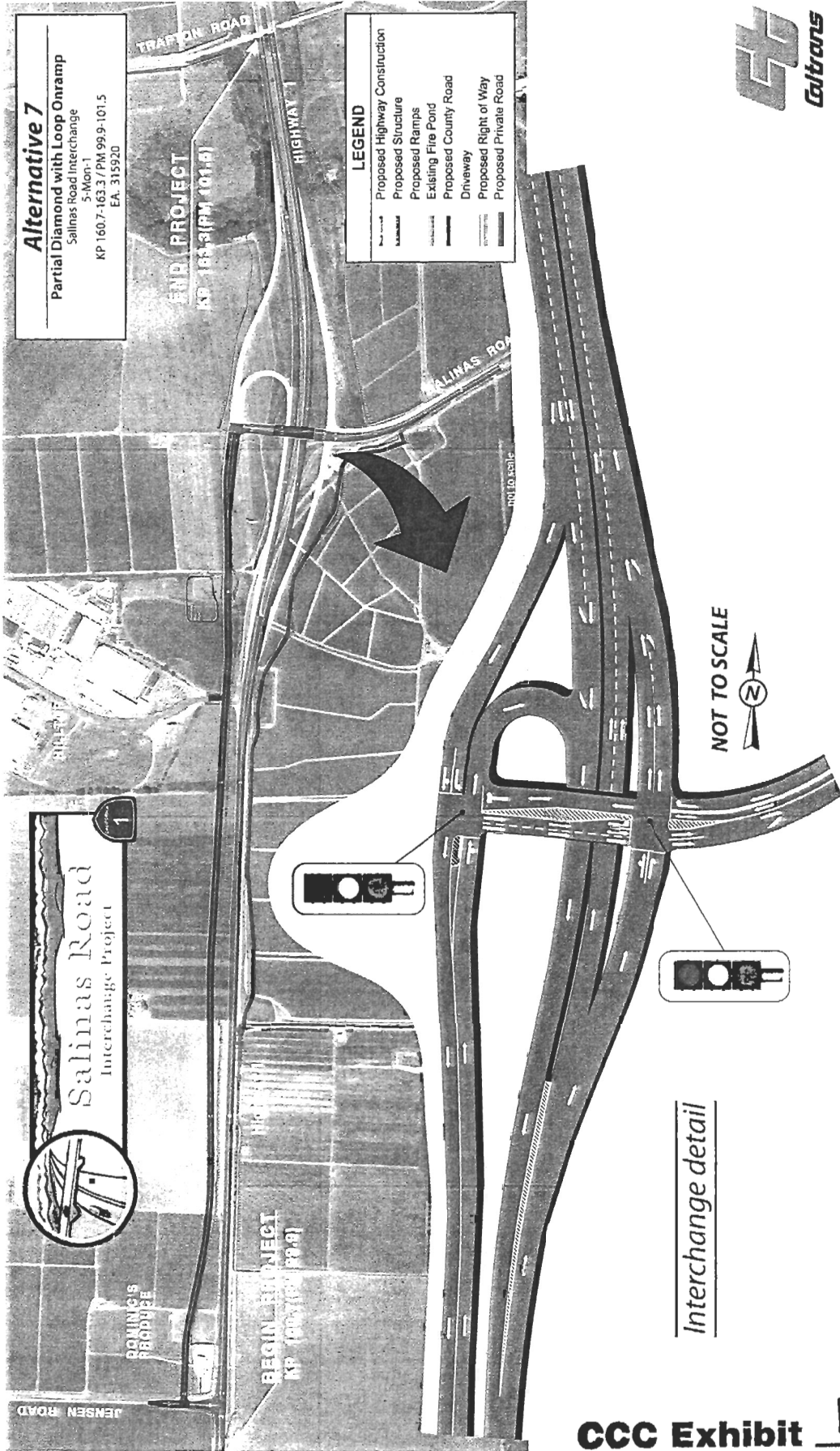
Finally, to ensure safe travel for visitors as well as other users, certain improvements to the existing highway could likely pass muster. As discussed in under Issue LU-13: Big Sur Coast Highway Management Plan, the Coastal Act itself allows for incidental fill of wetlands provided there is mitigation and the LCP currently lacks similar provisions.⁹ Such improvements could include paved turnouts and pullouts; access control, with frontage roads for improved farm and packing plant access; appropriate grade separations; alignment of Dolan Road with the Moss Landing Road intersection;¹⁰ and other measures. Some of these measures might require work in wetlands beyond what would be allowed under Section 30233 alone or work in agricultural lands, archaeological sites, or other sensitive habitats that would not be consistent with LCP policies and by extension Coastal Act provisions. Such proposals should be considered through LCP amendments, where potential conflicts between Chapter 3 policies may be resolved. Such projects would likely need to include compensatory mitigation and be accompanied by more information on the project need and the feasibility of alternatives.

In conclusion, growing traffic demand and congestion underscore the need to plan for growth and transportation in a regional context consistent with Coastal Act mandates, and, hence, to identify and implement feasible alternatives to widening rural Highway 1 through the Moss Landing corridor. Moreover, successful implementation of the 21st Century Monterey County General Plan update goal of concentrating growth in community and rural service centers, while maintaining the scenic two-lane rural

⁹ As noted in the footnote regarding Consistency Certification No. CC-058-01 above, based on past interpretations, the Commission has found fill for the expansion of existing roadways and bridges may be considered to be an "incidental public service purpose" if: (1) there is no less damaging feasible alternative; (2) the fill is undertaken by a public agency in pursuit of its public mission; and (3) the expansion is necessary to maintain existing traffic capacity. An important question raised in the case discussed is the applicability of this interpretation to transportation infrastructure other than roads and bridges, such as the construction of a "safety area" at the end of an airport runway. One such case was a light rail train mass transit proposal in San Diego (CC-64-99), where a bridge support piling was located in a wetland. The Commission determined that the proposal was not an allowable use under Section 30233 because the purpose of the project was not to maintain existing capacity but rather to expand the capacity of the light rail service by extending it to a new area.

¹⁰ According to conversations with Highway Patrol officers, the worst intersections in this area, in terms of accident potential, are at Salinas Road and Dolan Road, followed by the Highway 183 intersection at Castroville, the Capurro packing plant entrance at Bennett Slough, and the northern Struve Road intersection at the Beacon station. Additional locations with recorded fatalities and/or high potential for additional injury accidents are Springfield Road at the Moss Landing School entrance and at Moss Landing Road. Each of these dangerous intersections, however, can be eliminated or improved in a way that does not require Highway 1 to be configured as a four-lane thoroughway. Grade separations would alleviate each of these intersection hazards, although in the cases of Dolan Road and Struve Road some frontage road and/or realignment work would be needed. With the abandonment of the National Refractories plant, realignment of the Dolan Road intersection becomes feasible incident to any reuse of the site. Such realignment, along with a grade separation, is also highly desirable for consolidation with Moss Landing Road and correction of two very dangerous intersections.

character of Highway One in the Moss Landing/Castroville area, will also require carefully integrated transportation planning to support these multiple objectives. A key ingredient for this planning is to conduct and then make use of a more thorough investigation of traffic origin and destination than has been completed to date.



Preferred Alternative 7



5/2