

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

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Filed:	December 16, 1996
90th Day:	January 15, 1997
Staff:	Jack Liebster and Bob Merrill
Staff Report:	December 27, 1996
Meeting of:	January 9, 1997
Commission Action:	

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Steve Scholl, North Coast District Director
Robert Merrill, North Coast District Manager
Jack Liebster, Coastal Planner

SUBJECT: COUNTY OF SAN MATEO LCP AMENDMENT NO. 1-96 (Devils Slide Tunnel Initiative), (For public hearing and Commission action at the January 9, 1997 meeting in Los Angeles)

SYNOPSIS

Amendment Description

The proposed amendment would amend the LUP portion of the certified San Mateo County Local Coastal Program. Current LUP policies call for the construction of a two-lane bypass on State Highway 1 around Devils Slide to permanently resolve the frequent land sliding and road closure problems plaguing Highway One in the Devil's Slide area between Half Moon Bay and Pacifica. The proposed LUP amendment would substitute a tunnel for the bypass and would prohibit any other alternative, except repair or reconstruction of the existing roadway. Specifically, the amendment would amend existing Policy 2.50(b), which specifies limitations on Phase 1 improvements on State Route 1, to delete the reference to a two-lane bypass, and to provide instead for construction of a tunnel for motorized vehicles only behind Devils Slide through San Pedro Mountain. This amendment further provides that the tunnel design shall be consistent with Coastal Acts limits restricting Route 1 to a two-lane scenic highway and minimum state and federal highway standards. Existing Policy 2.54(b), which specifies roadway alignments, would be amended to delete the reference to a two-lane bypass with a preferred alignment in the area of Martini Creek, and to provide instead for the construction of a tunnel behind Devils Slide through San Pedro Mountain. The amendment would prohibit construction of any part of Highway One to be used by motor vehicles on any alignment that bisects Montara State Beach state park, except along the current Route 1 alignment. Finally, the amendment would amend Policy 2.56(b) to require, as part of the construction of a tunnel, that CalTrans construct a bicycle and pedestrian trail outside the tunnel.

Summary of Staff Recommendation.

Staff recommends that the Commission, upon completion of the public hearing, approve the LUP Amendment as submitted. The staff's analysis compares the proposed policy calling for the development of a tunnel to two other broad alternatives for permanently solving the Devil's Slide problem considered in the past: a bypass as permitted under the current LCP, and the Marine Disposal Alternative (MDA) which entails reconstruction of Highway One in approximately the existing alignment through excavation of the slide area and placement of the material on the ocean floor to form a buttress for the roadbed. The analysis concludes that the amendment providing for the tunnel is less environmentally damaging than either the bypass or MDA, and is consistent with the Coastal Act and CEQA requirements.

Analysis Criteria

To approve the amendment to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

Additional Information

For additional information about the proposed Amendment, please contact Jack Liebster and Robert Merrill at the North Coast Area office at the above address, or by phoning (415) 904-5260. Please mail correspondence to the Commission to the same address.

Staff Note:

1. Other Commission Approvals

The approval of the proposed LCP amendment sets the framework for future consideration of a tunnel behind Devil's Slide. Selection and approval of a specific tunnel project will require, in addition to preparation of the normal EIR/EIS process, a Coastal Development Permit from San Mateo County, and possibly Commission concurrence with a Federal Consistency Certification.

I. STAFF RECOMMENDATION FOR THE LCP AMENDMENT.

Staff recommends that, following a public hearing, the Commission adopt the following resolution and related findings:

A. APPROVAL OF THE LUP AMENDMENT AS SUBMITTED.

The resolution is properly introduced by the following motion:

"I hereby move that the Commission certify Amendment No. 1-96 to the Land Use Plan portion of the County of San Mateo Local Coastal Program as submitted by the County."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION I:

The Commission hereby certifies Amendment No. 1-96 (Devils Slide Tunnel Initiative) to the Land Use Plan portion of the County of San Mateo's Local Coastal Program for the reasons discussed in the following findings on the grounds that, as submitted, this amendment and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Coastal Act Section 30625(c), and approval will not have significant environmental effects within the meaning of the California Environmental Quality Act.

B. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED.

1. Amendment Description

In the election of November 5, 1996, the voters San Mateo County voted overwhelmingly to pass Measure T, the Devil's Slide Tunnel Initiative. The initiative proposed a change to the San Mateo County Local Coastal Program to substitute a tunnel alternative at Devil's Slide south of Pacifica in place of a bypass on Highway One, as a permanent solution to the frequent closures of the Highway due to continual rock and mud slides at Devil's Slide. Although some of the closures have been of relatively short duration, others have been for months, most recently in the winter of 1995-1996, when the highway was closed for several months. When Highway 1 is closed, travelers to Pacifica, San Francisco and other points north from Half Moon Bay and other locations south of Devil's Slide must crowd onto State Highway 92 and climb over the coastal mountains to to Interstate 280 and other roadways heading up the Peninsula (see Exhibit 1). Under such conditions, Highway 92 becomes overloaded, causing delays during peak periods. During the Highway One Closure of 1995-1996, travel times for local commuters commonly increased by over an hour each way, and involved a great deal of time inching through dense traffic. The traffic nightmare greatly impeded the general public's ability to access the coastal area which in turn had a devastating impact on the economy of the San Mateo County MidCoastside. Many visitor-serving establishments and other business were forced to go out of business.

The full text of the Devil's Slide Tunnel Initiative is included in Exhibit 3. The proposed amendment to the San Mateo County Local Coastal Program (LCP) included as part of the Tunnel Initiative is an amendment to the Land Use Plan policies of the LCP. The current policies of the Land Use Plan allow construction of a two-lane bypass on State Highway 1 around Devils Slide, with slow vehicle lanes on uphill grades, and designate the Martini Creek alignment as the preferred alignment for a bypass. This LCP amendment would substitute a tunnel for the bypass and would prohibit any other alternative, except repair or reconstruction of the existing roadway, unless approved by a vote of the electorate.

The text of the proposed amendment follows. Existing policy language to be deleted is shown with strike-throughs, and replacement or new language is underlined.

ROADS

The County will:

2.48 Capacity Limits

- a. Limit expansions of roadways to capacity which does not exceed that needed to accommodate commuter peak period traffic when build-out of the Land Use Plan occurs.
- b. Use the requirements of commuter peak period traffic as the basis for determining appropriate increases in capacity.

2.49 Desired Level of Service

In assessing the need for road expansion, consider Service Level D acceptable during commuter peak periods and Service Level E acceptable during recreation peak periods.

2.50 Route I and Route 92 Phase I Capacity Limits

- a. On Route 92, limit Phase I improvements to: (1) slow vehicle lanes on uphill grades, and (2) the following operational and safety improvements within the existing alignment or lands immediately adjacent; elimination of sharp curves, lane widening, wider shoulders to allow passage for emergency vehicles and signals at major intersections.
- b. On Route 1, limit Phase I improvements to: (1) slow vehicle lanes on uphill grades and the following operational and safety improvements within the existing alignment or lands immediately adjacent; elimination of sharp curves, lane widening, wider shoulders to allow passage for emergency vehicles and signals at major intersections, and (2) construction of a tunnel for motorized vehicles only behind Devil's Slide through San Pedro Mountain. The tunnel design shall be consistent with (a) Coastal Act limits restricting Route 1 to a two-lane scenic highway, and (b) minimum state and federal tunnel standards. A separate trail for pedestrians and bicycles shall be provided outside the tunnel as specified in Policy 2.56 a.

2.51 Route 84 Phase I Capacity Limits

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2.52 Phase I Monitoring

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2.53 Timing and Capacity of Later Phases

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2.54 Roadway Alignments

- a. For Route 92 and 84, use the existing alignment when increasing roadway capacity, unless it can be proven physically and economically infeasible, or if use of the existing alignment would be environmentally more damaging than an alternative route.

b/ For Route 1, allow construction of a two-lane bypass with slow vehicle lanes on uphill grades around Devil's Slide. The County's preferred alignment is in the area of Martini Creek which bypasses Devil's Slide and rejoins the existing Route 1 north of Montara. Recommend that this bypass be given top priority for any State funds for new road alignments in the Coastal Zone.

- b. For Route 1, allow construction of a tunnel behind Devil's Slide through San Pedro Mountain. The tunnel should be given high priority for Federal and State highway funds. Until a tunnel is completed, the State should maintain and repair the road on the existing alignment. No part of Route 1 used by motor vehicles shall be built on any alignment that bisects Montara State Beach, including the "McNee Ranch Acquisition" except along the current Route 1 alignment. Any alternative to the tunnel, except the repair and reconstruction of the existing road, shall require approval by a majority of the voters of San Mateo County.

- c. Require that the roadway improvements be consistent with policies of the Local Coastal Plan, particularly the Sensitive Habitats and Agriculture Components.

2.55 Preferential Treatment for Buses

Require that CalTrans provide preferential treatment for buses at congested locations, such as the intersection of Routes 1 and 92, in accordance with the Transit Policies of this Component.

2.56 Improvements for Bicycle and Pedestrian Trails

- d/ Require, if funds are available, that CalTrans provide adjacent or separate facilities for bicycle and pedestrian trails in accordance with the policies of the Recreation and Visitor Serving Facilities Component and the County Bikeways Plan.
- a. Require, if funds are available, that CalTrans provide adjacent or separate facilities for bicycle and pedestrian trails in accordance with the policies of the Recreation and Visitor Serving Facilities Component and the County Bikeways Plan. If a tunnel is constructed behind Devil's Slide, require as part of the project that CalTrans construct a bicycle and pedestrian trail outside the tunnel.
- b. Require, as a minimum, that CalTrans provide adequate right-of-way on new or expanded roadways to allow the future development of bicycle and pedestrian trails in accordance with the policies of the Recreation and Visitor Servicing Facilities Component and the County Bikeways Plan.

2.57 Protecting Road Capacity for Visitors Through Transportation System Management Techniques

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The specific changes made by the amendment include the following. First, existing Policy 2.50(b), which specifies limitations on improvements on State Route 1 within the San Mateo County coastal zone, would be amended to delete the reference to a two-lane bypass around Devil's Slide, and to provide instead for construction of a tunnel for motorized vehicles only behind Devils Slide through San Pedro Mountain. The policy would also be amended to provide that the tunnel design shall be consistent with Coastal Acts limits restricting Route 1 to a two-lane scenic highway and minimum state and federal highway standards. Second, existing Policy 2.54(b), which specifies roadway alignments for a Devil's Slide bypass, would be amended to delete the reference to a two-lane bypass with a preferred alignment in the area of Martini Creek, and to provide instead for the construction of a tunnel behind Devils Slide through San Pedro Mountain. With regard to any future modification of Highway One in the area, the amendment to Policy 2.54(b) prohibits reconstruction of any portion of the highway to serve motor vehicles along any alignment that bisects Montara State Beach, including the McNee Ranch acquisition, except along the current Route 1 alignment. Montara State Beach is a state park that includes not just a beach, but much of the adjoining coastal mountain area. Finally, the initiative would amend existing Policy 2.56(b), which specifies improvements for bicycle and pedestrian trails, to require, as part of the construction of a tunnel, that CalTrans construct a bicycle and pedestrian trail outside the tunnel.

The Tunnel Initiative specifies that Measure T shall not be repealed or amended without voter approval.

2. History

In 1937, the Highway One was constructed across Devil's Slide, and road closures due to sliding problems have continued since then. Between 1937 and 1951 the road was closed for a total of 218 days. In 1958, the State Division of Highways began studying bypass alternatives, and in the early 1960's CalTrans selected and began to implement a new route for Highway 1 that it then termed the "Adopted" alignment: a multi-lane, high-speed, limited-access freeway to bypass not only Devil's Slide, but the communities of Montara and Moss Beach as well. CalTrans purchased much of the right-of-way and drew up construction plans. At that time, the General Plan for San Mateo County then envisioned a coastside population of over 140,000 by the year 2000.

In the early 1970's, NEPA (National Environmental Policy Act) and CEQA (California Environmental Quality Act) became law. The Sierra Club and several other organizations filed a lawsuit pursuant to NEPA and CEPA in 1972, and the U.S. District Court enjoined further project development pending preparation of an Environmental Impact Report. CalTrans subsequently began an EIR, but later suspended the EIR work due to lack of funds for the project. In the meantime, the Coastal Commission was formed, and in 1976 the Local Coastal Program process was initiated.

In 1981, the Coastal Commission certified San Mateo County's Local Coastal Program (LCP), which provided overall limits to build-out of the portion of the project area within the County's jurisdiction, consistent with public service capacity constraints and coastal resource protection. The LCP then anticipated a Phase I build-out population of less than 30,000 by the year 2000, an 80% reduction over than envisioned at the time the bypass route was initially adopted. The LCP recognized the geologic problems at Devil's Slide and provided for a 2-lane bypass with uphill passing lanes in a new "preferred alignment" in the area of Martini Creek, rejoining existing Route 1 north of Montara. Because the bypass was not being actively pursued at the time of LCP certification, it was not a subject of major controversy during the Commission's public hearings on the LCP. However closures of the existing road continued, bringing the total to 22 closures occurring between 1973 and 1983. Public sentiment for a solution was intensified by 238 days of closure in 1980, fueled further by a 3 month closure caused by the winter storms of 1982-83.

In 1983 CalTrans resumed preparation of its bypass EIR. The project then appeared in the STIP (State Transportation Improvement Program), and State funding was committed for the bypass. This funding was subsequently dropped when Federal emergency legislation passed providing \$50 million in federal funds to resolve the Devil's Slide problems. This legislation provided that the funding would expire if funds were not committed and necessary approvals were not received by September 1986.

In 1983 and 1984, CalTrans held public hearings on the Draft EIR for a predominantly 4-lane bypass along the "Adopted" alignment. CalTrans published the Final EIR (FEIR) in January 1985. On April 18, 1985 the County adopted and submitted to the Coastal Commission Land Use Plan amendments authorizing a 6.8 mile long, predominantly 4-lane Devil's Slide bypass along the "Adopted" alignment preferred by CalTrans. On two occasions in 1985 the Commission denied such requests by San Mateo County to amend its Local Coastal Program (LCP) to incorporate the alignment preferred at that time by the California Department of Transportation (CalTrans). On June 27, 1985 the Commission denied the County's amendment request. On August 14, 1985 the Commission waived the time limit for resubmittal and the County subsequently resubmitted the proposed Land Use Plan amendments. On September 25, 1985 the Commission again denied the County's amendment request.

On November 21, 1985 CalTrans circulated a Supplemental EIR (SEIR) for a revised project: a 3-lane bypass with 30 ft. wide vehicle recovery areas along the Martini Creek alignment. On December 23, 1985 CalTrans submitted a request for a ruling by the Commission on that project under the federal consistency provisions, and requested that the item be scheduled at the February Commission meeting. The Commission on February 11, 1986 approved a consistency certification for a 4.5 mile long, 3-lane Devil's Slide bypass with 30 ft. wide vehicle recovery areas and 49 ft. wide vehicle retention lanes, along the Martini Creek alignment, between the southern boundary of the City of Pacifica and the northern boundary of the community of Montara, San Mateo County, finding this consistent with the certified LCP provision for a Devil's Slide bypass along the "Martini Creek" alignment with a maximum of two lanes uphill passing lanes.

Subsequent to approval of the Consistency Certification, lawsuits were filed against CalTrans challenging the adequacy of the environmental documents prepared for the proposed bypass project. This litigation, is not completely resolved to this day.

In the winter of 1995-1996, landslide activity closed the Highway at Devil's Slide for several months, resulting in devastating impacts on tourism and the local economy. Public pressure for a solution to the Devil Slide problem grew to new heights and at about this time proponents for building a tunnel as a permanent solution to Devil's Slide presented information to County and state officials supporting the viability of a tunnel. After numerous calls were made for an independent analysis of the feasibility of constructing a tunnel, CalTrans hired Woodward-Clyde consultants to prepare such a study. The August 1996 study concluded that development of a tunnel was feasible. A citizens group qualified a ballot initiative for the November 1996 election that became known as the Tunnel Initiative, which proposed the subject amendment to the LCP.

3. Alternatives for Permanent Solution to Devil's Slide Road Closures

The proposed amendment would change LCP policies regarding what the permanent solution to the problem of frequent closures of Highway One should be. As proposed, the amendment calls for building a tunnel through San Pedro Mountain instead of building an overland bypass around Devil's Slide, as is called for by the existing LCP policies.

CalTrans has long sought a permanent solution to the Devil's Slide problems because of the high maintenance costs and periodic road closures. Continued instability is threatened due to active cliff retreat, an active slide plane, water, wind and wave erosion, a highly fractured underlying rock formation, and the proximity of two active faults: the San Andreas Fault 5 miles to the east and the Seal Cove Fault 1.5 miles offshore to the west. CalTrans' EIR notes that this earthquake potential could trigger a massive landslide and that "Indications suggest that eventually Route 1 will be closed permanently if major improvements are not made." When Highway 1 is closed, in order to travel to the San Francisco Bay area local residents must crowd onto Route 92 (Exhibit 1), which then becomes overloaded, causing delays during peak periods. In addition, businesses relying on recreational traffic suffer during closures of Highway 1.

Over the years, three principal alternatives have been proposed by various parties as a permanent solution to the sliding and road closure problems at Devil's Slide. These alternatives include (1) a tunnel around Devil's Slide, as called for by the proposed LUP amendment, (2) an overland bypass around Devil's Slide, as called for the existing LUP policies, and (3) the marine disposal alternative which would maintain the highway at Devil's Slide within its current alignment by buttressing the bluff with a massive fill in the ocean of material excavated from San Pedro Mountain above Devil's Slide. Each of these three principal alternatives have a number of variations. For example, the Commission has previously considered and denied certification of two LCP Amendment requests that would have called for the construction of much longer overland bypass with a greater number of lanes than the Martini Creek Bypass called for in the existing LCP policies. In addition, the feasibility study that was prepared for CalTrans by Woodward -Clyde Consultants examines six different tunnel alternatives involving one or two-bore designs, different bore widths, and different approach roads.

In its consideration of the proposed LCP amendment's consistency with the Coastal Act policies and compliance of the Commission's action to certify the amendment with the California Environmental Quality Act, the Commission must consider feasible less environmentally damaging alternatives. For each subject area addressed by the findings below, the relative impact and relative degree of consistency with Coastal Act policies of the principal alternatives are discussed. Each of the principal alternatives and their main variations are described below:

A. Tunnel

As described previously, the proposed LCP amendment of LUP calls for the construction of a tunnel behind Devils Slide as the permanent solution to the problem of maintaining the highway at Devil's Slide. However, the amendment does not mandate any one particular tunnel alignment or design. The amendment language does specify certain criteria that any tunnel design ultimately chosen must satisfy. These criteria include at least the following:

- (a) The tunnel must go through San Pedro Mountain, as opposed to Montara Mountain or other sections of the Coast Range in this area;

- (b) The tunnel design must provide for a two-lane road consistent with the Coastal Act Section 30254 which calls for Highway One in rural areas to remain a scenic two-lane road;
- (c) The tunnel must meet minimum state and federal highway standards;
- (d) The tunnel must be for motorized vehicles only with a separate trail for pedestrians and bicycles to be provided outside of the tunnel; and
- (e) The alignment of the tunnel and approaches must keep outside Montara State Beach and the "McNee Ranch Acquisition."

In August of 1996, CalTrans published a Devil's Slide Tunnel Feasibility Study, prepared by Woodward Clyde Consultants, which assessed the possibilities of constructing a tunnel, the associated costs, and potential environmental impacts. As a result of this study, a conceptual design for the tunnel has emerged.

A preliminary report prepared as part of the study, entitled, Devil's Slide Tunnel Study Alternative Alignment Memorandum," determined a preferred alignment for the tunnel. The Feasibility Study later used the preferred alignment and examined six design variations for construction of a tunnel within this alignment.

In their examination of alignment alternatives, the authors of the alignment memorandum tried to find an alternative that best met the following goals:

1. Provide an alignment that meets applicable design standards;
2. Maintain a straight horizontal and vertical alignment with the tunnel;
3. Minimize the length fo the tunnel; and
4. Keep the alignment outside Montara Beach State Park.

Key traffic engineering criteria used in examining the alternatives include a design speed of 50 mph, a minimum turning radius of 850 feet, a minimum stopping sight distance of 430 feet, a maximum tunnel grade of 2%, and a maximum roadway grade of 7% outside of the tunnel.

The selected tunnel alignment is shown in Exhibits 4 and 5. The North Portal of the tunnel would be located in steep terrain within the undeveloped watershed area above the Shamrock Ranch. This site is located approximately one mile south of Linda Mar Avenue in Pacifica. The portal would be developed across a small deep valley containing a tributary of San Pedro Creek from existing Highway One. The valley would need to be crossed via a bridge or fill to access the portal. Key factors important in the selection of the location for the North Portal included the facts that it maintained a straight alignment throughout the tunnel, ensured a relatively short tunnel, satisfied sight distance requirements, and provided the desired 2% grade. In addition, the hillside cut necessary to construct the portal would be smaller and less

visible to Pacifica neighborhoods than other possible locations for the north portal. The location also avoids the pasture land of the Shamrock Ranch. On the negative side, the choice of portal location does require that the approach road pass through wetlands associated with the San Pedro Creek drainage and small ranch ponds which contain the red legged frog, an endangered species. The approach road would either be built within these wetland areas as part of an approximately 95-foot-high fill, or pass over them as part of an approximately 900-foot-long bridge structure that might require some wetland fill for footings.

The Tunnel itself would extend approximately 4,100 feet, and slope downward to the south at an approximately 2.2% grade.

The South Portal would be located approximately half way between Devil's Slide and Green Valley, just north of the state park. The portal location was selected to take advantage of a small wide area east of the existing highway. To connect the South Portal with the existing alignment of Highway One, a cut would need to be made in the hillside flanking the portal on its southwest side to accommodate an 850-foot radius curve. The selected south portal location was preferred because it reduced the length of the tunnel relative to other possible locations.

The Feasibility Study itself considers six design variations for the tunnel within the alignment described above, three single bore designs and three double bore designs. The designs of the tunnel differ primarily with regard to tunnel widths. Exhibit 5 shows preliminary site plans and sections for some of these alternatives.

All six of the tunnel designs would generate a huge amount of excavated material, nearly one million cubic yards, that would need to be placed or disposed of in some location. All of the variations considered envision creating a disposal area at a site located just south of the South Portal. This area consists of a depressed area between a section of Highway One built on a raised highway embankment and the adjoining hillside. The roadway embankment impounds a natural drainage which results in intermittent ponding of runoff water to create a seasonal, low quality wetland. The proposed disposal fill area would encroach upon the wetland but may be able to be designed in a manner that avoids directly filling the wetland. The size of the disposal area would vary depending on whether the valley that the North Portal approach must cross is spanned by a bridge or by an earthen fill. The earthen fill could be constructed using material excavated from the tunnel, thereby reducing the volume and size of the material disposal area near the south end of the tunnel.

The conceptual tunnel design discussed above may very well be representative of the tunnel that is actually constructed. However, the design is only preliminary and the political process for securing funding, the environmental review process, the permitting process, and the final design process could all lead to significant changes in the design. Thus, in its review of the proposed LCP amendment, the Commission must consider the possibility that

other designs that meet the basic criteria set forth in the Tunnel Initiative could ultimately be proposed and that in certifying the proposed LCP amendment, the Commission is not approving any particular tunnel design.

B. Bypass

Existing LUP Policy 2.54(b) describes the bypass alternative in the following terms:

"For Route 1, allow construction of a two-lane bypass with slow vehicle lanes on uphill grades around Devil's Slide. The County's preferred alignment is in the area of Martini Creek which bypasses Devil's Slide and rejoins the existing Route 1 north of Montara..."

Just as the proposed amendment would not dictate a particular tunnel alignment or design, the existing LCP policies do not dictate a particular bypass design. However, in February of 1986, the Commission reviewed Consistency Certification No. CC-45-85 submitted by CalTrans for the development of an overland bypass. The consistency certification was necessary because CalTrans was applying for federal funding for the project. The Commission concurred with the consistency certification. As the design was approved by the Commission and other agencies, and CalTrans has invested significant resources in design, environmental review, and litigation in the project, the bypass project approved by the Commission under Consistency Certification No. CC-45-85 represents the most likely bypass alternative design that would be built pursuant to the LCP policies.

The proposal provides for construction of a 4.5-mile-long, 3-lane bypass over San Pedro Mountain along the Martini Creek drainage with two continuous lanes on uphill slopes and one lane on downhill slopes. Although the graded width of the proposal would be sufficient throughout its entire length to accommodate four paved lanes, the only portion proposed for four paved lanes would be an approximately 1/2 mile stretch at the top of the saddle cut, where the continuous uphill passing lanes pass over the top of the grade and begin to merge with the single downhill lane. The remainder of the bypass would contain 30 ft. wide, vehicle recovery areas or 49 ft. wide vehicle retention facilities. These vehicle recovery/retention areas would be continuous throughout the bypass except where the bypass would be four lanes at the top of the saddle cut and across the four bridges. The vehicle recovery/retention areas would include the 10 ft. paved shoulders; the remaining width would be graded but unpaved. The graded width of the current proposal would range from 79 to 100 ft., and the width of paving on the bridges would be 56 ft. (three 12 ft. lanes and two 10 ft. shoulders).

The bypass proposal would involve deep cuts and massive fills in the mountainous terrain through which it would pass and would bisect portions of the state park. A considerable amount of wetland fill would be required, and the bypass alignment would affect the same red-legged frog habitat at Shamrock Ranch affected by the most likely tunnel alternative. A total of approximately 10 acres of prime agricultural land would be removed from production.

C. Marine Disposal Alternative

At the time the bypass was approved by the Commission, the principal alternative to a bypass that was considered at the time was the Marine Disposal Alternative. The Marine Disposal Alternative (MDA), would involve improvements only in the 4,300 ft. long, immediate Devil's Slide area. Under this alternative, the landslide would be stabilized by excavation of 14.5 million cu. yds. of material and placement of the material over the ocean floor. The excavation above the highway would unload the active slide mass and reduce the slope gradient, and the ocean fill would form a buttress preventing further sliding. Highway 1 would remain 2 lanes, but 8 ft. shoulders would be added and the road would be relocated approximately 200 ft. east of its current location. Rip-rap rock protection would protect the buttress from wave erosion. The project would be designed to remain stable and protect the road from an earthquake of 8.2 magnitude on the Richter scale.

Since the bypass was approved in 1986, the Gulf of the Farallones and Monterey Bay National Marine Sanctuaries have been established off the coastline. The Marine Disposal Alternative with its placement of massive amount of material in the ocean, may not be consistent with federal law that governs the sanctuaries and may no longer be a viable alternative for a permanent solution to the Devil's Slide road closure and maintenance problems.

4. Highway One as Two Lane Highway

Section 30254 of the Coastal Act provides:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road.

The proposed amendment explicitly states the tunnel design "be consistent with ... Coastal Act limits restricting Route 1 to a two-lane scenic highway..." Therefore, the Commission finds that the proposed amendment is consistent with Section 30254 of the Coastal Act.

5. Wetland Fill and Environmentally Sensitive Habitat

The proposed LCP amendment would allow the future construction of a tunnel and its associated approach roadways, and related facilities that will likely result in the placement of some fill in environmentally sensitive wetland habitat areas around San Pedro Mountain. The preferred alternative identified in the Devil's Slide Tunnel Feasibility Study indicates that the preferred alternative would result in the placement of fill affecting up to 1.6 acres of intermittent streams, riparian vegetation and pond area within the drainage of San Pedro Creek. The two ponds that would be affected provide habitat for the red-legged frog, an endangered species. In addition, the construction of the South Portal Disposal Area may result in the filling of a portion of an existing seasonal wetland and the loss of riparian vegetation. Changes to the alignment or design of the preferred tunnel alternative could result in an unspecified additional amount of fill in environmentally sensitive wetland habitat area.

A. Coastal Act Policies

Several sections of the Coastal Act address the placement of fill in environmentally sensitive wetland habitat. Sections 30230, 30231, 30233, and 30240 of the Coastal Act provide the following:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored.... Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

The biological productivity and the quality of coastal waters [and] streams ... to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing ... substantial interference with surface water flow, ... maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) 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.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(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. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas ... shall be sited and designed to prevent impacts which would significantly degrade such areas....

Section 30107.5

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The above policies essentially set forth a three part test for all projects involving the filling of environmentally sensitive wetland habitat areas. A proposed fill project must satisfy all three tests to be consistent with the Coastal Act. The three tests are:

1. that the project has no feasible less environmentally damaging alternative;
2. That the project is for a use dependent on the resources of the environmentally sensitive habitat area it encroaches upon or is one of the eight stated uses permissible under Section 30233; and
3. that adequate mitigation measures have been provided to minimize adverse environmental effects of the proposed project.

B. Wetland and ESHA Impacts

No final plans for a tunnel that would be constructed pursuant to the proposed LCP amendment have been developed. In addition, no environmental impact statement (EIS) or report (EIR) for the project meeting the requirements of the National Environmental Quality Act or the California Environmental Quality Act has yet been prepared. Thus, comprehensive information about the environmental impacts of a tunnel project is not yet available. However, as part of the Devil's Slide Tunnel Feasibility Study, Woodward-Clyde prepared an appendix that describes some of the environmental issues associated with the six design variations included in the Devil's Slide Tunnel Study (Appendix IX, Environmental and Miscellaneous Issues Memorandum). This report, together with site specific environmental information developed as part of the EIS/EIR prepared for the previously proposed Martini Creek Bypass project and information generated during the Commission's review of previous Devil's Slide related issues provides information useful for evaluating the environmental effects of the proposed LCP amendment.

Based on a review of this information, construction of a tunnel pursuant to the proposed LCP amendment would result in the following three kinds of environmentally sensitive wetland fill impacts, including (1) the direct displacement of wetlands, (2) the elimination or degradation of habitat of the endangered species habitat, and (3) the sedimentation of environmentally sensitive wetland habitat.

1. Displacement of Wetlands.

Construction of the tunnel will likely result in the filling of wetland habitat in the drainage of San Pedro Creek as a result of constructing the approach road to connect existing Highway One to the North Portal. As noted previously, the Devil's Slide Tunnel Feasibility Study considers two alternatives for this road which must cross the unnamed tributary between existing Highway One and the North Portal: (1) reusing the spoils from the tunnel excavation to construct a raised roadway to the tunnel entrance, or (2) constructing a bridge. Page 16 of Appendix IX of the Devils Slide Tunnel Feasibility Study described the potential impacts of road construction on wetland habitat as follows:

"Wetland resources impacted by the project are limited to the North Portal area, where a pond and drainages exist. These resources would be affected by the North Fill option, but would be largely avoided through the use of the North Bridge option (with the exception of temporary minor impact areas for installation of bridge pilings and access to the piling areas). Wetlands or other waters of the United States at or near the South Portal area and the South Disposal site have been avoided..."

"At least two resources are impacted under the North Fill option, a pond and surrounding riparian wetland totaling 1.0 acres in area, and two smaller areas totaling 0.6 acres in area. These areas were delineated by CalTrans. The drainage that feeds the 1-acre pond contains potential wetland habitat, but no estimate of its size has been made. Based on the above, it is assumed that approximately 1.6 acres of wetlands and special status species habitat would be affected by the North Fill..."

The estimate of 1.6 acres of potential wetland habitat fill or displacement is based on the assumption that the preferred tunnel alternative identified in the Devils Slide Tunnel Feasibility Study is the tunnel design ultimately built. As noted previously, the proposed LCP amendment does not mandate that this, or any other particular tunnel design be constructed. Thus, the actual amount of fill might be greater or less, depending on the design that emerges from the funding, environmental review, and permitting processes.

An undetermined amount of additional wetland area could be affected by a different tunnel project. The drainage that would need to be crossed to access the north portal of the tunnel extends in both directions from the crossing that would be constructed under the preferred alternative. Crossing in a different location could lower or increase the amount of wetland fill associated with the North Portal access road. In addition, there are existing wetlands near the south portal area, as noted above in the excerpt from the Feasibility Study. A steep drainage channel is located just to the east of the South Portal location proposed in the preferred alternative. This drainage channel contains riparian vegetation and other wetland habitat. In addition, Appendix IX of the Devils Slide Tunnel Feasibility Study identifies a wetland near the south disposal site where excavated material from the tunnel boring would be deposited under the preferred alternative. This wetland is described as follows:

"The proposed site contains a depressed area. A portion of the intermittent ponded area exhibits characteristics of a seasonal, low quality wetland. A portion of the habitat in the drainage area contains a willow thicket and areas surrounding it include the coastal scrub habitat. The disposal fill has been designed to avoid the seasonal, low quality wetland area, and additional water will be diverted to the area."

Changes to the design of the tunnel project could result in the filling of both the drainage channel adjacent to the proposed South Portal and the seasonal wetland at the proposed South Disposal site. A more extensive change to locate the South Portal in the Green Valley drainage further to the south could result in even greater amounts of wetland fill as this drainage is known to contain wetland habitat.

2. Elimination or Degradation of Endangered species habitat.

Construction of the tunnel project could adversely affect the habitat of the red-legged frog (*Rana aurora draytonii*), an endangered species that lives in or near riparian corridors or freshwater ponds and marshes. A survey of red-legged frog habitat in the Devil's Slide area was conducted by CalTrans in 1996 as part of the environmental studies conducted for the previously proposed Martini Creek Bypass. The resulting report, dated April 7, 1996, and prepared by Biologist Dr. Samuel McGinnis, is entitled: The Status of the San Francisco Garter Snake and the California Red-Legged Frog Within or Adjacent to the Proposed Right-of-Way of the Route 1 Devils Slide Bypass. The report identifies red-legged frog habitat existing at three locations in the vicinity, including the two ponds at Shamrock Ranch to the north within the proposed alignment of the proposed North Portal approach road as well as small pools in the Green Valley drainage, which would be unaffected by the preferred tunnel alternative. These sites were also identified as having the potential to support a second endangered species, the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), because the red-legged frog is the primary prey of the snake. No San Francisco garter snakes have yet been identified at these locations, however.

Construction of the North Portal approach road could fill portions of the two red-legged frog ponds in that location. Even constructing a bridge that did not directly fill the ponds would adversely affect the red-legged frog by shading portions of the pond during most of the day, thereby reducing the basking opportunities for frogs and possibly lowering the spring pond water temperatures. The latter could in turn affect the development of time of frog eggs and larvae. Any one or combination of the above possible events could result in the reduction or negation of the red-legged frog population at the site. Furthermore, construction and grading activities for the bridge could either permanently block or destroy the spring sites that serve as the water source for the ponds, cause siltation in the ponds, and temporarily disrupt adjacent upland foraging/retreat area for the frogs.

Both of these possibilities could result in a temporary degradation of red-legged frog habitat at the site and reduction of the species.

3. Sedimentation of Environmentally Sensitive Wetland Habitat.

Construction of a tunnel project could contribute to sedimentation of area streams and ultimately to sedimentation of the marine sanctuary along the coast. Runoff from construction sites where grading will occur and from new roadway slopes created as part of the project will carry sediment into the of San Pedro Creek drainage near the north portal and into the minor drainages near the South Portal and the South Disposal site. All of these drainages ultimately discharge to the ocean. The increased turbidity in stream and ocean waters created by the runoff could adversely affect fisheries, especially anadromous species such as salmon. San Pedro Creek is considered one of the more important spawning area for certain kinds of salmon along the entire San Mateo County coast. Increased sedimentation can also smother wetland vegetation lining the creek channels and adversely affect other kinds of wildlife. Given that a total of approximately 947,000 cubic yards of material will need to be excavated to create the tunnel proposed under the preferred alternative, a great deal of sedimentation could occur if the grading work is not properly controlled.

C. Alternatives

The first general limitation set forth by the above referenced Chapter 3 policies is that any proposed fill project must have no less environmentally damaging feasible alternative.

As described previously in Finding 3, two principal alternatives to a tunnel have been proposed in the past as a permanent solution to the sliding and road closure problems at Devil's Slide. These two alternatives include (1) an overland bypass around Devil's Slide, as called for the existing LUP policies, and (2) the marine disposal alternative which would maintain the highway at Devil's Slide within its current alignment by buttressing the bluff with a massive fill in the ocean of material excavated from San Pedro Mountain above Devil's Slide.

The following section examines each of the two basic alternatives as well as the no project alternative with regard to whether the alternative is a less environmentally damaging feasible alternative.

1. Bypass Alternative

The bypass alternative is the 4.5-mile-long, 3-lane bypass over San Pedro Mountain along the Martini Creek drainage approved by the Commission in 1986 in its action on Consistency Certification No. CC-45-85.

With respect to wetland fill, at the time CalTrans prepared The Devil's Slide Final Environmental Impact Statement in 1986, no extensive survey of wetlands that formally delineated all of the jurisdictional wetlands along the route of the bypass had been conducted. As part of an effort to prepare a supplementary update to the EIS, CalTrans is expected to perform such surveys to better document the amount of affected wetlands. However, the results of any such surveys have not yet been published. The 1986 EIS does provide an indication of the potential amount of wetland fill that would be associated with the bypass. Page 130 of the 1986 EIS states the following:

The project would remove a little under 3 acres of riparian vegetation. Most of the losses would occur in the upper reaches of the Green Valley drainage, in a steep, intermittent tributary to Martini Creek and along a small unnamed watercourse located approximately halfway between Martini Creek and the Chart House Restaurant."

The wetland surveys CalTrans is conducted may very well identify additional fill. For example, the north end of the bypass would follow a similar alignment to the alignment of the approach road to the North Portal of the tunnel under the preferred tunnel alternative identified in the Devil's Slide Tunnel Feasibility Study. Accordingly, the bypass is expected to have as much wetland fill impact in this location as that identified for the bridge option for the North Portal approach road.

Without having the results of comprehensive wetland surveys available for either the bypass alternative or the tunnel alternative, and without having a final design for a tunnel alternative available, it is impossible to state with certainty exactly how much more wetland fill would be associated with the bypass than with a tunnel alternative. However, given that: (1) the 1986 bypass EIS identified 3 acres of riparian loss associated with that project not counting any fill resulting from the construction of bridge supports at the drainage at Shamrock Ranch and possible wetland fill in locations other than in Green Valley, and (2) the Environmental appendix of the Devil's Slide Tunnel Feasibility Study identified a maximum of 1.6 acres of fill if the North Portal approach road is constructed on a raised fill structure and much less if a bridge is used, it is reasonable to conclude that the amount of wetland fill associated with the bypass would be greater than that for a tunnel.

With respect to impacts to wetland endangered species, the previously mentioned report prepared by Biologist Dr. Samuel McGinnis, titled: The Status of the San Francisco Garter Snake and the California Red-Legged Frog Within or Adjacent to the Proposed Right-of-Way of the Route 1 Devils Slide Bypass, indicates that red-legged frogs had the potential to be impacted at three locations, including the two ponds at Shamrock Ranch that would be affected by the tunnel alternative as well as small pools in the Green Valley drainage that would not be affected by the tunnel. Although the bypass is designed to bridge over the ponds at Shamrock Ranch, the bypass could have the same secondary effects on these ponds as the bridge option for the North Portal tunnel approach discussed previously, including (a) shading of the ponds with resulting possible decreases in the development of frog eggs and larvae, (b) depriving the ponds of a water source due to construction and grading activities for the bridge that could either permanently block or destroy the source spring sites, (c) silting in the ponds with sediment from runoff from the grading sites, and (d) temporarily disrupting adjacent upland foraging/retreat area for the frogs. The possible adverse effects of the bypass on the small pools used by the red-legged frogs in the Green Valley, Dr. McGinnis's report states the following:

"Although the actual proposed route of the Devils Slide Bypass is situated to the east of the headwaters of the Green Valley Drainage, a possibility exists for the siltation of downstream creek pools by runoff from the highway construction zone and from new roadway slopes during the operational phase of the project. Such an event would most likely result in the negation of the existing small CRF populations there."

Given that the impacts of the bypass on red legged frogs at the drainage near Shamrock Ranch are expected to be similar to the impact of a tunnel on red legged frogs in the same location, and (2) the bypass will affect additional red legged frog habitat at Green Valley that would not be affected by a likely tunnel design, the bypass alternative would result in greater impact to wetland endangered species habitat than a tunnel project.

With respect to sedimentation impacts, total grading for the bypass would be as much as 5.9 million cubic yards over 4.5 miles of area (Consistency Certification No. CC-45-88). According to the 1986 Final EIS, the Martini Creek Bypass project would affect five different watersheds, including Montara Town, Cultivated Land, Martini Creek, Green Valley, and San Pedro Creek. Given that (1) the total amount of grading proposed for the preferred Tunnel Alternative would involve only about 15 to 20% of the grading required for the bypass project, (2) the preferred Tunnel alternative would affect only one of the five watersheds that would be affected by the Bypass (San Pedro Creek) and the only the ocean ends of two other very small drainages at the location of the South Portal and the South Disposal site, the sedimentation impacts of the bypass alternative would be greater than those associated with a tunnel project.

2. Marine Disposal Alternative

The marine disposal alternative (MDA) would maintain the highway at Devil's Slide by buttressing the bluff with a massive fill in the ocean of material excavated from San Pedro Mountain above Devil's Slide.

With respect to wetland fill, the MDA would involve the excavation of 14.5 million cubic yards of materials and placement of that material over the ocean floor and bluff face. The fill would be placed over 28 acres of beach, intertidal, and marine habitat. Although the habitat value of this area is difficult to compare with the habitat value of freshwater wetlands that would be affected by the tunnel and bypass alternatives, certainly the amount of wetland fill involved with MDA far surpasses the amount of wetland fill associated with a tunnel project.

The marine disposal alternative would have no known effect on wetland endangered species. No habitat of the red-legged frog or San Francisco Garter snake exists in the project area.

With respect to sedimentation impacts, total grading for the marine disposal alternative would be 14.5 million cubic yards over a ____ mile area. In addition to requiring a much larger amount of grading than a tunnel alternative, the material would be deposited directly into the Monterey Bay National Marine Sanctuary. The federal marine sanctuary has not been established at the time the Commission considered Consistency Certification No. CC-45-88. Federal law governing marine sanctuaries severely limits the placement of fill in marine sanctuaries, and the marine disposal alternative may no longer be a feasible alternative because of these limitations.

3. The No Project Alternative

This alternative would involve abandoning the search for a permanent solution to the sliding and road closure problems at Devil's Slide and simply repairing the road in place when necessary, as has occurred since the roadway was constructed many years ago. CalTrans has determined this alternative is unacceptable because of the high maintenance costs and periodic road closures. Continued instability is threatened due to active cliff retreat, an active slide plane, water, wind and wave erosion, a highly fractured underlying rock formation, and the proximity of two active faults: the San Andreas Fault 5 miles to the east and the Seal Cove Fault 1.5 miles offshore to the west. CalTrans' EIR notes that this earthquake potential could trigger a massive landslide and that "Indications suggest that eventually Route 1 will be closed permanently if major improvements are not made." Therefore, besides not accomplishing the basic objective of the LCP amendment of finding a permanent solution to the sliding and road closure problems at Devil's Slide, the no project alternative is not a feasible alternative for the long term, given that the forces of nature will eventually reclaim the roadway and sever access along the coast.

No other basic alternatives have been identified that would be feasible and less environmentally damaging. Based on the above analysis, the Commission concludes that construction of a tunnel, as called for by the proposed LCP amendment, is the least environmentally damaging feasible alternative of the basic alternatives identified for permanently resolving the problems associated with the sliding and frequent road closures at Devil's Slide.

However, the Commission notes that a tunnel project could have a range of degree of impacts depending on the final design of the tunnel. The Devil's Slide Tunnel Feasibility Study established a conceptual design for the tunnel. However, as discussed previously, the proposed LCP amendment does not mandate any one particular tunnel alignment or design. The amendment language does specify certain criteria that any tunnel design ultimately chosen must satisfy, which are described in Finding 3 above, but a wide range of tunnel designs could be developed that meet these criteria. The conceptual tunnel design described previously in the report may very well be representative of the tunnel that is actually constructed. However, the design is only preliminary and the political process for securing funding, the environmental review process, the permitting process, and the final design process could all lead to significant changes in the design.

Thus, other designs that meet the basic criteria set forth in the Tunnel Initiative could ultimately be proposed at the time that CalTrans applies for a coastal development permit from San Mateo County to construct the project. The terms of the proposed amendment itself do not specify that the tunnel design ultimately chosen for construction must be the least environmentally damaging feasible tunnel design alternative. Furthermore, the existing LCP does not contain a policy directly mirroring the limitation of Section 30233 of the Coastal Act that any proposed wetland fill project must have no less environmentally damaging feasible alternative. Thus, an issue is raised as to whether approval of the LCP amendment as submitted could lead to the ultimate development of a tunnel project inconsistent with this requirement of Section 30233.

However, although the existing LCP does not have a specific policy that restates exactly the requirement of Section 30233 of the Coastal Act regarding less environmentally damaging feasible alternatives, the LCP does have a number of policies that will carry out the intent of this policy with respect to the kinds of impacts the tunnel alternative is likely to have, as identified above.

Construction of a tunnel as called for by the proposed LCP amendment would require a coastal development permit from the County. Chapter 20B, Sections 6328 et seq. of the County Zoning Regulations, certified by the Commission as part of the County's LCP, establishes the standards to be applied to any development requiring a coastal development permit. These regulations require that development be reviewed for conformance with all relevant policies set forth in the twelve components of the County's Land Use Plan, and that findings of conformance be made.

The Land Use Plan contains a number of policies that address the kinds of wetland fill impacts that would be associated with the development of a tunnel. These policies are found within the Sensitive Habitat Component of the LCP, attached as Exhibit 6.

The wetland fill identified as being associated with the tunnel consists of certain policies within the Sensitive Habitats Component of the LUP would all apply to the filling of wetland habitat, the first of the wetland fill impacts of a tunnel project identified previously.

As discussed above, a tunnel project may result in the filling of portions of an intermittent streams and freshwater ponds. Policy 7.8 of the Sensitive Habitat Component indicates that "all perennial and intermittent streams and lakes and other bodies of freshwater in the Coastal Zone" are riparian corridors. Policy 7.9 only permits certain uses within riparian corridors, including "(1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects." Subsection (b) of Policy 7.9 does allow some exceptions to this rule "when no feasible or

practicable alternative exists," including "(3) bridges when supports are not in significant conflict with corridor resources..., and (5) repair or maintenance of roadways or road crossings..." Thus, with respect to a new roadway fill project such as that associated with a tunnel project, Policy 7.9 would only allow fill for bridge supports. This policy may preclude a raised fill crossing of the San Pedro Creek drainage, which would account for the vast majority of wetland fill that could result from a tunnel project called for by the proposed LCP amendment. In addition, Policy 7.10 requires development permitted in riparian corridors to "minimize alteration of natural streams." Thus, an applicant for the tunnel would need to demonstrate how the particular design chosen for any necessary bridge supports in the San Pedro Creek drainage would minimize alteration of the stream over other possible bridge support designs. Furthermore, Policy 7.17 requires "that development permitted in wetlands minimize adverse impacts during and after construction..."

With respect to the impacts of a tunnel project on the red-legged frog and other wetland endangered species, the LUP policies also contain standards that will assure the least environmentally damaging tunnel alternative is chosen. Policy 7.34 states, among other things, that "any development must not impact the functional capacity of the habitat," and "recommend mitigation if development is permitted within or adjacent to identified habitats." of rare and endangered species. Policy 7.35 states that the County must "require preservation of all habitats of rare and endangered species..." Thus, an applicant for the tunnel would need to demonstrate how the particular design chosen for any necessary fill for the tunnel project will ensure the habitat of the red-legged frog is not compromised. More environmentally damaging alternatives that would compromise the habitat of wetland endangered species may not be allowed.

With respect to the sedimentation impacts of a tunnel project, the LUP policies also contain standards that will assure the least environmentally damaging tunnel alternative is chosen. Policy 7.10 requires development permitted in riparian corridors to "(1) minimize removal of vegetation, (2) minimize land exposure during construction and use temporary vegetation or mulching to protect critical areas, (3) minimize erosion, sedimentation, and runoff by appropriately grading and replanting modified areas,...(9) maintain natural vegetation buffer areas that protect riparian habitats, and (1) minimize alteration of natural streams. Thus, an applicant for the tunnel would need to demonstrate how the particular design chosen for any necessary tunnel project fill would minimize sedimentation over other possible project designs.

Conclusion. Based on the above analysis, the Commission finds that the proposed LCP amendment calling for the construction of a tunnel will result in the least environmentally damaging alternative for providing a permanent solution to the sliding and road closure problems at Devil's Slide consistent with Section 30233 of the Coastal Act.

D. Mitigation

A second general limitation set forth by the Coastal Act wetland fill and habitat policies is that adequate mitigation that adequate mitigation measures will be provided to minimize the adverse environmental effects of a proposed project.

The environmental information developed as part of the Devil's Slide Feasibility Study suggests that adequate mitigation measures can be provided to minimize the adverse environmental effects of the tunnel project called for by the proposed LCP amendment. The two principal wetland fill impacts identified for the tunnel project are the direct displacement of wetland habitat and the disturbance of habitat of the endangered red-legged frog. The Feasibility Study identifies the following measures as means to mitigate these adverse impacts of the tunnel:

"Construct a wetland and riparian mitigation area near the North Fill to compensate for the impacts of the fill...A conceptual layout of two possible wetland/riparian/pond areas has been developed, which if feasible might create approximately 3.4 acres of replacement resources that could applied as mitigation. It is emphasized that the feasibility of creating these resources has not been formally researched or reviewed. However, it is reasonable to assume that the proposed mitigation area could achieve at least a 1:1 ratio for replacement of potentially filled wetlands...It might achieve a greater ratio, but this is uncertain until further site review and final design work is completed...A higher ratio of replacement to impacted wetlands would be achieved through off-site creation of these resources...The off-site replacement could be just downstream of the adjacent wetland and pond, which is also inhabited by the red-legged frog."

As the Feasibility Study indicates, this possible mitigation measure needs to be further studied further. Environmental studies to be prepared as part of the environmental impact report process for a tunnel project would provide the needed additional investigation. Although the mitigation recommendation is preliminary, the Feasibility Study indicates that a suitable mitigation sites appears to exist on-site for in-kind wetland and habitat creation or restoration. In addition, nearby off-site mitigation sites are apparently available just downstream of the affected wetlands.

With respect to mitigation for sedimentation impacts, the LUP policies noted previously call for the implementation of standard measures to minimize and control erosion.

Therefore, the Commission finds that adequate mitigation measures are available for the adverse impacts of the wetland fill that could result from implementation of the proposed LCP amendment, consistent with the Coastal Act.

E. Allowable Use

The third general limitation set forth by the above referenced Chapter 3 policies is that any proposed fill can only be allowed for certain limited purposes. Under Section 30240(a), environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only a use dependent on those resources shall be allowed within those areas. Under Section 30233(a), fill in coastal waters may only be performed for any of eight specified uses.

The roadway fill that might be required to implement the proposed LCP amendment does not meet the allowable use limitation. With regard to the use limitations of 30240, a roadway is not a use dependent on the riparian, wetland, and rare and endangered species resources found within the affected wetlands near Shamrock Ranch and the South Portal fill area. In fact, a roadway can be built more easily in an upland area without such resources where expensive filling or bridging and mitigation would not be required.

To meet the use limitations of Section 30233(a), the roadway fill that might be required to implement the LCP amendment must fit into one of eight categories of uses permitted for wetland fill enumerated in Sections 30233(a) (1)-(8). Roads are not mentioned in any of the eight categories. To provide further guidance in implementing these sections the Commission also has adopted Statewide Interpretive Guidelines on Wetlands (Wetlands and Other Wet Environmentally Sensitive Habitat Areas, adopted February 4, 1981¹ - Section IV(A)(5)), in which the Commission did mention roads in the context of a discussion of the incidental public purposes that might be allowed under Section 30233(a)(5). Specifically, the Guidelines explained incidental as:

Incidental public service purposes which temporarily impact the the resources of the area, which include, but are not limited to, burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines (roads do not qualify)³ (emphasis added)

The footnote (footnote 3) elaborating on the limited situations where the Commission would consider a road as an exception to this policy states:

When no other alternatives exists, 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. (emphasis added)

¹ Adopted pursuant to Section 30620(a) & (b) of the Coastal Act, which state in relevant part:

The Commission may, ... from time to time ... adopt ... permanent procedures or guidelines for the ... review ... of coastal development permit applications ... as it determines to be necessary to better carry out this division.... Such procedures shall include

(3) Interpretive guidelines designed to assist local governments, the commission, and persons subject to this chapter in determining how the policies of this division shall be applied in the coastal zone prior to certification of local coastal programs;

Thus the clear interpretation that the Commission gave in these guidelines to Section 30233(a)(5) was that to qualify under that section the impacts of "incidental public services" must be temporary. This interpretation is based on the specific examples identified in Section 30233(a)(5) and thus is consistent with applicable standards of statutory interpretation (58 Cal.Jur.3d, "Statutes," sections 129-131). The Commission did create a footnote for repair or replacement projects where necessary to maintain existing traffic capacity, such as a bridge replacement project with the same number of lanes as the existing bridge proposed to be replaced.

The tunnel that would be allowed under the proposed LCP amendment would be built to replace the existing alignment of Highway One and would not result in more lanes than the current Highway One past Devil's Slide. Nonetheless, the fill associated with the approach to the North Portal of the proposed tunnel would be for a new road and/or bridge, as no roadway or bridge exists at this specific location currently. Although under the design alternatives for the tunnel developed in the feasibility study only 1.6 acres of wetland fill is proposed, in the context of historic losses, these impacts are significant. Wetland systems are extremely important natural resources that have been drastically altered by human activities. In addition, it is possible that the tunnel design ultimately chosen could have even greater fill impacts, depending on the specific design and alignment alternatives selected.

To determine if an activity is an incidental public service, the Commission must determine that an activity is both incidental and a public service. Since the approach road or bridge will be constructed by a public agency in order to support its mission, this bridge is clearly a public service. However, it is not clear that the "public service purpose" represented by this bridge is "incidental" within the meaning of that term as it is used in Section 30233(a)(5). The courts have defined the term incidental as "depending upon or appertaining to something else as primary" (Davis v. Pine Mountain Lumber Co. (1969) 273 Cal.App.2d 218, 222-223 [77 CR 825]). Furthermore, the examples of incidental public services cited in Section 30233(a)(5) all have in common the characteristic that the wetland impacts associated with them have a duration that is temporary². The Commission has acknowledged this fact in several past actions including, as noted, its adoption of the aforementioned Interpretive Guidelines and in the findings for a permit application for a similar bridge project proposed by the California Department of Parks and Recreation, 4-82-605. Therefore, in order for a public service to be incidental, it must not be the primary part of the project and the impacts must have a temporary duration. The Commission finds that the approach road for the tunnel is neither "temporary," since clearly the project is a permanent facility, nor "incidental" to "something else as primary," since the earthen fill or bridge pilings are an integral component of the proposed highway. Therefore the project cannot qualify as an incidental public service.

2 See Mein v. San Francisco Bay Cons. & Dev. Commission (1990) 218 Cal. App. 3d 727, 733 [267 CR 252] (Common characteristic of "all the uses in [Government Code section 66605](a)'s illustrative list," namely, "functional[] dependent[] on proximity to the water" used to determine that "housing" does not qualify as "water-oriented use.")

Moreover, because the proposed project involves constructing an entirely new highway alignment rather than replacing bridges and other fills within the existing alignment of Highway One, the Commission finds that the project does not qualify for the exception contemplated in the Commission's Wetland Guidelines to the general exclusion of roads from the category of "incidental public service purposes." Therefore, the Commission finds that the proposed roadway fill is not an incidental public service, and thus is not an allowable use pursuant to Section 30233(a)(5) of the Coastal Act, and, further, does not in any other way qualify as one of the eight enumerated allowable uses under Section 30233.

(iv) Resolving Conflicts Among Competing Coastal Act Policies

The Commission has often been confronted with situations where it has been asked to reconcile the public's need for safe and viable public access to the coastline with other Chapter 3 policies on resource protection. Simply put, road projects are frequently point-to-point projects that do not inherently possess the same flexibility, at least in terms of route, that other projects have. As a result, the Commission has been asked to approve road projects which pass through or near sensitive resource areas such as wetlands and environmentally sensitive habitat areas. In these situations the Commission also has been asked to consider that these projects often serve the principal (and frequently competing) policies of the Coastal Act promoting access to the coast.

The present project presents such a conflict between the public access provisions of the Coastal Act and the wetland fill and habitat protection provisions. As noted above, Sections 30233(a) and 30240(a) of the Coastal Act do not allow the use of wetlands and environmentally sensitive habitat areas for roadway fill of the kind that could result from implementation of the proposed LCP policy calling for construction of a tunnel as the permanent solution to the frequent roadway closures and land sliding at Devil's Slide. On the other hand, failure to provide for a permanent solution to the Devil's Slide problem would thwart implementation of the public access provisions of the Act. As noted previously, extended closures of Highway One at Devil's Slide in the past has greatly curtailed recreational use of the northern and central sections of the San Mateo County coastline. When Highway 1 is closed, travelers to Pacifica, San Francisco and other points north from Half Moon Bay and other locations south of Devil's Slide must crowd onto State Highway 92 and climb over the coastal mountains to Interstate 280 and other roadways heading up the Peninsula (see Exhibit 1). Under such conditions, Highway 92 becomes overloaded, causing delays during peak periods. During the Highway One Closure of 1995-1996, travel times for commonly increased by over an hour

each way, and involved a great deal of time inching through dense traffic. The traffic nightmare greatly impeded the general public's ability to access the coastal area which in turn had a devastating impact on the economy of the San Mateo County MidCoastside. Many visitor-serving establishments and other business were forced to go out of business.

The Coastal Act envisions situations such as this where there may be a conflict between conflicting Chapter 3 policies and provides specific guidance on how these conflicts should be resolved. Section 30007.5 states:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, 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.

Echoing the concern about such conflicts, Section 30200(b), the first section in Chapter 3, the chapter containing the substantive policies of the Act, declares:

(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

The Commission finds that this project presents a conflict between competing policies of the Act that requires resolution in conformity with the provisions of Sections 30007.5 and 30200. As determined by the Commission above, this project will promote public access and recreation along the coast, as well as implement the public access and recreation policies of Sections 30210, 30211, 30212, 30212.5, 30213, 30252 and 30254 of the Coastal Act. These benefits will be lost if the project is not approved.

Balanced against these beneficial aspects of the project is the competing fact that the project also will fill wetlands and environmentally sensitive habitat for a use that is not allowed by either Sections 30233 and 30240 of the Coastal Act. However, the impacts of this fill can be mitigated by a wetland replacement and environmentally sensitive habitat restoration program that will be required through the coastal development permit that must be obtained for the project, pursuant to the wetland fill and habitat protection policies of the certified San Mateo County LCP. The Commission also notes that the placement of the fill and the encroachment into environmentally sensitive habitat is the least environmentally damaging feasible alternative.

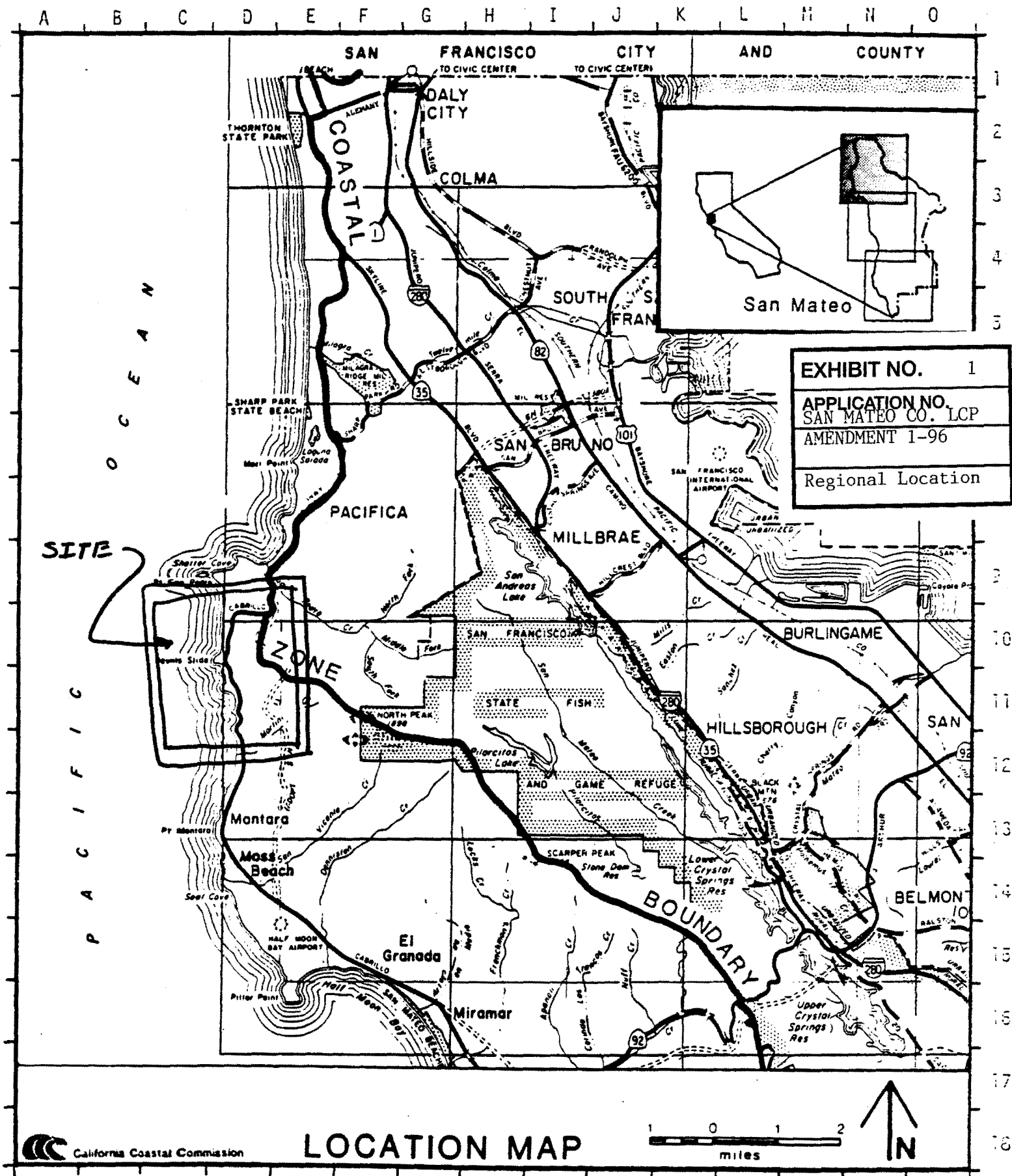
For these reasons the Commission finds, pursuant to Sections 30007.5 and 30200 of the Coastal Act, that on balance it is more protective of coastal resources to resolve this conflict by approving the project and allowing the proposed wetland fill and encroachment into environmentally sensitive habitat. The Commission therefore finds the project consistent with the Coastal Act in reliance on the conflict resolution provisions of Section 30007.5 and 30200.

5. CEQA

Pursuant to Section 21080.5 of the California Environmental Quality Act (CEQA), the Resources Agency has certified the Commission's regulatory program as being functionally equivalent to the standard CEQA review process. Pursuant to SB 1873, which amended the California Environmental Quality Act, the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In addition to making a finding that the amendment is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) requires that the Commission not approve or adopt an LCP:

... if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Consistent with Public Resources Code Section 21080.5(d)(2)(i), the Commission finds, for the reasons discussed in this report, that the proposed amendment request is consistent with the California Coastal Act, will not result in significant adverse environmental effects within the meaning of the California Environmental Quality Act, and therefore requires no mitigation measures to reduce any adverse environmental impacts.



RESOLUTION NO. 60456

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

RESOLUTION APPROVING SUBMISSION OF A MEASURE TO THE ELECTORATE TO AMEND POLICY OF THE LAND USE PLAN OF THE LOCAL COASTAL PROGRAM RELATING TO THE CONSTRUCTION OF A TUNNEL ALTERNATIVE FOR THE DEVIL'S SLIDE BYPASS ON STATE ROUTE 1.

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, an initiative petition was circulated among the voters of San Mateo County proposing an ordinance to amend the San Mateo County Local Coastal Program to substitute a tunnel alternative instead of a bypass as the preferred alternative and would prohibit any other alternative, except repair or reconstruction of the existing roadway, unless approved by a vote of the electorate;

WHEREAS, the Assessor-County Clerk Recorder certified that there is a sufficient number of valid signatures to qualify the measure to be on the ballot;

WHEREAS, it is timely to place the measure on the ballot in the next statewide election scheduled for November 5, 1996;

WHEREAS, this Board has determined that this measure should be submitted to the voters at the November 5, 1996 statewide election:

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of Supervisors hereby submits the measure set forth in Section 3(f) to the registered voters of the County of San Mateo at the election to be held on Tuesday, November 5, 1996.

EXHIBIT NO.	2
APPLICATION NO.	SAN MATEO CO. LCP
AMENDMENT 1-96	Resolution
(page 1 of 5)	

2. The Assessor-County Clerk shall publish a notice of this election in accordance with the Elections Code.

3. (a) The election shall be held and conducted, the returns canvassed, and the result declared in accordance with state election laws.

(b) The election will be held on November 5, 1996, from the hour of 7:00 a.m. to the hour of 8:00 p.m., during which period the polls will remain continuously open. At 8:00 p.m., the polls will be closed, except as provided in section 14401 of the Elections Code.

(c) The Assessor-County Clerk shall prepare and mail to each eligible voter in the County a sample ballot and a voter's pamphlet containing the complete text of the measure.

(d) The Assessor-County Clerk shall establish election precincts, designate the polling places, and provide election officers for each precinct at the November 5, 1996 election in accordance with the election laws of the State of California.

(e) The election on the measure shall be consolidated with any and all other elections to be held on November 5, 1996.

(f) The following measure shall be submitted to the voters of the County of San Mateo on November 5, 1996:

The people of San Mateo County ordain as follows:

Section 1. Purposes of This Measure

(1) **Authorization of Tunnel:** To provide for a safe, stable, and reliable tunnel behind Devil's Slide that expeditiously solves the problems of closure of State Highway Route 1.

(2) **Prevention of Hazards:** To protect highway users against dangers from landslides, rockfalls, cliff drop-offs, steep grades and coastal fog that often shrouds the higher elevations of the proposed Devil's Slide bypass.

(3) **Protection of Quality of Life for Coastside Communities and Visitors:** To protect residents, businesses, property owners and visitors to coastside communities and parklands from flooding, visual blight, noise, air pollution, and traffic congestion resulting from the proposed bypass.

EXHIBIT NO.	2
APPLICATION NO.	SAN MATEO CO. LCP
	AMENDMENT 1-96
	Resolution
	(page 2 of 5)

(3) Policy 2.56 a. Of the Local Coastal Program is amended to read in its entirety:

2.56 a. Require, if funds are available, that Caltrans provide adjacent or separate facilities for bicycle and pedestrian trails in accordance with the policies of the Recreation and Visitor Serving Facilities Component and the County Bikeways Plan. If a tunnel is constructed behind Devil's Slide, require as part of the project that Caltrans construct a bicycle and pedestrian trail outside the tunnel.

Section 4. Inconsistent County Plans and Ordinances

Except as approved by the voters of San Mateo County subsequent to the effective date of this ordinance, if any existing or subsequently enacted provision of the General Plan, the Local Coastal Program, an area or special plan or other ordinance or resolution of the County of San Mateo, is inconsistent with this ordinance, that provision is superseded and rendered ineffective by this ordinance to the extent, but only to the extent, that it is inconsistent.

Section 5. Submission to Coastal Commission and Metropolitan Transportation Commission

The Board of Supervisors shall submit in a timely and appropriate manner, with necessary supporting documents and information, any amendments made by this ordinance of the Local Coastal Program to the California Coastal Commission, and any amendment of the Regional Transportation Plan to the Metropolitan Transportation Commission.

Section 6. Effective Date of Measure

This ordinance shall become effective as provided by statute except that if all the General Plan Amendments permitted by law during the year in which this ordinance is enacted have been made, the ordinance shall become effective on January 1 of the following year.

Section 7. Amendment

This ordinance shall not be repealed or amended except by a majority of the voters of San Mateo County.

Section 8. Severability

If any provision or application of this ordinance is held by the courts to be invalid, the invalidation shall not affect the validity of any other provision or the application of any provision.

4. This resolution shall take effect immediately.

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EXHIBIT NO.	2
APPLICATION NO.	SAN MATEO CO. LCP
	AMENDMENT 1-96
	Resolution
	(page 3 of 5)

(4) Preservation of the Environment: To preserve the streams, parks, watersheds, scenic beauty, endangered species, wildlife and other vital natural resources of the San Mateo Coastside.

(5) Voter Control: To ensure voter control over critical decisions affecting State Highway Route 1 and the San Mateo Coast.

Section 2. Findings

(1) A tunnel is a safe and reliable solution. A tunnel would meet all applicable federal safety standards. Safety features would include ventilation, lighting, and appropriate signage or signaling systems. A tunnel would be safer during earthquakes than bridges and fills, which would be necessary along the proposed bypass.

(2) A tunnel is cost-effective. A tunnel could be built for less money than the proposed bypass. Earthwork would be reduced by as much as 95 percent, from six million to two hundred thousand cubic yards.

(3) A tunnel will protect the environment. A tunnel would have virtually no harmful effects upon the environment. It would be consistent with coastal laws. It would avoid serious damage to the watersheds, wildlife habitats and parks of Montara and San Pedro Mountains that would be caused by a surface bypass.

(4) A tunnel is a timely solution. A tunnel can be constructed as quickly as the proposed surface bypass. It would meet transportation needs while protecting the environment.

Section 3. Route 1 Improvements

(1) Policy 2.50b. Of the San Mateo County Local Coastal Program is amended to read in its entirety:

2.50b. On Route 1, limit Phase I improvements to: (1) slow vehicle lanes on uphill grades and the following operational and safety improvements within the existing alignment or lands immediately adjacent; elimination of sharp curves, lane widening, wider shoulders to allow passage for emergency vehicles and signals at major intersections, and (2) construction of a tunnel for motorized vehicles only behind Devil's Slide through San Pedro Mountain. The tunnel design shall be consistent with (a) Coastal Act limits restricting Route 1 to a two-lane scenic highway, and (b) minimum state and federal tunnel standards. A separate trail for pedestrians and bicycles shall be provided outside the tunnel as specified in Policy 2.56a.

(2) Policy 2.54 b. Of the Local Coastal Program is amended to read in its entirety:

2.54 b. For Route 1, allow construction of a tunnel behind Devil's Slide through San Pedro Mountain. The tunnel should be given high priority for Federal and State highway funds. Until a tunnel is completed, the State should maintain and repair the road on the existing alignment. No part of Route 1 used by motor vehicles shall be built on any alignment that bisects Montara State Beach, including the "Mc Nee Ranch Acquisition" except along the current Route 1 alignment. Any alternative to the tunnel, except the repair and reconstruction of the existing road, shall require approval by a majority of the voters of San Mateo County.

EXHIBIT NO.	2
APPLICATION NO.	SAN MATEO CO., LCP
	AMENDMENT 1-96
	Resolution
	(page 4 of 5)

Regularly passed and adopted this 6th day of August, 1996.

AYES and in favor of said resolution:

Supervisors:

MARY GRIFFIN

TOM HUENING

TED LEMPert

RUBEN BARRALES

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

MICHAEL D. NEVIN



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

(Government Code section 25103)

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



RICHARD L. SILVER
Clerk of the Board of Supervisors

EXHIBIT NO.	2
APPLICATION NO.	SAN MATEO CO., LCP
	AMENDMENT 1-96
	Resolution
	(page 5 of 5)

DEVIL'S SLIDE TUNNEL INITIATIVE

MEASURE T

"Shall the initiative ordinance changing the San Mateo County Local Coastal Program to substitute a tunnel alternative at Devil's Slide in place of a bypass on Route 1 be adopted?"

(TEXT)

We, the undersigned, request that this initiative measure be enacted by the Board of Supervisors or submitted to the voters of San Mateo County in accordance with Section 9118 of the California Elections Code.

The people of the County of San Mateo ordain as follows:

Section 1. Purposes of This Measure

(1) **Authorization of Tunnel:** To provide for a safe, stable, and reliable tunnel behind Devil's Slide that expeditiously solves the problems of closure of State Highway Route 1.

(2) **Prevention of Hazards:** To protect highway users against dangers from landslides, rockfalls, cliff drop-offs, steep grades and coastal fog that often shrouds the higher elevations of the proposed Devil's Slide bypass.

(3) **Protection of Quality of Life for Coastside Communities and Visitors:** To protect residents, businesses, property owners and visitors to coastside communities and parklands from flooding, visual blight, noise, air pollution, and traffic congestion resulting from the proposed bypass.

(4) **Preservation of the Environment:** To preserve the streams, parks, watersheds, scenic beauty, endangered species, wildlife and other vital natural resources of the San Mateo Coastside.

(5) **Voter Control:** To ensure voter control over critical decisions affecting State Highway Route 1 and the San Mateo Coast.

Section 2. Findings

(1) **A tunnel is a safe and reliable solution.** A tunnel would meet all applicable federal safety standards. Safety features would include ventilation, lighting, and appropriate signage or signaling systems. A tunnel would be safer during earthquakes than bridges and fills, which would be necessary along the proposed bypass.

(2) **A tunnel is cost-effective.** A tunnel could be built for less money than the proposed bypass. Earthwork would be reduced by as much as 95 percent, from six million to two hundred thousand cubic yards.

(3) **A tunnel will protect the environment.** A tunnel would have virtually no harmful effects upon the environment. It would be consistent with coastal laws. It would avoid the serious damage to the watersheds, wildlife habitats and parks of Montara and San Pedro Mountains that would be caused by a surface bypass.

(4) **A tunnel is a timely solution.** A tunnel can be constructed as quickly as the proposed surface bypass. It would meet transportation needs while protecting the environment.

Section 3. Route 1 Improvements

(1) Policy 2.50 b. of the San Mateo County Local Coastal Program is amended to read in its entirety:

2.50 b. On Route 1, limit Phase I improvements to: (1) slow vehicle lanes on uphill grades and the following operational and safety improvements within the existing alignment or lands immediately adjacent: elimination of sharp curves, lane widening, wider shoulders to allow passage for emergency vehicles and signals at major intersections, and (2) construction of a tunnel for motorized vehicles only behind Devil's Slide through San Pedro Mountain. The tunnel design shall be consistent with (a) Coastal Act limits restricting Route 1 to a two-lane scenic highway, and (b) minimum state and federal tunnel standards. A separate trail for pedestrians and bicycles shall be provided outside the tunnel as specified in Policy 2.56 a.

(2) Policy 2.54 b. of the Local Coastal Program is amended to read in its entirety:

2.54 b. For Route 1, allow construction of a tunnel behind Devil's Slide through San Pedro Mountain. The tunnel should be given

high priority for Federal and State highway funds. Until a tunnel is completed, the State should maintain and repair the road on the existing alignment. No part of Route 1 used by motor vehicles shall be built on any alignment that bisects Montara State Beach, including the "McNee Ranch Acquisition" except along the current Route 1 alignment. Any alternative to the tunnel, except the repair and reconstruction of the existing road, shall require approval by a majority of the voters of San Mateo County.

(3) Policy 2.56 a. of the Local Coastal Program is amended to read in its entirety:

2.56 a. Require, if funds are available, that Caltrans provide adjacent or separate facilities for bicycle and pedestrian trails in accordance with the policies of the Recreation and Visitor Serving Facilities Component and the County Bikeways Plan. If a tunnel is constructed behind Devil's Slide, require as part of the project that Caltrans construct a bicycle and pedestrian trail outside the tunnel.

Section 4. Inconsistent County Plans and Ordinances

Except as approved by the voters of San Mateo County subsequent to the effective date of this ordinance, if any existing or subsequently enacted provision of the General Plan, the Local Coastal Program, an area or special plan or other ordinance or resolution of the County of San Mateo, is inconsistent with this ordinance, that provision is superseded and rendered ineffective by this ordinance to the extent, but only to the extent, that it is inconsistent.

Section 5. Submission to Coastal Commission and Metropolitan Transportation Commission

The Board of Supervisors shall submit in a timely and appropriate manner, with necessary supporting documents and information, any amendments made by this ordinance of the Local Coastal Program to the California Coastal Commission, and any amendment of the Regional Transportation Plan to the Metropolitan Transportation Commission.

Section 6. Effective Date of Measure

This ordinance shall become effective as provided by statute except that if all the General Plan Amendments permitted by law during the year in which this ordinance is an ordinance shall become effective on January 1, 2000.

Section 7. Amendment

This ordinance shall not be repealed by a majority of the voters of San Mateo County.

Section 8. Severability

If any provision or application of courts to be invalid, the invalidation shall not affect the application of any provision of this ordinance.

INITIATIVE MEASURE AMENDING SAN MATEO LOCAL COASTAL PROGRAM TO ALLOW FOR CONSTRUCTION OF A TUNNEL ALTERNATIVE FOR THE DEVIL'S SLIDE BYPASS ON STATE ROUTE 1

Initiative measure proposing ordinance to amend the San Mateo County Local Coastal Program. Current regulatory policies of the Local Coastal Program allow construction of a two-lane bypass on State Highway 1 around Devil's Slide, with slow vehicle lanes on uphill grades, and designate the Martini Creek alignment as the preferred alignment for a bypass. This measure would substitute a tunnel alternative as the preferred alternative, and would prohibit any other alternative, except repair or reconstruction of the existing roadway, unless approved by a vote of the electorate. Specifically, this measure would amend existing Policy 2.50(b), which specifies limitations on Phase I improvements on State Route 1, to delete the reference to a two-lane bypass, and to provide instead for construction of a tunnel for

EXHIBIT NO.	3
APPLICATION NO.	SAN MATEO CO. LCP
AMENDMENT 1-96	Tunnel Initiative
(page 1 of 3)	

motorized vehicles only behind Devil's Slide through San Pedro Mountain. This measure further provides that the tunnel design shall be consistent with Coastal Act limits restricting Route 1 to a two-lane scenic highway and minimum state and federal tunnel standards. This measure would amend existing Policy 2.54(b), which specifies roadway alignments, to delete the reference to a two-lane bypass with a preferred alignment in the area of Martini Creek, and to provide instead for the construction of a tunnel behind Devil's Slide through San Pedro Mountain. This measure prohibits construction of any part of Route 1 to be used by motor vehicles on any alignment that bisects Montara State Beach, including the McNee Ranch Acquisition, except along the current Route 1 alignment. This measure requires voter approval of any alternative to the tunnel, except repair and reconstruction of the existing road. This measure would amend Policy 2.56(a), which specifies improvements for bicycle and pedestrian trails, to require, as part of the construction of a tunnel, that Caltrans construct a bicycle and pedestrian trail outside the tunnel.

The responsibility and authority to provide funding for improvements to State Route 1 lies with State and Federal agencies, and the responsibility and authority to maintain and repair State Route 1 lies with the State through the California Department of Transportation. This measure states, as a matter of County policy, that the tunnel should be given high priority for Federal and State highway funds, and that the State should maintain and repair the road on the existing alignment until a tunnel is completed.

This measure provides that provisions of the initiative ordinance will supersede other County regulations to the extent they are inconsistent with the provisions of the initiative ordinance.

FISCAL IMPACT STATEMENT

This measure, in and of itself, would have a minimal impact on the County's revenues and expenditures as, according to County Counsel's analysis, "the responsibility and authority to provide funding for improvements to State Route 1 lies with State and Federal Agencies, and the responsibility and authority to maintain and repair State Route 1 lies with the State through the California Department of Transportation". However, certain future events and actions by Federal and/or State entities may occur which may have an indeterminate fiscal impact on the County. A fiscal impact analysis of all of these future events and actions is not possible.

In accordance with the Election Code, the scope of this fiscal impact statement has been limited to the measure's effect on County government's expenditures and revenues. It does not address larger county-wide fiscal issues such as the measure's effect on the overall County economy.

/s/ G. R. Trias

Controller, County of San Mateo

IMPARTIAL ANALYSIS MEASURE T

This measure would amend the San Mateo County Local Coastal Program. Current regulatory policies of the Local Coastal Program allow construction of a two-lane bypass on State Highway 1 around Devil's Slide, with slow vehicle lanes on uphill grades, and designate the Martini Creek alignment as the preferred alignment for a bypass. This measure would substitute a tunnel for the bypass and would prohibit any other alternative, except repair or reconstruction of the existing roadway, unless approved by a vote of the electorate. Specifically, this measure would amend existing Policy 2.50(b), which specifies limitations on Phase I improvements on State Route 1, to delete the reference to a two-lane bypass, and to provide instead for construction of a tunnel for motorized vehicles only behind Devil's Slide through San Pedro Mountain. This measure further provides that the tunnel design shall be consistent with Coastal Act limits restricting Route 1 to a two-lane scenic highway and minimum state and federal tunnel standards. This measure would amend existing Policy 2.54(b), which specifies roadway alignments, to delete the reference to a two-lane bypass with a preferred alignment in the area of Martini Creek, and to provide instead for the construction of a tunnel behind Devil's Slide through San Pedro Mountain. This measure prohibits construction of any part of Route 1 to be used by motor vehicles on any alignment that bisects Montara State Beach, including the McNee Ranch Acquisition, except along the current Route 1 alignment. This measure requires voter approval of any alternative to the tunnel, except

repair and reconstruction of the existing road. This measure would amend Policy 2.56(a), which specifies improvements for bicycle and pedestrian trails, to require, as part of the construction of a tunnel, that Caltrans construct a bicycle and pedestrian trail outside the tunnel.

The responsibility and authority to provide funding for improvements to State Route 1 lies with State and Federal agencies, and the responsibility and authority to maintain and repair State Route 1 lies with the State through the California Department of Transportation. This measure states, as a matter of County policy, that the tunnel should be given high priority for Federal and State highway funds, and that the State should maintain and repair the road on the existing alignment until a tunnel is completed. This measure provides that its provisions would supersede other County regulations to the extent they are inconsistent with the provisions of the measure.

A "yes" vote on this measure would amend existing Policies 2.50(b), 2.54(b), and 2.56(a) of the San Mateo County Local Coastal Program to substitute a tunnel for the bypass around the Devil's Slide.

A "no" vote on this measure would retain existing Policies 2.50(b), 2.54(b), and 2.56(a) of the San Mateo County Local Coastal Program which designate the Martini Creek as the preferred alignment for a bypass.

This measure passes if a majority of those voting on the measure vote "yes."

ARGUMENT IN FAVOR OF MEASURE T

For decades a permanent repair for Highway 1 at Devil's Slide has been delayed because Caltrans has defended an environmentally damaging six-lane freeway bypass since the 1960's. Finally, an innovative and environmentally sensitive alternative for Devil's Slide has emerged—a tunnel.

- The tunnel will be less than one mile long, straight, and level, unlike the 4.5 mile freeway bypass which would curve through steep mountainous terrain.
- The tunnel will be seismically stable. Studies show tunnels are safer in earthquakes than the bridges and fills proposed for the freeway bypass.
- The tunnel will eliminate driving hazards of dense coastal fog which would endanger drivers on the freeway bypass, and will comply with all federal and state highway safety standards.
- The tunnel will have minimal environmental impact. In contrast, the freeway bypass would slash across Montara Mountain, leaving permanent scars visible from Marin County. The freeway bypass would decimate state parkland, destroying campgrounds and an excellent system of hiking and biking trails. Siltation from the freeway bypass cuts and fills would damage local creeks, fisheries and the Monterey Bay National Marine Sanctuary.

With so many good reasons to prefer a tunnel over the proposed freeway bypass, why must we vote on this issue?

Caltrans will not relinquish their outdated, oversized freeway bypass without a clear mandate from the voters. We must tell Caltrans and our San Mateo County Board of Supervisors that we prefer a state-of-the-art and environmentally sensitive solution for Devil's Slide. By voting YES on Measure T, the initiative signed by 34,924 citizens from all over the county, we can preserve our coast and solve the problem of Highway 1 at Devil's Slide for generations to come.

Vote for the Tunnel. Vote YES on Measure T.

/s/ Zoe Kersteen-Tucker

August 17, 1996

Citizens Alliance for the Tunnel Solution

/s/ Melvin B. Lane

Former Publisher, Sunset Magazine

/s/ Pietro Parravano

Commercial Fisherman

/s/ Carol Mickelsen

Business Owner, Half Moon Bay

/s/ Olive Mayer

Sierra Club

EXHIBIT NO.	3
APPLICATION NO.	SAN MATEO CO., LCP
AMENDMENT	1-96
Tunnel Initiative	(page 2 of 3)

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE T

Measure T is a perfect example why voters are fed up with politics.

Like many initiatives, Measure T is full of false promises to fool voters. Its sole purpose is to block solutions to Devil's Slide. And it imposes the will of a small group of outside activists on coastside residents and small business owners who simply want a solution.

FACTS:

- Measure T does not guarantee a tunnel will ever be constructed. The initiative simply blocks all other solutions.
- Measure T does not fund a tunnel. And the Feds say there is no money for a tunnel.
- Measure T is opposed by coastside residents and small business owners because it blocks a solution, endangering the safety of their families and jeopardizing their businesses.
- Claims made by Measure T activists are wildly inaccurate.

The approved and funded bypass is not a six-lane freeway, but rather a "2-lane highway" as stated in the project's environmental impact statement (EIS).

No environmental analysis has been done for the tunnel. Its potential impact is unknown.

The bypass offers beautiful coastal vistas and access to McNee Ranch State Park's picnic areas and camp grounds. Its EIS concludes that the road offers the "least impact on the natural environment..."

- Measure T proponents claim a tunnel is safer than an open road. Remember the Caldicott tunnel fire?

Voters should have the right to choose the best solution, not be tricked into locking in an unfunded, unproven tunnel.

Vote Solutions, Not Roadblocks. Vote No on Measure T.

Tom Huening

Supervisor, San Mateo County

Mary Ann Sabie

Teacher

John Barbour

Citizens for Solutions, Not Roadblocks

Pete Fogarty

Business Representative, Operating Engineers Local 3

B.J. Burns

President, San Mateo County Farm Bureau

ARGUMENT AGAINST MEASURE T

We are coastside residents and small business owners. We know from personal experience how devastating the loss of Highway One at Devil's Slide can be. Each time the road closes, our businesses are devastated and hundreds of us lose our jobs. In addition, the health and safety of our loved ones is threatened because emergency vehicles can't get through. That's why we need a quick and permanent solution to Devil's Slide. Unfortunately, **Measure T is not the solution.**

Read the fine print, and you'll find:

- **Measure T takes away voter choice** forcing the county to make the tunnel the only alternative to the current road on Highway 1. All other options are blocked.
- **Measure T does not provide any funding for a tunnel.** It simply states that a tunnel should be given "high priority" for highway funds. Yet, our local elected officials have admitted they cannot guarantee federal funding for a tunnel. There is funding for a bypass, but Measure T blocks consideration of this option and under federal law if we don't use those funds specifically for the bypass, we lose them.
- **Measure T does not guarantee a tunnel will ever be constructed.** If Measure T passes, and Devil's Slide collapses, our businesses will fail, our homes will drop in value, and our families will lose immediate access to emergency services like ambulances and additional fire protection.
- **Measure T makes unproven claims about the tunnel.** An independent study is currently underway. It doesn't make sense to limit our

options to a tunnel before voters have had the opportunity to review the completed analysis.

The simple fact is Measure T is not a quick or permanent solution to Devil's Slide. That's why we urge you to Vote No on Measure T. The future of our families and businesses depend on it.

Victor S. Tigerman
Senior Community Activist

Albert J. Adreveno
Retired flower grower

John D. Barbour
Owner, small business

Alexander M. King
Firefighter

Susan W. Hayward
Owner, Susan Hayward School
of Dancing

REBUTTAL TO ARGUMENT AGAINST MEASURE T

Measure T gives us a clear choice. Vote YES on T for the tunnel, or vote NO and Caltrans will build the freeway bypass. For the first time in thirty years the choice is ours.

Measure T is supported by residents, businesses and by a majority of coastside civic leaders who recognize that preventing the devastation wrought by the freeway bypass is good for business, good for families, and good for the environment.

- A tunnel can be built sooner than the freeway bypass because it has no major environmental impacts.
- Tunnels with modern state-of-the-art lighting, ventilation, and safety systems are proven and recognized worldwide as safe, reliable, and ideally suited for environmentally sensitive areas like Hwy 1 at Devil's Slide.
- Construction costs for a tunnel will be comparable to the freeway bypass, but when all of the costs are considered, the tunnel will be less costly because it will save our State Park, and avoid taxpayer costs from flooding, landslides and fog-related accidents.
- The freeway bypass is NOT funded. Only a fraction of the funding is available and the rest is not guaranteed.

A clear mandate from the voters in favor of a tunnel will empower our legislators to get the money needed to finally fix Devil's Slide. After 30 years of gridlock we deserve our share of highway funds to fix our Coast Highway. The sooner, safer, cheaper and BETTER solution for Devil's Slide is the TUNNEL.

VOTE FOR THE TUNNEL. VOTE YES ON MEASURE T

Deborah Ruddock
Mayor, Half Moon Bay

Ellen Castelli
Mayor, City of Pacifica

Rebekah Donaldson
Citizens for Reliable and Safe Highways
(CRASH)

Jim Rourke
Retired Highway Patrolman
Lennie Roberts
Chair, Save Our Coast

EXHIBIT NO.

3

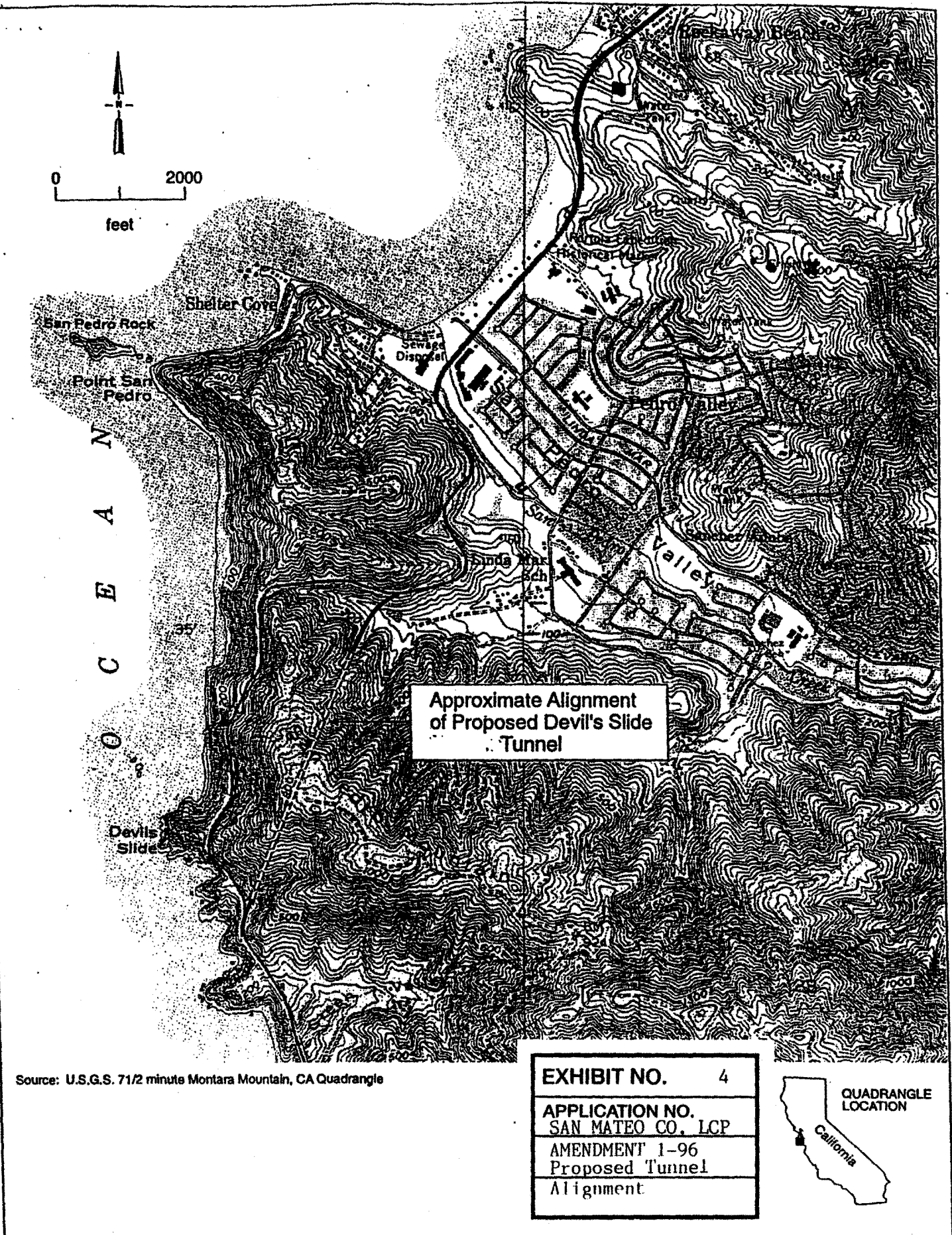
APPLICATION NO.

SAN MATEO CO., LCP

AMENDMENT 1-96

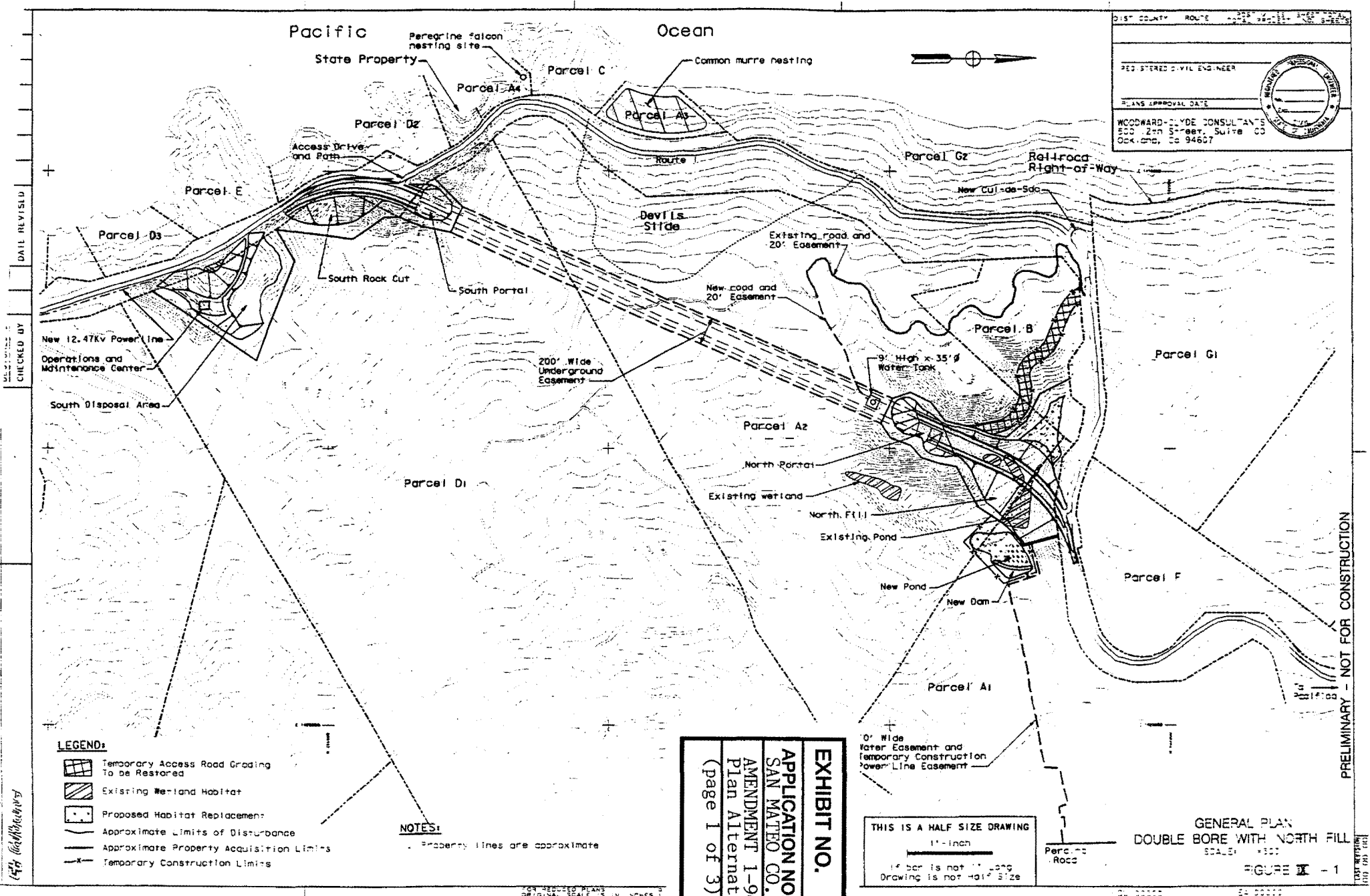
Tunnel Initiative

(page 3 of 3)



LOCATION MAP

DEVIL'S SLIDE TUNNEL STUDY



DATE REVISED
CHECKED BY

DATE REVISED
CHECKED BY

- LEGEND:**
- Temporary Access Road Grading To be Restored
 - Existing Wetland Habitat
 - Proposed Habitat Replacement
 - Approximate Limits of Disturbance
 - Approximate Property Acquisition Limits
 - Temporary Construction Limits

NOTES:
Property lines are approximate

EXHIBIT NO. 5
APPLICATION NO. SAN MATEO CO. ICP AMENDMENT 1-96 Plan Alternatives (page 1 of 3)

THIS IS A HALF SIZE DRAWING
1" = 100'
If box is not 1" long
Drawing is not half size

GENERAL PLAN
DOUBLE BORE WITH NORTH FILL
SCALE: 1" = 100'
FIGURE II - 1

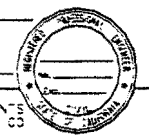
PRELIMINARY - NOT FOR CONSTRUCTION

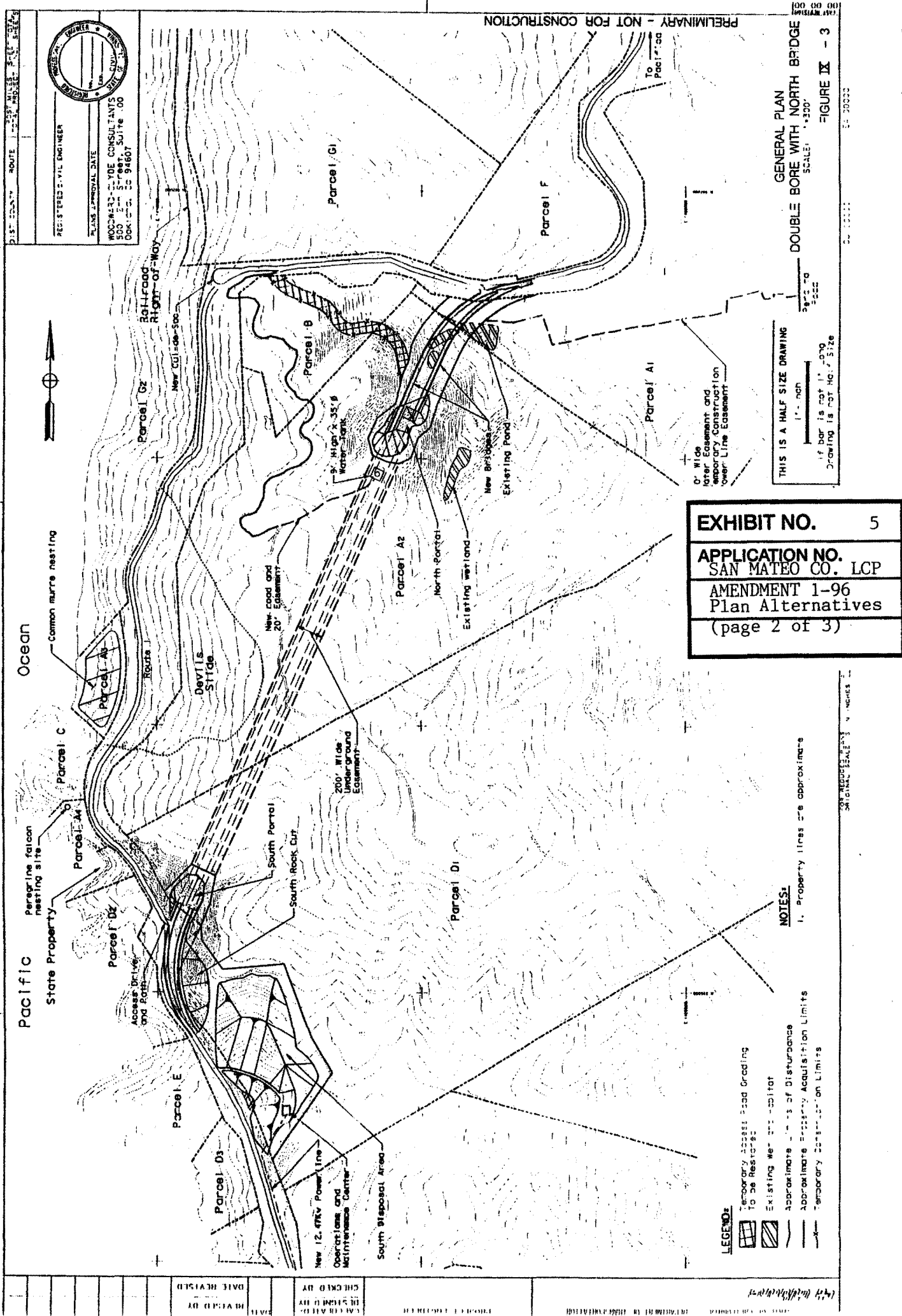
0.5" COUNTY ROUTE 205 1/2" = 100' 1/4" = 500'

REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

WOODWARD-CLYDE CONSULTANTS
500 2nd Street, Suite 300
Oakland, CA 94607





DIST. COUNTY	ROUTE	PROJECT	NO. SHEETS
REGISTERED CIVIL ENGINEER		PLANS APPROVAL DATE	
WOODWARD-CLYCE ENGINEERS		500 12th Street, Suite 100 Oakland, CA 94607	

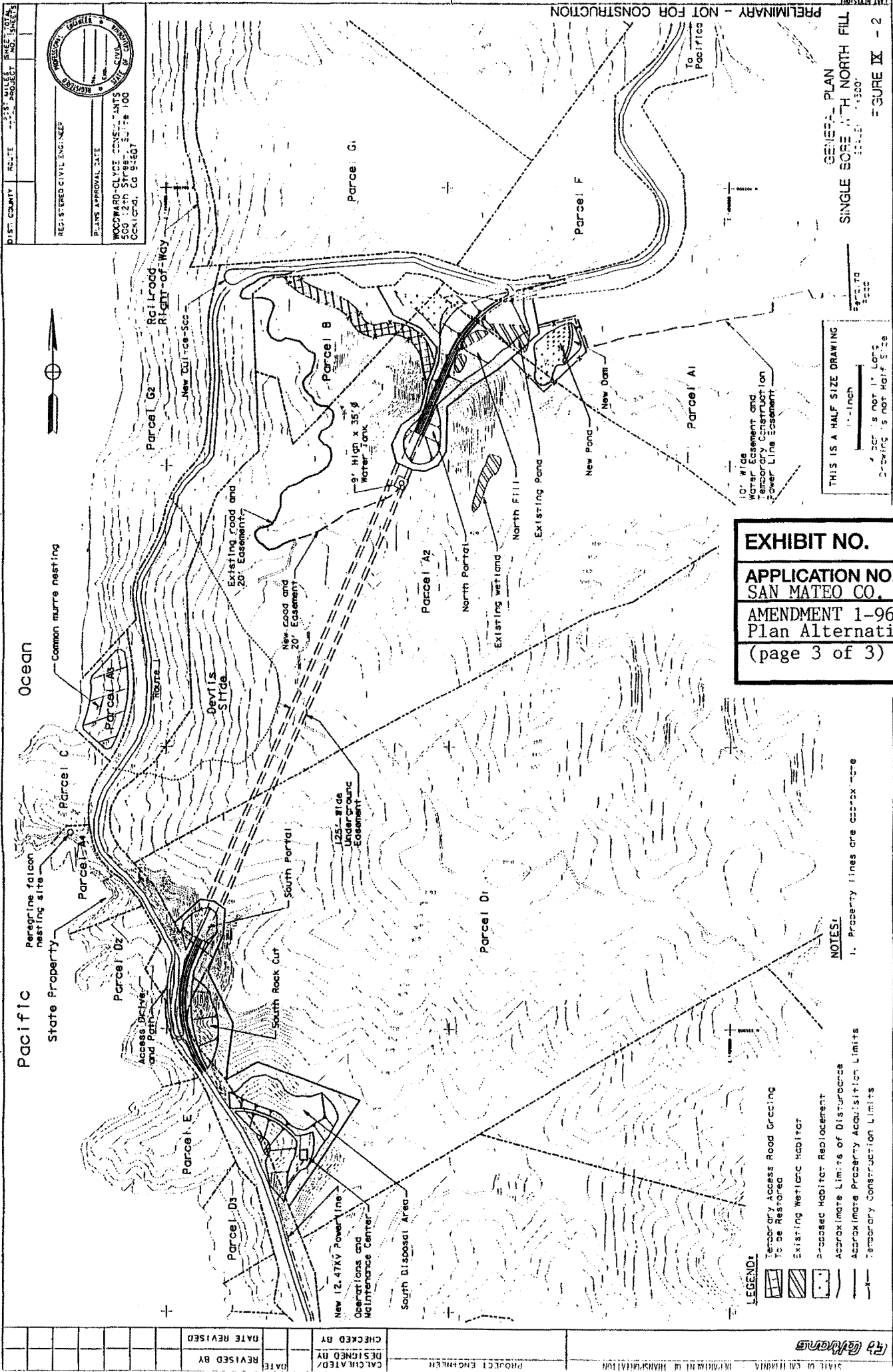
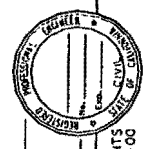


EXHIBIT NO. 5

APPLICATION NO. SAN MATEO CO. LCP

AMENDMENT 1-96

Plan Alternatives

(page 3 of 3)

- LEGEND:**
- Temporary Access Road Grading To Be Restored
 - Existing Wetland Habitat
 - Proposed Habitat Relocation
 - Approximate Limits of Disturbance
 - Approximate Property Acquisition Limits
 - Temporary Construction Limits

NOTES:

1. Property lines are approximate

THIS IS A HALF SIZE DRAWING

1" = 100'

4" x 6" IS NOT 1" x 1.5"

DRAWING IS NOT HALF SIZE

GENERAL PLAN
SINGLE SCORE WITH NORTH FILL
SCALE: 1" = 100'

FIGURE IX - 2

PRELIMINARY - NOT FOR CONSTRUCTION

DATE	REVISOR	REVISION
DATE	DESIGNED BY	CHECKED BY
PROJECT ENGINEER		
DATE		

SENSITIVE HABITATS COMPONENT

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
AMENDMENT	1-96
LUP Policies	(page 1 of 13)

GENERAL POLICIES

The County will:

*7.1 Definition of Sensitive Habitats

Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and off-shore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.

Sensitive habitat areas include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species.

7.2 Designation of Sensitive Habitats

Designate sensitive habitats as including, but not limited to, those shown on the Sensitive Habitats Map for the Coastal Zone.

*7.3 Protection of Sensitive Habitats

- a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.
- b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

*7.4 Permitted Uses in Sensitive Habitats

- a. Permit only resource dependent uses in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and habitats supporting rare, endangered, and unique species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30, 7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986.
- b. In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

7.5 Permit Conditions

- a. As part of the development review process, require the applicant to demonstrate that there will be no significant impact on sensitive habitats. When it is determined that significant impacts may occur, require the applicant to provide a report prepared by a qualified professional which provides: (1) mitigation measures which protect resources and comply with the policies of the Shoreline Access, Recreation/Visitor Serving Facilities and Sensitive Habitats Components, and (2) a program for monitoring and evaluating the effectiveness of mitigation measures. Develop an appropriate program to inspect the adequacy of the applicant's mitigation measures.
- b. When applicable, require as a condition of permit approval the restoration of damaged habitat(s) when in the judgment of the Planning Director restoration is partially or wholly feasible.

7.6 Allocation of Public Funds

In setting priorities for allocating limited local, State, or federal public funds for preservation or restoration, use the following criteria: (1) biological and scientific significance of the habitat, (2) degree of endangerment from development or other activities, and (3) accessibility for educational and scientific uses and vulnerability to overuse.

RIPARIAN CORRIDORS

The County will:

7.7 Definition of Riparian Corridors

Define riparian corridors by the "limit of riparian vegetation" (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

7.8 Designation of Riparian Corridors

Establish riparian corridors for all perennial and intermittent streams and lakes and other bodies of freshwater in the Coastal Zone. Designate those corridors shown on the Sensitive Habitats Map and any other riparian area meeting the definition of Policy 7.7 as sensitive habitats requiring protection, except for man-made irrigation ponds over 2,500 square feet surface area.

7.9 Permitted Uses in Riparian Corridors

- a. Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish

and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects.

- b. When no feasible or practicable alternative exists, permit the following uses: (1) stream dependent aquaculture, provided that non-stream dependent facilities locate outside of corridor, (2) flood control projects, including selective removal of riparian vegetation, where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, (3) bridges when supports are not in significant conflict with corridor resources, (4) pipelines, (5) repair or maintenance of roadways or road crossings, (6) logging operations which are limited to temporary skid trails, stream crossings, roads and landings in accordance with State and County timber harvesting regulations, and (7) agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels.

7.10 Performance Standards in Riparian Corridors

Require development permitted in corridors to: (1) minimize removal of vegetation, (2) minimize land exposure during construction and use temporary vegetation or mulching to protect critical areas, (3) minimize erosion, sedimentation, and runoff by appropriately grading and replanting modified areas, (4) use only adapted native or non-invasive exotic plant species when replanting; (5) provide sufficient passage for native and anadromous fish as specified by the State Department of Fish and Game, (6) minimize adverse effects of waste water discharges and entrainment, (7) prevent depletion of groundwater supplies and substantial interference with surface and subsurface waterflows, (8) encourage waste water reclamation, (9) maintain natural vegetation buffer areas that protect riparian habitats, and (10) minimize alteration of natural streams.

7.11 Establishment of Buffer Zones

- a. On both sides of riparian corridors, from the "limit of riparian vegetation" extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.
- b. Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams.
- c. Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.

7.12 Permitted Uses in Buffer Zones

Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors, (2) residential uses on existing legal

sites, setback 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists, (3) in Planned Agricultural, Resource Management and Timber Preserve Districts, residential structures or impervious surfaces only if no feasible alternative exists, (4) crop growing and grazing consistent with Policy 7.9, (5) timbering in "streamside corridors" as defined and controlled by State and County regulations for timber harvesting, and (6) no new residential parcels shall be created whose only building site is in the buffer area.

7.13 Performance Standards in Buffer Zones

Require uses permitted in buffer zones to: (1) minimize removal of vegetation, (2) conform to natural topography to minimize erosion potential, (3) make provisions to (i.e., catch basins) to keep runoff and sedimentation from exceeding pre-development levels, (4) replant where appropriate with native and non-invasive exotics, (5) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor, (6) remove vegetation in or adjacent to man-made agricultural ponds if the life of the pond is endangered, (7) allow dredging in or adjacent to man-made ponds if the San Mateo County Resource Conservation District certified that siltation imperils continued use of the pond for agricultural water storage and supply, and (8) require motorized machinery to be kept to less than 45 dBA at any wetland boundary except for farm machinery and motorboats.

WETLANDS

The County will:

7.14 Definition of Wetland

Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.

In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
AMENDMENT	1-96
LUP Policies	
(page 4 of 13)	

7.15 Designation of Wetlands

- a. Designate the following as wetlands requiring protection: Pescadero Marsh, Pillar Point Marsh (as delineated on Map 7.1), marshy areas at Tunitas Creek, San Gregorio Creek, Pomponio Creek and Gazos Creek, and any other wetland meeting the definition in Policy 7.14.
- b. At the time a development application is submitted, consider modifying the boundary of Pillar Point Marsh (as delineated on Map 7.1) if a report by a qualified professional, selected jointly by the County and the applicant, can demonstrate that land within the boundary does not meet the definition of a wetland.

7.16 Permitted Uses in Wetlands

Within wetlands, permit only the following uses: (1) nature education and research, (2) hunting, (3) fishing, (4) fish and wildlife management, (5) mosquito abatement through water management and biological controls; however, when determined to be ineffective, allow chemical controls which will not have a significant impact, (6) diking, dredging, and filling only as it serves to maintain existing dikes and an open channel at Pescadero Marsh, where such activity is necessary for the protection of pre-existing dwellings from flooding, or where such activity will enhance or restore the biological productivity of the marsh, (7) diking, dredging, and filling in any other wetland only if such activity serves to restore or enhance the biological productivity of the wetland, (8) dredging man-made reservoirs for agricultural water supply where wetlands may have formed, providing spoil disposal is planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation, and (9) 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.

7.17 Performance Standards in Wetlands

Require that development permitted in wetlands minimize adverse impacts during and after construction. Specifically, require that: (1) all paths be elevated (catwalks) so as not to impede movement of water, (2) all construction take place during daylight hours, (3) all outdoor lighting be kept at a distance away from the wetland sufficient not to affect the wildlife, (4) motorized machinery be kept to less than 45 dBA at the wetland boundary, except for farm machinery, (5) all construction which alters wetland vegetation be required to replace the vegetation to the satisfaction of the Planning Director including "no action" in order to allow for natural re-establishment, (6) no herbicides be used in wetlands unless specifically approved by the County Agricultural Commissioner and State Department of Fish and Game, and (7) all projects be reviewed by the State Department of Fish and Game and State Water Quality Board to determine appropriate mitigation measures.

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
AMENDMENT	1-96
LUP Policies	(page 5 of 13)

7.18 Establishment of Buffer Zones

Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.

7.19 Permitted Uses in Buffer Zones

Within buffer zones, permit the following uses only: (1) uses allowed within wetlands (Policy 7.16) and (2) public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands.

7.20 Management of Pillar Point Marsh

- a. Define safe yield from the aquifer feeding the marsh as the amount of water that can be removed without adverse impacts on marsh health.
- b. Restrict groundwater extraction in the aquifer to a safe yield as determined by a hydrologic study participated in by the two public water systems (CUC and CCWD). Water system capacity permitted and the number of building permits allowed in any calendar year shall be limited if necessary by the findings of the study.
- c. Encourage purchase by an appropriate public agency such as the Coastal Conservancy.
- d. Encourage management of the marsh to enhance the biological productivity and to maximize wildlife potential.
- e. All adjacent development shall, where feasible, contribute to the restoration of biologic productivity and habitat.

7.21 Management of Pescadero Marsh

- a. Designate the marsh as a high priority resource management project, requiring additional governmental involvement.
- b. Encourage the State to conduct a thorough hydrological study of the watershed with emphasis on efficient utilization of existing yields through detailed knowledge of diversions, pumping activities and flooding potential as well as existing water control structures in the marsh. Groundwater extraction should be limited to aquifer safe yield.
- c. Require, as a condition of permit, that the Department of Parks and Recreation develop and implement a management plan with the State Department of Fish and Game which maximizes the wildlife potential of Pescadero Marsh and permits only compatible uses.

- d. Assist the San Mateo County Resource Conservation District in developing and implementing a soil management program to control sedimentation throughout the Pescadero/Butano watersheds with special emphasis on anadromous fish spawning and nursery areas in the upper tributaries as well as in agricultural areas adjacent to the marsh. Base the program on the findings of the 208 Best Management Practices Program.
- e. Permit dredging of Pescadero Creek mouth when necessary to protect the viability of the marsh and to protect Pescadero from floods. Dredging at the creek mouth is appropriate only when there is no feasible less environmentally damaging alternative, mitigation measures have been provided to minimize adverse environmental effects, and the functional capacity of the wetland is being maintained or enhanced.
- f. Development shall be limited to: very minor incidental public facilities which only temporarily impact the resources of the area, wetland restoration, and nature study.

MARINE HABITATS

7.22 Designation of Marine and Estuarine Habitats

Designate all areas containing marine and estuarine habitats as requiring protection, specifically including but not limited to: Fitzgerald Marine Reserve, San Gregorio Estuary, Pescadero Marsh, Pigeon Point, Franklin Point, Ano Nuevo Point, and Ano Nuevo Island Reserve.

7.23 Permitted Uses in Marine and Estuarine Habitats

In marine and estuarine habitats, permit only the following uses: (1) nature education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fishing and (4) fish and wildlife management.

7.24 Energy Development

Request that offshore energy developments and require that onshore facilities for offshore oil be designed, constructed and maintained in a manner which minimizes impacts on marine habitats.

SAND DUNES

The County will:

7.25 Designation of Sand Dune Habitats

Designate the following dune areas as protected sensitive habitats: Pescadero Point, Franklin Point, and Ano Nuevo Point. "Dune areas" is defined as those areas indicated above and delineated by both active and stabilized dunes.

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
AMENDMENT	1-96
LUP Policies	
(page 7 of 13)	

7.26 Permitted Uses

In dune areas, permit only the following uses: (1) education and research, and (2) trails.

7.27 Development Standards

- a. Prohibit any activity which alters the profile of an active dune or which results in the disturbance or removal of dune vegetation on active dunes.
- b. Control pedestrian traffic in dune areas.
- c. Prohibit all non-authorized motor vehicles from dune areas.
- d. Post signs informing recreational users not to disturb dunes or their natural vegetation.
- e. Where development is permitted, require re-vegetation with appropriate stabilizing species (preferably native) as a condition of permit approval.
- f. Prohibit any direct removal or excavation of sand from active dunes.
- g. Require development to locate only landward of the most seaward stabilized dune.
- h. When no feasible or practical alternative exists, permit underground utilities.

7.28 Restoration of Dunes

Encourage projects by agencies and community groups to assist in the stabilization and restoration of dunes, particularly at Ano Nuevo Point and Franklin Point.

7.29 Public Acquisition

Encourage public acquisition of the dune habitat at Franklin Point.

SEA CLIFFS

7.30 Permitted Uses

- a. Where nesting or roosting exists, permit only education and research activities.
- b. Where nesting or roosting do not exist, permit only the following uses: (1) education and research, (2) limited foot paths, (3) limited recreational rock climbing, (4) road and underground utility construction where no feasible alternative exists, and (5) intake or outfall lines provided that the habitat is not threatened.

7.31 Development Standards

- a. Restrict pedestrian traffic in bluff and cliff areas and on faces to a limited number of well-defined trails which avoid seabird nesting and roosting sites.
- b. Post signs informing recreational users not to disturb natural vegetation or nesting and roosting sites.

RARE AND ENDANGERED SPECIES

The County will:

7.32 Designation of Habitats of Rare and Endangered Species

Designate habitats of rare and endangered species to include, but not be limited to, those areas defined on the Sensitive Habitats Map for the Coastal Zone.

7.33 Permitted Uses

- a. Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.
- b. If the critical habitat has been identified by the Federal Office of Endangered Species, permit only those uses deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

7.34 Permit Conditions

In addition to the conditions set forth in Policy 7.5, require, prior to permit issuance, that a qualified biologist prepare a report which defines the requirements of rare and endangered organisms. At minimum, require the report to discuss: (1) animal food, water, nesting or denning sites and reproduction, predation and migration requirements, (2) plants life histories and soils, climate and geographic requirements, (3) a map depicting the locations of plants or animals and or their habitats, (4) any development must not impact the functional capacity of the habitat, and (5) recommend mitigation if development is permitted within or adjacent to identified habitats.

7.35 Preservation of Critical Habitats

Require preservation of all habitats of rare and endangered species using criteria including, but not limited to, Section 6325.2 (Primary Fish and Wildlife Habitat Area Criteria) and Section 6325.7 (Primary Natural Vegetative Areas Criteria) of the Resource Management Zoning District.

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
	AMENDMENT 1-96
	LUP Policies
	(page 9 of 13)

7.36 San Francisco Garter Snake

- a. Prevent any development where there is known to be a riparian or wetland location for the San Francisco garter snake with the following exceptions: (1) existing man-made impoundments smaller than one-half acre in surface, and (2) existing man-made impoundments greater than one-half acre in surface providing mitigation measures are taken to prevent disruption of no more than one half of the snake's known habitat in that location in accordance with recommendations from the State Department of Fish and Game.
- b. Require developers to make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake. Such analyses will determine appropriate mitigation measures to be taken to provide for appropriate migration corridors.

7.37 San Francisco Tree Lupine Moth

Prevent the loss of any large populations (more than 100 plants in a 1/10-acre area) of tree lupine within 1 mile of the coastline.

7.38 Brackish Water Snail

- a. Prevent any development which can have a deleterious effect on the California brackish water snail, including any dredging of its known or potential habitat.
- b. Encourage the State Department of Parks and Recreation to manage Pescadero Marsh in such a manner as to enhance the habitat for the California brackish water snail.

7.39 Sea Otter

Encourage the appropriate agency to protect, monitor, and enhance sea otter habitats. In the development of mariculture facilities, encourage appropriate State and Federal agencies to seek measures to protect them from predation by the sea otter.

7.40 Globose Dune Beetle

- a. Assess, monitor, and contain the spread of dune grass.
- b. Provide roped-off trails for public access to the beach with the explanation of the dune beetle and its surrounding habitat.

7.41 Rare Plant Search

Encourage a continued search for any rare plants known to have occurred in San Mateo County Coastal zone but not recently seen. Such search can be done by various persons or groups concerned with such matters.

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
	AMENDMENT 1-96
	LUP Policies
	(page 10 of 13)

7.42 Development Standards

Prevent any development on or within 50 feet of any rare plant population. When no feasible alternative exists permit development if: (1) the site or a significant portion thereof is returned to a natural state to allow for the re-establishment of the plant, or (2) a new site is made available for the plant to inhabit.

UNIQUE SPECIES

The County will:

7.43 Designation of Habitats of Unique Species

Designate habitats of unique species to include, but not be limited to, those areas designated on the Sensitive Habitats Map for the Coastal Zone.

7.44 Permitted Uses

Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to the degree specified by existing governmental regulations.

7.45 Permit Conditions

In addition to the conditions set forth in Policy 7.5, require, as a condition of permit approval, that a qualified biologist prepare a report which defines the requirements of a unique organism. At minimum, require the report to discuss: (1) animal food, water, nesting or denning sites and reproduction, predation and migration requirements, and (2) plants life histories and soils, climate and geographic requirements.

7.46 Preservation of Habitats

Require preservation of critical habitats using criteria including, but not limited to, Section 6325.2 (Primary Fish and Wildlife Habitat Area Criteria) and Section 6325.7 (Primary Natural Vegetative Areas Criteria) of the Resource Management Zoning District.

7.47 Elephant Seal

- a. Encourage affected public agencies to control access to areas where elephant seals congregate.
- b. Enforce trespass laws to restrict access to areas where elephant seals congregate especially during mating, breeding, and molting season.

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
AMENDMENT	1-96
LUP Policies	
(page 11 of 13)	

7.48 Monterey Pine

- a. Require any development to keep to a minimum the number of native Monterey pine cut in the natural pine habitat near the San Mateo-Santa Cruz County line.
- b. Allow the commercial cutting of Monterey pine if it: (1) perpetuates the long-term viability of stands, (2) prevents environmental degradation, and (3) protects the viewshed within the Cabrillo Highway Scenic Corridor.
- c. To preserve the productivity of prime agricultural soils, encourage the control of invasive Monterey pine onto the soils.

7.49 California Wild Strawberry

Require any development, within one-half mile of the coast to mitigate against the destruction of any California wild strawberry in one of the following ways:

- a. Prevent any development, trampling, or other destructive activity which would destroy the plant, or
- b. After determining specifically if the plants involved are of particular value, successfully transplant them or have them successfully transplanted to some other suitable site. Determination of the importance of the plants can only be made by a professional doing work in strawberry breeding.

7.50 Champion Monterey Cypress

Declare the champion Monterey cypress tree a Class I Heritage Tree.

WEEDY, UNDESIRABLE PLANTS

The County will:

7.51 Voluntary Cooperation

Encourage the voluntary cooperation of private landowners to remove from their lands the undesirable pampas grass, French, Scotch and other invasive brooms. Similarly, encourage landowners to remove blue gum seedlings to prevent their spread.

7.52 Public Agency Requirements

Require public agencies, to the point feasible, to remove the undesirable pampas grass and French, Scotch, and other invasive brooms from their lands.

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
	AMENDMENT 1-96
	LUP Policies
	(page 12 of 13)

7.53 Sale Prevention

Encourage the voluntary cooperation of the County's retail nursery trade to prevent the sale of undesirable pampas grass and French Scotch, and other invasive brooms in the County.

7.54 Weedy Thistle Eradication

Encourage farmers to eradicate weedy thistle, particularly from land adjacent to artichoke fields. Encourage the Agricultural Commissioner to support eradication procedures in cooperation with the Farm Advisor, local farmers, the State Department of Beaches and Parks, CalTrans, and the State Department of Food and Agriculture.

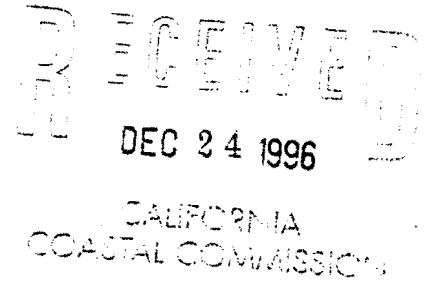
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(8/14/92)

EXHIBIT NO.	6
APPLICATION NO.	SAN MATEO CO. LCP
AMENDMENT 1-96	LUP Policies
(page 13 of 13)	

EMILIO L. GHERGO
SPANISH TECHNICAL TRANSLATIONS

P.O. Box 370263 • Montara, CA 94037 • (415) 728-1438 • Fax (415) 728-1431

December 23, 1996



Mr. Louis Calcagno, Chairman
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Sir:

As a resident of San Mateo County I urge you to advise your fellow members of the Coastal Commission to expeditiously adopt the amendment of the Local Coastal Plan that makes a vehicular 2-lane tunnel the preferred alternative for Highway 1 at Devil's Slide.

As you are aware, this amendment was approved by 74% of voters of the County and replaces the massive freeway proposed by the State Department of Transportation--a project shamelessly approved at the time by the San Mateo Board of Supervisors and the Coastal Commission, with total disregard of the unique scenic and environmental values of this segment of the coast.

Since the people of the County was forced to do the job that insensitive bureaucrats and politicians refused to consider, it is just appropriate that the current Commission will comply -- with no further delays or hesitations of any kind-- with this much needed and decent correction.

Sincerely,

A handwritten signature in dark ink, appearing to read "Emilio L. Ghergo".

Emilio L. Ghergo

EXHIBIT NO. 7
APPLICATION NO.
CORRESPONDENCE
(1 of 5)
California Coastal Commission

RECEIVED

AUG 05 1994

CALIFORNIA
COASTAL COMMISSION

M. Court *Mark*
Stan & Barbara Irish
P.O. Box 3701647
330 Sixth Street
Montara, CA 94037

To Whom it May Concern,

We are greatly concerned about the proposed bypass to Highway 1 at Devil's Slide. We believe Caltrans should repair the existing road and permanently cancel plans for the bypass.

The proposed bypass dissects McNee Ranch State Park without regard to the natural beauty and wildlife it would destroy. The massive roadbed cuts and earthen fills would forever damage the pristine and majestic Montara Mountain.

The steep grade (6%) on some parts of the bypass coupled with intense fog at that elevation would make driving a hazard. The fog is rarely a problem on Devil's Slide, it tends to roll over the road and linger above the path of traffic. Yesterday, viewing from our home, Montara Mountain was not visible but we could easily see the cars and roadway of Highway 1. We fear the potential of driving in such hazardous, foggy conditions.


The cost of a bypass far exceeds the cost of repairing and maintaining Highway 1. Only approximately 1000 cars use this road during commute time. A \$100 million bypass does not seem economically smart.

The majority of people in the community do not support the bypass. It would hurt the future of the coastside. We need to be true to the environment and start preserving the natural beauty.

We urge you to withhold any support of building the bypass and to be pro repair for Highway 1.

Sincerely,

Barbara & Stan Irish
Stan Irish

EXHIBIT NO. 7
APPLICATION NO.
CORRESPONDENCE
(Lot 5)
 California Coastal Commission

PETER LOEB

411 Maitland Road Pacifica, CA 94044 415/355-3523

RECEIVED
DEC 24 1996

December 20, 1996

Louis Calcagno, Chairperson
California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, Ca 94105-2219

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Calcagano and Coastal Commissioners:

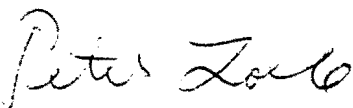
I understand that the Coastal Commission will be hearing the proposed Measure T amendment to the San Mateo County Local Coastal Plan at your meeting in Los Angeles, January 7-10, 1997.

I am writing in support of the amendment to incorporate the Devil's Slide tunnel in the LCP, and remove the bypass. I am a past Mayor and Council Member of the city of Pacifica. I assure you that there is strong support among the citizens of Pacifica--the people to the north of Devil's Slide who will be most affected by the tunnel solution--for this amendment.

I respectfully urge the Coastal Commission to certify the Measure T amendment.

Thank you for your consideration of this letter.

Sincerely,



Peter Loeb

EXHIBIT NO. 7

APPLICATION NO.

CORRESPONDENCE

13 of 5

California Coastal Commission

Another Tunnel Suggestion!
Please certify the
Measure T Amendment
to the Local Coastal
Plan!!!

This is so clearly the
right thing to do!!!

Thanks so much -
Happy Holidays -
Eric Mello

EXHIBIT NO. 7

APPLICATION NO.

CORRESPONDENCE

(4 of 5)
California Coastal Commission

RECEIVED
DEC 24 1996

CALIFORNIA
COASTAL COMMISSION

Frank J. Schneider
760 Cordova Court
Pacifica, CA 94044-3415

December 19, 1996

Louis Calcagno, Chairperson
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 94105-2219

Dear Commission Members:

As a Pacifica resident for more than 18 years, I can greatly appreciate the unique beauty and qualities of Montara Mountain, as well adjacent areas. Montara Mountain attracts local residents as well as visitors from around the world.


It is my sincere desire to protect the area from unnecessary destruction. Therefore I support the tunnel at Devil's Slide and urge the Coastal Commission to certify the proposed Measure T amendment.

Thank you for your sincere consideration in preserving our environment through your support of the Measure T amendment.

Sincerely,



Frank J. Schneider

EXHIBIT NO. 7
APPLICATION NO.
CORRESPONDENCE
(5 of 5)
 California Coastal Commission

