

Midcoast Community Council
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30 October 1998

Thomas F. Casey, III, County Counsel
Hall of Justice and Records - Third Floor
401 Marshall Street
Redwood City, CA 94063

Re: Status of Proposed Intersection Improvement at Coronado Street and State
Route 1

Dear Mr. Casey:

The Mirada Surf Draft Environmental Impact Report ("Draft EIR") depends heavily on the proposed CalTrans intersection improvement at Coronado Street and State Route 1 ("proposed Highway 1 project") as mitigation for the traffic impacts of this proposed project. In the Draft EIR, the proposed Highway 1 project is described as planned and funded. To the best of our knowledge, no Coastal Development Permit ("CDP") or Coastal Development Exemption has been obtained by CalTrans for the proposed Highway 1 project.

1. State CEQA guidelines prohibit a categorical exemption for a project "which may result in damage to scenic resources."¹ The Guidelines then go on to state, "this does not apply to improvements which are required as mitigation for a project for which a negative declaration or EIR has previously been adopted or certified." Would the effect of certification of a Final EIR for the proposed Mirada Surf project by the San Mateo County Board of Supervisors, based on the existing discussion and text in the Draft EIR, essentially constitute a grant of a Coastal Development Exemption for the proposed Highway 1 project?
2. If the answer to the immediately preceding question is "Yes," what public notice is required that the County is, in effect, considering granting a Coastal Development Exemption so that the public may exercise its rights under the Ralph M. Brown Act to testify before the decision making body? When has such required notice, if any, been given?
3. State CEQA guidelines further prohibit a categorical exemption for a project "which may cause a substantial adverse change in the significance of a historical resource."² What is the procedure for making this determination, if not as part of an Environmental Impact Report or Coastal Development Permit? How may the public participate in presenting evidence regarding the potential adverse impact on historical resources of the proposed projects (both the Highway 1 and Mirada Surf projects) if certification of the Mirada Surf EIR effectively precludes the requirement for review of the proposed Highway 1 project?
4. It is our understanding that, under State law, a body such as the Board of Supervisors cannot require an "exaction" as a condition of approval to pay for an existing improvement that serves a development. Is there such a general principal, and can you provide a reference to the appropriate sections of the relevant state codes where we could research this issue further?
5. If there is such a prohibition, at what point in the preliminary discussion of a project, consideration of alternatives, search for funding, securing of necessary permits and approvals, actual construction, etc., does a development proposal become protected from

participating in the funding of the improvement? In other words, if there has been talk of improving an intersection, but nothing is yet built, can a condition of approval for a proposed project require payment of the funds necessary to build the intersection improvement on which the project depends for mitigation? How much must things have progressed beyond talk towards construction before the costs can no longer be extracted from the development through conditions of approval? Has the proposed Highway 1 project reached this point? What dates are used in making such a determination, e.g., date an application is filed, date an application is approved, etc.?

Thank you for your attention to these questions of concern to our community.

Sincerely,

David Spiselman
Chair, Midcoast Community Council

Cc:
San Mateo County Supervisor Richard Gordon
Coastal Commission
San Mateo County Planning Commission