

**November 17, 2020**

---

**Appeal of Coastal Development Permit**

# Page One

---

- California Coastal Act Section 30253(4) was enacted in 2007.
- California Coastal Act Section 30253(4) and County CLUP 3.11.1 both read “New development shall minimize energy consumption and Vehicle Miles Traveled (VMT)”.
- California Public Resources Code 21174 states the Coastal Act controls when there is a conflict between the Coastal Act and CEQA.
  - Therefore, Coastal Act Section 30253(4) and county CLUP 3.11.1 supersedes CEQA rules and guidelines when determining the level of VMT impacts allowed for the project.
- County staff appears to be claiming that the project is only required to meet CEQA guidelines showing no significant VMT impacts. The Coastal Act/county CLUP supersedes that CEQA guideline. The CLUP and the Coastal Act necessitates the county analyze and identify the project or project alternative that provides the greatest minimization of VMT and energy consumption impacts.



# Page Two

- 
- In 2017, a Revised EIR (REIR) for the Highway 101 HOV project was prepared to determine impacts of the VMT inducing HOV project on intersections in the area of the HOV project. The proposed roundabout project was identified as a mitigation for the increased VMT induced into the project intersection by the addition of HOV lanes on the highway.
  - An alternative to the HOV and roundabout construction project was submitted during the draft phase of the HOV project REIR. That alternative proposed instituting planning and development policies that would reduce VMT on Highway 101 and into the project intersection. That alternative was based on guidelines that were then being developed for the implementation of SB 743. That alternative would reduce VMT by at least 15% into the project intersection and maintain that reduction. The proposed project would not reduce VMT and would allow VMT to increase.
  - For the purposes of determining compliance with the county CLUP and the Coastal Act, the county was asked in a timely manner to prepare a comparative analysis of the VMT reducing alternative and the proposed project. Compliance with the county CLUP and the Coastal Act would necessitate the county identify which project or project alternative provides the greatest minimization of VMT and energy consumption. The county refused repeated requests for that analysis. Instead, staff appears to be claiming that the CEQA guideline showing no significant VMT impact is all that is required, and CEQA guidelines supersede the CLUP and Coastal Act.

# Page Three

---

. There are 3 substantial issues here:

1- The county appears to be claiming CEQA controls the Coastal Act and the county's CLUP. Public Resources Code 21174 states the Coastal Act and the county's CLUP control CEQA.

2- County staff ignored repeated requests to participate in meetings to discuss the submitted alternative.

3- Compliance with County CLUP 3.11.1 and the Coastal Act necessitates the county prepare a comparative analysis for the submitted VMT reducing alternative and the proposed project. That comparative analysis should identify the project or alternative that achieves the greatest minimization of VMT and energy consumption.

-