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November 15, 2013

Steve Matarazzo
City Administration/Community Development Director
City Hall
Sylvan Park
Sand City, CA 93955

SUBJECT: COLLECTION AT MONTEREY BAY COASTAL RESORT PROJECT

Dear Mr. Matarazzo:

LandWatch Monterey County commented on the draft environmental impact report (DEIR) and reviewed the final environmental impact report (FEIR) for the proposed Collection at Monterey Bay Coastal Resort project. Based on our review, we recommend denial of the project because: the project has not been clearly defined; it is inconsistent with numerous plans and policies; its impacts on endangered species have not been fully identified; the impacts of sea level rise have not been mitigated over the potential life of the project; it would adversely affect the viewshed; it may have significant impacts on regional traffic conditions; and GHG emission reductions are uncertain and not subject to public scrutiny. Our specific comments follow:

1. Project Description is Unclear. The project design is conceptual and includes many aspects that may change. The following examples illustrate a project that is not clearly defined, stable and finite.
 - The FEIR states, “The inclusion of the final, design-level geotechnical investigation for the project is intended to ensure that neither the design of the project nor the conditions on the site have changed and require any additional measures that were not previously identified for the project.” In other words, the results of a future planned study could change the project and therefore the City and the public do not have a complete project description.
 - The DEIR describes mitigation measures proposed by the project applicant to reduce its visual impact rather than including them as part of the project description thus leaving their implementation up to a later decision by the City Council.
 - In terms of coastal hazards, the City states, “There are inherent uncertainties in the identification of hazards far in the future...Ultimately, the project developer

may choose to utilize a pier foundation design for a greater distance from the estimated 2062 setback line to reduce their financial risk.”(FEIR, p. 22)

2. Project’s Impact on Endangered Species Not Fully Identified. US Fish and Wildlife Service has not been consulted regarding impacts to endangered species. (FEIR, p.50) The extent of mitigation needed to address impacts could affect the final project design. Additionally, the analysis of cumulative impacts on endangered species is inadequate. The City claims that since impacts of individual coastal projects have been reduced to less than significant, cumulative impacts are therefore insignificant. This is inconsistent with the CEQA definition of cumulative impacts, e.g., “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines, Section 15355). Finally, the Monterey Peninsula Regional Park District has indicated potential harmful impacts to the Eolian Dune Preserve from public access. Mitigation measures proposed in the FEIR may not ensure that the impacts will be mitigated.
3. Project is Inconsistent with Plans and Coastal MOU. The DEIR acknowledges that the project “would block portions of designated view corridors across the site” and therefore the project “is partially inconsistent with the Coastal Memorandum of Understanding” (DEIR p. 49).

The project is also inconsistent with Sand City’s policy to “maintain scenic views from view corridors and vista points identified in the LCP.”

Finally, Policy 5.3.1 mandates that development not “reduce or restrict public access, adversely affect shoreline processes, or increase erosion on adjacent properties”. The FEIR finds the project as proposed is inconsistent with this policy.

The City contends that inconsistency with one individual policy does not necessarily result in a significant unavoidable impact under CEQA (P. 29). LandWatch views these policies as clear and fundamental to coastal development, and therefore, are significant and unavoidable impacts.

4. Impacts on Transportation System Are Significant. The DEIR finds traffic impacts on certain road segments and intersections to be significant and mitigated through payment of Transportation Agency of Monterey County (TAMC) regional traffic fees. The FEIR acknowledges that the fees would not reduce impacts, but finds the impacts insignificant by redefining the threshold of significance to make it less stringent for Phase I of the project. It further finds the impacts for Phase II of the project would be reduced by Transportation Demand Management measures which would be developed at later date. Deferred mitigation is inconsistent with CEQA requirements. Finally, CalTrans finds the project has the potential to be inconsistent and a barrier to widening options for Highway 1. The City ignores the comment indicating, “...it would be speculative for the project-level CEQA analysis to assume a new, undefined, unapproved widening project will be constructed on and/or adjacent to the site at the same time as the project or in the future.” (FEIR p. 16)

5. Coastal Erosion. The California Coastal Commission states, “In short, the DEIR has not adequately addressed potential higher risk coastal erosion scenarios, particularly when taking into account reasonable estimates for its economic life, and it cannot be assured that the project has been adequately sited and designed to address hazards. Accordingly, the DIER must identify the project’s expected economic lifetime and evaluate higher risk coastal erosion scenarios, including a minimum of 75 years, and take into account recent estimates of future sea level rise.” We support this finding. We also note the following statement by Edward Thornton, “A cautionary tale for developers is that using a 50-year set-back is a very short time for planning on a highly erosive shoreline.” (FEIR p. 71)

Finally, Mitigation Measure Geo-2.4 states, “Coastal protection structures could be constructed during the design life of the project to protect non-sacrificial project elements and facilities”. The FEIR defines non-sacrificial and states, “The project does not propose the use of coastal protection structures.” (P. 10). If coastal protection structures are not proposed, the mitigation measure should be modified to eliminate their reference. Otherwise, their impacts on coastal erosion should be evaluated.

6. Impacts on Viewshed. As noted in 3 above, the DEIR acknowledges that the Project “would block portions of designated view corridors across the site” and therefore, the project “is partially inconsistent with the Coastal Memorandum of Understanding” (DEIR p. 49). Further, the site has not been staked and flagged limiting a thorough visual assessment.
7. Reduction in Greenhouse Gas (GHG) Emissions is Uncertain. GHG emission reductions are not quantified and development of mitigation measures is deferred until a later time. Even though the FEIR indicates a GHG reduction plan must be submitted to the City prior to issuance of building permits, the plan would not be subject to considerations under CEQA and the public would not have an opportunity to review the plan.

In conclusion, LandWatch Monterey County urges the City Council to deny the project. Thank you for your consideration.

Sincerely,



Amy L. White
Executive Director