

CALIFORNIA ENVIRONMENTAL LAW PROJECT
A Non-Profit Legal Corporation



Laurens H. Silver, Esq.
P.O. Box 667
Mill Valley, CA 94942
Phone: 415-515-5688 Facsimile: 510-237-6598
larrysilver@earthlink.net

November 19, 2013

Via Facsimile - 831-394-2472

Email: steve@sandcity.org

Steve Matarazzo
City Administrator
City of Sand City
One Sylvan Park
Sand City, California 93955

Re: Comments on FEIR for The Collection at Monterey Bay Project (SCH #200604
1070)

Dear Mr. Matarazzo:

I have reviewed the Final EIR for the above-captioned project, and submit these comments on behalf of the Sierra Club, Ventana Chapter. Please forward these comments to the City Council for its consideration tonight.

- A. The Collections Project, As Proposed, Is Not Consistent With the Sand City LCP and Should Not Be Approved by The City Council.

The Sand City LCP requires that the development be sited and designed to avoid hazards, and requires that it be sited to ensure stability and safety over its economic lifetime. See LCP §5.3.1, 5.3.2, 5.5, 4.3.1. The site is subject to significant coastal hazards, including shoreline erosion/retreat and wave run-up/flooding. The project site consists of highly erodible sand dunes, and has some of the highest shoreline erosion in the state. Assuming a 50 year economic lifetime for the project, portions of the project would be threatened by coastal erosion in scenarios based on projected sea level rise and estimates of bluff retreat. The EIR is unclear about the project's economic lifetime. It fails to identify and analyze higher risk scenarios, such as 75 years, which Sierra Club believes is more appropriate.

The proposed project fails to be consistent with the LCP policy requiring the development be sited and designed to protect and enhance significant public views and to minimize loss of visual resources. There is not sufficient information in the FEIR fully to be able to assess the Project's visual impacts. The City should require additional environmental documentation from the applicant in order to more fully assess the Project's impacts on views of dunes and Monterey Bay from Route One.

The Project also fails to comply with LUP Policy 3.31 providing that "visitor serving and public recreational uses...shall be consistent with the protection of natural...resources." In light of the cumulative impacts expected with construction of the SNG Ecoresort project, it is apparent that there will be significant adverse impacts to the coastal snowy plovers that have used and occupied the Collections site and adjacent sites. The mitigation measures involving a Biological monitor and

possible exclusion-zones will not prevent significant adverse impacts from occurring to snowy plovers and their (critical) habitat. These impacts are not consistent with LUP Policy 3.31. Sierra Club does not believe that the mitigation measures adequately address the concerns raised by PRBO in its January 15, 2013 letter.

B. The FEIR Fails to Sufficiently Mitigate Significant Adverse Impacts of the Project.

There is not sufficient information in the FEIR, in terms of project design reconfiguration, to assure that Impact VA-1 (blockage of 50% of the 250-foot wide view from Corridor B) will be adequately mitigated.

The DEIR concludes that coastal erosion and recession will significantly impact elements of the project located seaward of the 50-year coastal corrosion set-back line. Impact GEO-2. Avoidance of impacts on elements of the project itself can be accomplished through the design alternative set forth in the FEIR. Adoption of the design alternative would be the preferable course of action, but does not resolve other compelling reasons why the Ventana Chapter urges the City Council not to approve the Project and require supplemental environmental documentation.

The Sierra Club remains concerned that the FEIR's cumulative impacts analysis is flawed. As was pointed out by the City of Seaside in its January 15, 2013 letter to the City, the discussion of cumulative impacts is based on the same kind of analysis as was done for project level impacts, and relies on the same mitigation measures. With respect to cumulative impacts on water supplies, the FEIR fails to consider any impacts on customers in the California-American service area caused in the future, upon project completion, when water from the City's Desal Project will no longer be available to augment water from the Carmel River and the Seaside Aquifer. Augmentation of the Peninsula's water supply has now been occurring over the last 3-4 years.

For the foregoing reasons, the Ventana Chapter of the Sierra Club requests the City to deny the Project a CDP and not to certify the FEIR. Sierra Club wishes as well to incorporate by reference Dr. Thornton's November 18, 2013 comments on the Collections Project.

Sincerely,
CALIFORNIA ENVIRONMENTAL LAW PROJECT



Laurens H. Silver
Attorney for Ventana Chapter, Sierra Club

cc: Rita Dalessio, Ventana Chapter