

History of Sierra Club Litigation of Monterey Bay Shores Resort

Sierra Club has actively opposed Monterey Bay Shores Resort since Sand City first approved the Project in 1998 and we appealed Sand City's approval to the California Coastal Commission (CCC). When the CCC denied the developer, Security National Guaranty (SNG) a Coastal Development Permit (CDP) in 2000, Sierra Club retained attorney Larry Silver. We then intervened on behalf of the CCC in all court proceedings when the developer initiated a lawsuit against the CCC. Sierra Club was an active party to this litigation for 13 years—through two major hearings in the San Francisco Superior Court and in the Court of Appeal. When the Project was remanded to the CCC to reconsider its decision to deny SNG a CDP in 2010, Sierra Club provided expert evidence from coastal ecologists and coastal erosion experts in opposition to the Project. After the CCC once again denied the Project a CDP, Sierra Club continued its defense of the CCC's denial of a CDP to the Project, now relabeled an "Eco-resort".

Sierra Club also actively opposed SNG's attempts to get water for the Project. When the developer applied to the Monterey Peninsula Water Management District (MPWMD) for a Water Distribution Permit (WDP) in 2008, Sierra Club successfully persuaded MPWMD to deny a permit for the Project. SNG then sued the MPWMD, and the Court of Appeal sent the matter back to the MPWMD for another hearing. After remand, when MPWMD reversed course and approved a WDP for the Project, Sierra Club sued the MPWMD and SNG asking for court relief to set aside the WDP. Sierra Club litigated this matter all the way to the Sixth District Court of Appeal, which in 2012 determined (in an unpublished opinion) that MPWMD had properly acted under applicable ordinances relating to environmental effects in issuing a WDP for the Project.

Sierra Club was represented in these over 12 years of multiple lawsuits by California Environmental Law Project attorney Larry Silver. Sierra Club appeared in four courts in opposition to SNG, (Superior Courts of San Francisco County and Monterey County, Sixth District Court of Appeal, and the First District Court of Appeal).