

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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January 16, 2009

JAN 22 2009

Ed Ghandour, President
Security National Guaranty
505 Montgomery Street, Suite 1150
San Francisco, CA 94111

Subject: **Supplemental Materials Request for Monterey Bay Shores Ecoresort Application (A-3-SNC-98-114)**

Ed
Dear Mr. Ghandour,

Thank you for the materials that we received from you on October 17, 2008 and at various times thereafter that respond to our application review package letter of September 12, 2008. The purpose of this letter is to: (1) reiterate our request for specific items identified in our initial application review letter that have not yet been provided; and (2) identify additional questions raised by your specific responses to our initial application review letter. Your prompt reply to these requests is needed to adequately analyze the proposed project for conformance with the Sand City Local Coastal Program (LCP) and the Coastal Act access and recreation policies. Towards this end, please submit the following information and/or materials necessary to analyze your proposed project for LCP and Coastal Act conformance, and necessary to prepare a staff recommendation and bring this matter to a Commission hearing as directed by the Court and as requested by SNG. In order to expedite this feedback, we have also preliminarily identified missing materials related to water issues. We reserve the right to supplement this request on January 30th, pursuant to the court's order. Please provide the following:

- **Elevations and Cross-Sections.** As requested in item 2b of the September 12, 2008 letter, please provide two full-sized sets and one reduced copy (8.5x11) of scaled project plans with graphic scales showing absolute elevations in relation to NGDV. Existing grade must be identified on all cross sections. These include elevations and cross sections of the proposed development in relation to the shoreline and Highway One. The three cross-sections thus far provided (x, y, and z on sheet TM-2) extend merely to the property lines and thus do not reach the shoreline or Hwy 1. Please extend the reach of these three sections to include the Monterey Bay and all of Highway One, and please provide one additional cross-section through the apex of the large dune feature at the south corner of the site. In addition, please provide a minimum of four additional cross-sections oriented generally in east-west (upcoast/downcoast) configuration across the property. These cross-sections should, at a minimum extend through the top of the bluff (30' contour line), the center-line of the sand excavation pit, the proposed building center line, and along the access road/driveway;
- **Subdivision Map.** Please provide a clear identification of all proposed subdivision of real property associated with the development, including all proposed airspace condominium subdivision. Please explain the difference between what is referred to as a "module" and "unit." Please include at least one site plan sheet that is devoted exclusively to subdivision details (including identifying existing and proposed boundaries, acreages/square feet, etc.);

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- **Site Plan.** Please provide a site plan in 11"x17" format showing all development proposed in site plan view where such details are shown in as large a scale as possible relative to the 11x17 format;
- **Floor Plans.** Please provide a floor plan for each level of the multi-storied structure that includes the size and layout of the various proposed project elements (i.e., residential, visitor-serving condos, condo-hotel rooms, hotel rooms, spa, restaurant, etc.). On page 23 of the 11" x 17" MBSER color information handout indicates that an additional (optional ?) 16 units may be constructed in the vicinity of the wellness center and spa. Please clarify what is proposed where it describes "optional units" in this location and/or otherwise in the submitted materials.
- **Project Plans.** Please submit all project plans in 11"x17" format that can be reproduced in black and white (i.e., any color coding or gray scale shading should be replaced by cross-hatching or similar) that clearly highlights all components of the proposed development (i.e., residential, commercial, visitor-serving, grading, habitat, etc.) on the project site.
- **Grading Plan.** Your response indicates that there will be 420,000 cubic yards of sand removed from the subject site and associated with the proposed development. Please identify the total amount of grading that will be necessary to construct the proposed development (cut and fill). Please also explain how any excess sand will be managed during and after construction, including identifying the location of any sand staging area and potential impacts that will be necessitated by the proposed grading, and proposed disposal methods. Finally, please provide a revised grading plan that clearly identifies the cut and fill area locations and amounts as expressed in cubic yards and illustrated by cross-hatching or similar reproducible format.
- **Wind, Solar, and Geothermal Elements.** In site plan, elevation, and cross-section view, please provide scaled, physical plans and specifications on the engineering, sizing, adequacy, and efficacy of all proposed renewable energy components;
- **Grey Water.** Please provide details regarding all components of the proposed grey water system, including any storage elements or similar development that may be located outside of buildings, and please provide evidence of MCEH review and approval for such systems.
- **Living Walls.** Please provide clear description of all living wall components, including details regarding their configuration.;
- **Water Supply.** Please clarify which of the two water systems is proposed and provide evidence that that option has been reviewed and approved by the MPWMD. Also, provide specific information on the status of the CPUC review of the annexation of the SNG property into Cal-Am service area. If the source is on-site wells, then please provide evidence of California Department of Health Services, Monterey County Environmental Health, and MPWMD approval for the water quality/health. Please also provide evidence of Monterey County Water Resources Agency review and sign-off of the proposed water consumption/savings rates of the MBSER proposed technologies. Finally, please provide information including evidence that the State Water Resources Control Board has reviewed and authorized Cal-Am's (co-applicant) proposal, both the

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- aspect of supplying water to the site and the proposal to utilize excess water off-site using SNG's water rights;
- **Contractual Agreements.** Please provide specific details on the physical, contractual, and regulatory terms of SNG's agreement with Cal-Am, and evidence of Cal-Am concurrence with the terms;
 - **Sewer.** Please provide written evidence from the Seaside Sanitation District that the District has adequate capacity to serve the proposed development, and will serve the proposed development;
 - **LCP Figures.** Please provide an 11" x 17" black and white project site plan (see above) on which is overlaid the resource constraints identified in LCP land use plan figures 3, 4, 7, and 9. The site plan should only include the proposed development site;
 - **Visual Analysis.** Please provide 8.5" x 11" color and black and white photos in hardcopy and electronic format (i.e., bmp or jpg) from the representative viewing locations identified in our September 12, 2008 letter; Additionally, please provide two 8.5" x 11" copies (both black and white and color) photos of the 9.5" x 13.5" color rendering of the Monterey Bay Shores Ecoresort development, and electronic copies of same;
 - **Hazards.** The 2053 and 2083 bluff recession lines presented in the EIR were developed by Haro, Kasunich and Associates from a formula multiplying the historic long-term bluff retreat rate obtained from aerial photographs (2.4 feet per year) by the time interval between the date of the study (2003) and the date in question, with the addition of 7 feet of additional recession resulting from increased sea level rise, plus a 25 foot "safety factor." Two problems inherent in this approach should be addressed: (1) The 7 feet of additional bluff retreat resulting from increased future sea level rise results from applying the Bruun rule technique to a sea level rise of 0.6 feet for the next 50 years. This value was adapted from estimates in the IPCC Third Assessment Report. More recent data (references attached) suggest that the IPCC values from both the Third and Fourth Assessment Reports may be underestimates. In light of this, please provide a "sensitivity analysis", whereby the effects of different scenarios of potential sea level rise are evaluated. The IPCC values may be taken as minimum values; we recommend using 10 mm/yr and 15 mm/yr as reasonable middle and upper bounds, for planning purposes; and (2) Current information does not explain adequately how the development will assure stability for the life of the development, including locating foundation elements of the development outside of erosion zones and assuring adequate set backs from steep slopes (such as the coastal bluff). Please provide slope stability analysis demonstrating that the proposed development, at the end of its economic life, will be safe from slope instability at that time. One approach to establishing such a setback is outlined in the attached paper (Johnsson, 2005). Please provide information on the disposition of the project at the end of its economic life.

With respect to the evaluation of storm- and tsunami-wave design run-up, the analysis presented in the EIR (e.g., "The revised project does not contain buildings that would be located in the Tsunami Hazard Zone") appears to be inadequate. Please provide quantitative wave uprush analysis for both 100-year storm and 100-year tsunami events, taking into account the sea level rise scenarios discussed above. These analyses should be undertaken pursuant to the methods outlined in the U.S. Army Corps' *Coastal*

Engineering Manual. Finally, staff notes that many site-specific details, including mitigation for unsuitable soils and soils subject to liquefaction, have been deferred until the "design-level geotechnical report" is prepared. Please provide these materials to evaluate the project's consistency with the LCP and the Coastal Act. Please provide three copies of the HKA October 9, 2000 Geotechnical Report.

- **Biological Resources.** Please provide three copies of the 2008 WSP surveys and results. Please also provide examples, if any, of successful "living roof" systems where the living roof was restored and functioned as native dune habitat. Please provide more specific information on the proposed Environmental Trust's budget. Pursuant to specific LCP requirements (IP, Page 20), the proposed HPP must be reviewed by DFG. Please provide evidence of this review. Please also provide evidence of Monterey Peninsula Park District and California State Parks review and comments of offsite impacts, including the biological analysis identifying the expected impacts on off-site biological resources, and any observations from these agencies, including in relation to any necessary permits, approvals, or permissions required from these agencies for the proposed project.
- **Public Access.** In light of erosion projections at the sight, please clarify how public access along the shoreline will be maintained over the life of the development? Please also provide specific proposed language for the required public access easements.
- **Traffic.** Please provide evidence of Caltrans review and approval of all traffic analyses and mitigation.
- **Notice.** Please submit a mailing list in address label sheet format (Avery labels or equivalent) organized by and corresponding to owners of property and residents of property located within 100 feet of the project site (excluding roads). The project site in this sense includes all areas where development is proposed (including all construction related development, and all additional elements as described above) Please submit a site plan or map that shows all such properties used to generate the 100-foot mailing list and that clearly demonstrates how the 100-foot determination (minus roads) was made. In addition to the 100-foot addressees, please also supplement the mailing list with addressees organized by and corresponding to: (a) all applicants; (b) all representatives; (c) each property owner and occupant of property and/or units within Sand City to the extent they are not covered by the 100-foot list; (d) all other parties known to be interested in the proposed development (e.g., persons expressing interest at City hearings, during CEQA review, information demonstrations, etc.); and (e) all contacts from the following agencies (CPUC, DPR, MPWMD, CDFG, SSD, SWRCB, USFWS, NMFS, RWQCB, MBNMS, MCEH). In addition to the mailing list, please submit an addressed, stamped (no metered postage) regular business size (9½" x 4½") envelope with no return address for each addressee on the mailing list. As the project moves forward, it is likely that there will be a number of other individuals or groups interested in the proposed project. Please also submit an additional 40 plain (unaddressed) envelopes (i.e., no return address) stamped with first class postage for such other interested parties as yet to be identified.
- **Evidence of Posting.** Please post and maintain at least three notices along the beach side of the Sand Dunes Drive bike path immediately fronting the project site. Additional

notices must be placed at the foot of Tioga Avenue in the vicinity of existing informational signs, and in a similar location at the foot of Bay Avenue. Once the site has been posted, please submit a graphic showing the locations (in site plan view) where all notices were posted, and submit a completed Appendix D (Declaration of Posting). Please provide written a commitment that you will provide notice in one or more newspapers of general circulation in the area of the project at least 10 days in advance of all upcoming public hearings on the proposal.

Once again thank you for preparing the materials and responding to our September 12, 2008 review letter requests. Your prompt reply to these supplemental materials requests are necessary to prepare a staff recommendation for a March Commission hearing as directed by the Court. Please submit all of the requested materials at the same time and do not hesitate to call me if you have any questions regarding the above requested items.

Sincerely,



Mike Watson
Coastal Planner
Central Coast District Office

Cc: Steve Matarazzo, Sand City
Henrietta Stearn, Monterey Peninsula Water Management District
Roger Van Horn, Monterey County Environmental Health Department
David Peretska, U.S. Fish & Wildlife Service
Rick Riedl, Seaside Sanitation District
Diedre Hall, Monterey Bay National Marine Sanctuary
Brad Damitz, Monterey Bay National Marine Sanctuary
Charles Lindsay, State Water Resource Control Board
Deb Hilliard, California Department of Fish & Game
Ken Gray, California Department of Parks & Recreation
Tim Jensen, Monterey Peninsula Regional Parks District
David Stephenson, California American Water
Josie Babaran, California Public Utilities Commission
Tom Roth, Applicant's Attorney

\ Attachment