Final Environmental Impact Report

South of Tioga

State Clearinghouse # 2017061066

May 9, 2018

PUBLIC COPY

FINAL EIR

SOUTH OF TIOGA

PREPARED FOR

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1.0
Introduction

The City of Sand City, acting as the lead agency, determined that the South of Tioga Project (hereinafter "proposed project") might result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the City of Sand City had a draft environmental impact report (EIR) prepared to evaluate the potentially significant adverse environmental impacts of the proposed project. The draft EIR was circulated for public review from March 2, 2018 to April 20, 2018 and public comment was received. A City Council hearing was held on April 19, 2018 to accept public comment. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

This final EIR has been prepared to address comments received during the public review period and, together with the draft EIR, constitutes the complete South of Tioga Project EIR. This final EIR is organized into the following sections:

- Section 1 contains an introduction to this final EIR.
- Section 2 contains written comments on the draft EIR, a summary of unique oral comments on the draft EIR, and the responses to those comments.
- Section 3 contains changes to the draft EIR.
- Section 4 contains a revised summary.

2.0
Comments on the Draft EIR

2.1 CEQA Requirements

CEQA Guidelines section 15132(c) requires that the final EIR contain a list of persons, organizations, and public agencies that have commented on the draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the final EIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments be provided. A copy of each comment letter or other form of correspondence received during the public review period is provided. The number of each letter is included at the top of the first page of each letter. Numbers inserted along the margin of each comment letter identify individual comments for which a response is provided. Responses corresponding to the numbered comments are presented immediately following each letter.

Where required, revisions have been made to the text or graphics of the draft EIR. Comments that trigger changes to the draft EIR are so noted as part of the response. Revisions to the draft EIR are included in Section 3.0, Revisions to the Draft EIR.

2.2 Written Comments on the Draft EIR and Responses to Comments

The following written correspondence that included comments on the draft EIR was received during the 50-day public review period on the draft EIR, and responses are provided:

1. LandWatch Monterey County (April 9, 2018)
2. Monterey-Salinas Transit (April 16, 2018)
3. Michael and Gay Morris (April 3, 2018)
4. Monterey Bay Air Resources District (April 16, 2018)
5. Fred Watson, PhD, CSU Monterey Bay (April 16, 2018)
6. Louise J. Miranda Ramirez (April 19, 2018)
7. Tom Batcha (April 19, 2018)
8. Monterey Peninsula Water Management District (April 20, 2018)

9. Public Utilities Commission (April 20, 2018)
10. Amelia Olson, CSU Monterey Bay (April 20, 2018)
11. Joseph Narvaez (April 20, 2018)
12. Michael and Adrian Gay Morris (April 20, 2018)
13. Michal Bascou (April 20, 2018)
14. Patrick Casey (April 20, 2018)

The following letters received during the public review period do not address environmental issues. These letters will be provided to the City Council for consideration.

Patrick Casey (April 4, 2018)

Clyde –Mary Clabo (April 5, 2018)

Cathy Francini (April 5, 2018)

Steven Wilson (April 6, 2018)

David Perry (April 7, 2018)

Heidi Muller (April 7, 2018)

Suzanne St John (April 9, 2018)

Melanie Gilman (April 9, 2018)

Mark Johnson (April 9, 2018)

Kim Cruz (April 12, 2018)

Bobbie Jo Harr (April 20, 2018)

Caitlynn Jackson (April 20, 2018)

David Anderson (April 20, 2018)

David Perry (April 20, 2018)

Deirdre Bascou (April 20, 2018)

Kristen Fuentes (April 20, 2018)

The following letters were received after the close of the public review period. These letters will be provided to the City Council for consideration.

Transportation Agency for Monterey County (April 23, 2018)

City of Seaside Public Works (April 26, 2018)

Eutimio Duran III and Lynette R. Duran (April 26, 2018)

April 9, 2018

Charles Pooler, City Planner
City of Sand City
1 Pendergrass Way
Sand City, CA 93955

Subject: Draft Environmental Impact Report (DEIR) for South of Tioga

Dear Mr. Pooler:

LandWatch Monterey County has reviewed the DEIR for the proposed South of Tioga project, which consists of 420 multi-family residential units, 216 hotel rooms in two hotels, and a restaurant. A 0.9-acre dune area would be set aside within a conservation easement. The project includes a six-parcel, vesting tentative map application, site plan review, architectural review, and conditional use permits on the 10.64-acre project site. Coastal Development Permits would be required for two of the six parcels.

South of Tioga is an in-fill, high-density residential project adjacent to shopping and employment. It is consistent with the AMBAG Sustainable Community Strategy, which identifies the project site as transitioning from two or fewer dwelling units per acre in the 2010 baseline to over 10 units per acre in the 2035 target scenario (Association of Monterey Bay Area Governments 2014a, p. 4-25 and 4-27). The project site is also identified as an opportunity area, an area within one-half mile of a high quality transit corridor (Association of Monterey Bay Area Governments 2014a, p. 4-85). The proposed project would develop high-density residential units within one of these opportunity areas and is consistent with the metropolitan transportation plan. The DEIR does not indicate if the project would provide affordable housing.

We have the following comments:

Project Description

1 | The project is described in different sections of the DEIR as multi-family apartments and condos. The FEIR should make clear the exact number of apartments and condos that are being built.

Intended Use of the EIR

2 | The Coastal Commission should be identified as an agency that may use the EIR (p. 4-58).

Air Quality

The Monterey Bay Air Resources District addresses the cumulative impact of a project on regional ozone levels by determining a project's consistency with the Air Quality Management Plan (AQMP). The Plan accommodates population-related emissions largely from transportation and area sources. If the population of a project exceeds the AMBAG forecasts for the applicable jurisdiction, the lead agency determines that the project is inconsistent with the AQMP and has a significant unavoidable cumulative impact on regional ozone levels.

3

The DEIR finds the project inconsistent with the AQMP, but finds that Mitigation Measure AQ-1, which requires completion of a sidewalk gap, would eliminate the inconsistency. The DEIR fails to quantify emissions for the population-related emissions of the 950 people in excess of the forecasts and compare them to emission reductions for Mitigation Measure AQ-1. Without a finding that the proposed mitigation measure will offset population-related emissions for the 950 people, the project will have a significant unavoidable cumulative impact on regional ozone levels.

4 Table 6-6 shows operational emissions calculated for winter months. Emissions should be calculated for "smog season" of May to September and compared to the Air District's thresholds of significance of 132 lbs./day of ROG and NOx.

Hazards and Hazardous Materials

5 The developer proposes to defer a comprehensive evaluation of on-site hazardous materials to a Phase II Environmental Site Assessment and a geophysical survey. (p. 11-20) Please explain why the DEIR does not include this evaluation.

6 The DEIR also states that 1) a Site Management Plan that would fully characterize site conditions and identify specific remediation approaches would be prepared as needed and 2) the Site Management Plan would reduce impacts to a less-than-significant level. To support the finding of a less-than-significant impact, the FEIR should include the agency cleanup standards that the applicant would be require to meet.

Drainage

7 A Storm Water Control Plan has been prepared for the right-of-way improvements; however, one has not been provided for the parcels and is deferred (p. 12-6). The DEIR does not identify total runoff from impervious and pervious surfaces before and after buildout.

8 Mitigation Measure DR-1 requires that prior to approval of final grading and building plans for each parcel, the applicant shall prepare a final Storm Water Control Plan that illustrates how the project site would capture all storm water runoff from each parcel in on-site infiltration areas. The DEIR finds that this mitigation measure would reduce impacts to less-than-significant. To support the finding of a less-than-significant impact, the FEIR should include agency cleanup standards that the applicant would be require to meet.

Greenhouse Gas Emissions

9 A trip summary of the CalEEModel shows that at buildout the proposed project would generate approximately 10,579,967 annual and 28,986 daily VMT (Appendix C, Table 4.2). The EMFAC Model results show annual VMT at 11,367.792 and daily VMT at 31,145. (Appendix J, p. 4).

9 cont. Please explain this inconsistency and determine if the difference in VMT would affect the finding of less-than-significant impact on greenhouse gas emissions.

Land Use

10 The DEIR does not address whether the project would physically divide an established community, an identified in CEQA Appendix G checklist, X. Land Use Planning. The FEIR should analyze this issue.

Transportation – Project Level Impacts

11 The final EIR should evaluate roundabouts to relieve intersection congestion. In addition, we also note:

Intersection Impacts

12 Addition of project traffic to the signalized intersection of the Caltrans-controlled State Route 1 southbound ramps/State Route 218 would cause intersection operations to degrade from LOS D to LOS F during the AM peak hour and from LOS C to LOS E during the PM peak hour. Mitigation would require the project developer pay its proportionate share of costs to re-stripe the eastbound leg of the intersection of State Route 218/State Route 1 southbound ramp to add a southbound right turn lane from State Route 218.

The AMBAG regional transportation plan and TAMC regional transportation impact fee program do not identify the improvement recommended in the DEIR. Should Caltrans and TAMC not accept the developers fair share contribution toward improvements to the intersection, the proposed project's impact to the intersection of State Route 1 Southbound Ramps/State Route 218 would be potentially significant and unavoidable.

State Route 1 Impacts

13 The proposed project will increase traffic volumes to the southbound segment of State Route 1 south of State Route 218, which currently operates at LOS F during the AM peak hour. Caltrans considers the addition of a single trip on a facility operating at LOS F to be a significant impact. Therefore, the impact to this roadway segment would be significant. Payment of the TAMC Regional Development Fee, which includes funding of a widening project for this road segment, is found to mitigate the proposed project's impact to less than significant.

Expenditure of TAMC Regional Development Fees for widening State Route 1 is not scheduled until 2025-2030 (Transportation Agency for Monterey County Regional Development Impact Fee Program 2017 Strategic Expenditure Plan), and no other funds are identified to finance the project in that time frame.

14 The DEIR finds, "Funding may also be available from other sources due to the ability to provide some matching funds from Measure X, the sales tax ballot measure passed in November, 2016." (p. 19-29) The Measure X project list does not identify funds for this project. Without project funding or a schedule for construction, the mitigation measure would not reduce the project's impact to the regional facility to a less-than-significant level.

Unsignalized Intersection

15 The project would increase delays by an unacceptable 5.2 seconds at the City of Seaside unsignalized two-way stop-controlled intersection of Fremont Boulevard / Del Monte Boulevard / Military Avenue. Proposed mitigation includes payment of the project's fair share of the costs of constructing a half signal to control the eastbound Fremont Boulevard approach and the northbound Del Monte Boulevard approach. This intersection is not included in the City of Seaside CIP. Should the City of Seaside not accept the fair share contribution, the project developer would be relieved from having to pay the fair share fee due to the infeasibility of the mitigation measure, and the proposed project's impact would be potentially significant and unavoidable.

Cumulative Impacts

16 Table 19-1 identifies projects used in the cumulative impact analyses. Many of the identified projects do not provide specific data needed to assess cumulative impacts, e.g., Dunes of Monterey Bay, CSUMB students, and West Broadway Urban Village. The list does not include the following approved projects: Marina Heights, Cypress Knolls and East Garrison. It also does not include probable future projects in Seaside and Del Rey Oaks. Lacking a comprehensive list of past, present and probable future projects, the DEIR underestimates cumulative impacts.

Alternatives

17 The DEIR evaluates three alternatives - no project, reduced height and mixed-use retail. The reduced height alternative is identified as the environmentally superior alternative because it might avoid light and glare impacts. However, the DEIR also finds, "The Reduced Height alternative avoids light and glare impacts and is otherwise similar to the proposed project. Although for conceptual purposes, the units in the Reduced Height alternative have been re-located within the project's proposed residential lots, it is not known if these locations are feasible from an engineering standpoint." (p. 22-23) Based on these findings, the identification of the reduced height alternative as the environmentally superior alternative is not supported. The intent of a CEQA alternatives' analysis is to identify alternatives that reduce the project's significant impacts. The only potential significant and unavoidable impacts identified in the DEIR for the project are traffic impacts. None of the alternatives except the no project alternative address cumulative traffic impacts. The FEIR should identify an alternative other than the no project alternative that addresses traffic impacts.

Thank you for the opportunity to review the document.

Sincerely,

Michael D. DeLapa
Executive Director

Response to Letter #1 from LandWatch Monterey County (April 9, 2018)

1. The draft EIR evaluated 420 multi-family housing units with the following assumptions: 100 condominium units within Parcel R1 and 320 rental apartment units within Parcel R2. No changes to the draft EIR are required.

2. A small portion of the project site is within the Coastal Zone, but none of the project site is within the Coastal Commission appeal zone. The City has a certified Local Coastal Program; therefore, the Coastal Commission has no jurisdiction. No changes to the draft EIR are required.

3. The Clean Air Plan consistency analysis is based on a methodology outlined on pages 6-13 and 6-14 and is not dependent on population projections. Rather, the project's consistency with the Clean Air Plan is based on designation of the project site and vicinity for high density residential uses by two regional plans adopted for the purpose of reducing automobile trips and resulting emissions. To realize this end result, the residential units require access to the transit lines that serve Del Monte Boulevard, and hence the mitigation measure to close the sidewalk gap. The City believes that the importance of positioning high density residential development near transit lines, in accordance with overarching state direction, outweighs the importance of a purely population-based approach to Clean Air Plan consistency analysis. No changes to the draft EIR are required.

4. The CalEEMod modeling performed for the draft EIR indicate that criteria pollutant emissions would be at their highest during the winter months; therefore, only the winter months were discussed in Section 6.0, Air Quality. No changes to the draft EIR are required.

5. The Phase I environmental assessment indicated several specific locations where underground tanks are suspected to exist or where the potential for soil contamination exists. In accordance with Monterey County Health Department Environmental Health Bureau, Site Mitigation Unit (SMU) guidelines for mitigation, the applicant will be required to complete the Phase II testing if the proposed project is approved. The EIR analysis describes each of the specific potential impacts identified in the Phase I environmental assessment. The mitigation measures presented in the draft EIR provide specific performance criteria for completion of the additional Phase II testing and other subterranean investigation, as well as a requirement that the recommendations from these investigations be implemented and monitored under oversight of the local regulatory agency. With the specific information provided and the specific requirements outlined in the mitigation measures, the analysis meets the requirements for adequate mitigation. No changes to the draft EIR are required.

6. Any required site mitigation/clean-up will be conducted following the guidelines and under the oversight of the Monterey County Health Department Environmental Health Bureau, Site Mitigation Unit (SMU). Site-specific cleanup standards will be developed in coordination with the SMU and are expected to be Monterey County Action Levels, California Office of Environmental Health Hazard Assessment (OEHHA) California Human Health Screening Levels (CHHSLs) or United States Environmental Protection Agency (EPA) Preliminary Remediation Guidelines (PRGs) established for a residential development scenario. Specific mitigation requirements and cleanup standards will be determined when the site mitigation/clean-up program, if required, is reviewed by the SMU.

7. Only conceptual building and landscape plans are available at this time, so precise calculations, comparisons, and requirements cannot be completed. When developed for specific site improvement and building plans, storm water designs will need to meet Regional Water Quality Control Board standards. Although no detailed plans are available at this time, post-development run-off flows onto the public rights-of-way will be required to be no greater than existing conditions, and are likely to be reduced with the implementation of storm water retention facilities. No formal storm water retention is currently in place, and essentially no landscaping exists to absorb run-off. The only location at which storm water is captured is a vacant area with a depression formerly used as retention for industrial process water. It is common in most areas of the project site for storm water to run off private property and down side streets onto California Avenue.

8. The City Engineer reviewed soil conditions at the project site in comparison to another recent development project within the City, and has stated that on-site disposition of storm water is feasible. Retention and percolation of storm water is a recognized means of preventing contaminants from entering off-site bodies of water. Development on each parcel will be required to retain storm water on site. No changes to the draft EIR are required.

9. The EMFAC model results present an unmitigated vehicle miles traveled (VMT) scenario, whereas the CalEEMod results present a mitigated VMT scenario. CalEEMod estimates VMT based on the land use types for the proposed project and uses that to calculate the annual operational GHG emissions. The numbers from CalEEMod are used to determine the proposed project's net (after mitigation) GHG emissions. The unmitigated VMT number from CalEEMod is used as an input in EMFAC to determine the transportation fuel demand (unmitigated) for the Energy section of the draft EIR.

   The EMFAC VMT estimate is not used for this purpose and the difference between the two figures does not affect the determination of greenhouse gas effects.

Note that the VMT figure on page 18-5 in the Energy section is incorrect. The correct number is 10,231,013 annual VMT (28,030 daily VMT). That section of the draft EIR is corrected; see Section 3.0 Changes to the Draft EIR. The correct numbers were used in the EMFAC analysis and reported in Table 4.2 in Appendix C. This correction does not change the conclusion in the draft EIR.

10. Neither CEQA nor its implementing Guidelines require a lead agency to identify whether or not a project would divide an established community in an EIR. The commenter is referring to the environmental checklist form in Appendix G of the CEQA Guidelines, which states (emphasis added), "the following is a *sample form* and may be tailored to satisfy individual agencies' needs and project circumstances. It *may be used* to meet the requirements *for an initial study* when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The *sample questions* in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance." The commenter does not provide any justification as to why he believes the project would divide an established community.

    The discussion of the Sand City general plan on page 3-17 of the draft EIR discusses the project site as a transition area between the shopping centers to the north and the East Dunes residential district to the south. The proposed project is found to be consistent with the City's land use policies pertaining to this transition. The proposed project would provide an acceptable transition, and therefore, the proposed project would not divide a community. No changes to the draft EIR are necessary.

11. The Transportation Agency for Monterey County prepared a study of potential roundabout locations, including locations in Sand City and Seaside. The following draft EIR study intersections were included in the roundabout study: Tioga Avenue/California Avenue, Tioga Avenue/Del Monte Boulevard, Broadway Avenue/ Del Monte Boulevard, and Contra Costa Street/Del Monte Boulevard. All of these intersections would operate at acceptable levels of service under project and cumulative conditions with assumed signal or stop controls. The *Caltrans Highway 1 Project Study Report* considers various local street improvements along Del Monte Boulevard and Fremont Boulevard, but does not propose roundabouts at any of the intersections it considered. Caltrans is beginning preparation of a project study report for State Route 218 (Del Rey Oaks Boulevard); it is not known if Caltrans will consider roundabouts at either of the two study intersections on this state highway. The determination of whether roundabouts are a preferred design is

up to the jurisdiction with control over the transportation facility. The traffic impact report did not study alternative designs not already in place or proposed for the intersections with significant impacts.

12. The comment is noted. The comment reiterates the information and conclusions presented in the draft EIR.

13. The comment is noted. The draft EIR identifies impacts on this segment of State Route 1 as significant and unavoidable. According to California case law, the use of previously adopted fees, as well as ad-hoc fees imposed on the project as part of its approval, constitute effective mitigation under CEQA. The courts have also found that this was irrespective of a planned implementation schedule for the project. "We do not believe, however, that CEQA requires that the EIR set forth a time-specific schedule for the County to complete specified road improvements. All that is required by CEQA is that there be a reasonable plan for mitigation." (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99.).

14. The comment is noted. Refer to the response to Comment 13.

15. The comment is noted. The comment reiterates the information and conclusions presented in the draft EIR.

16. The City of Sand City made a good-faith effort at identifying a comprehensive list of cumulative projects that included approved and pending projects in the general vicinity including those outside the City of Sand City in Seaside and Marina. The intersections were chosen in consultation between City staff and the traffic consultant, based in large part on how trips from those projects would use the study intersections. Table 19-1 and associated Figure 19-1 in the draft EIR includes a summary and location of those approved and pending projects in sufficient detail to evaluate the proposed project's contribution to cumulative impacts. The Marina Heights project is included on Table 19-1 and Figure 19-1, as well as multiple projects in the City of Seaside, such as the Seaside Senior Assisted Living, Dadwal Hotel and Restaurant, and the Drive-Through Coffee Shop on Fremont Boulevard. The Cypress Knolls and East Garrison projects were excluded from the cumulative projects list because those projects would add few trips, if any, to the study intersections, so were not relevant to the cumulative analysis. No changes to the cumulative impacts section of the draft EIR are required.

17. To reduce impacts to a less-than-significant level at the Fremont Boulevard, Del Monte Boulevard, and Military Avenue intersection, at which a significant and unavoidable traffic impact was identified, a trip reduction of about 63 percent would be required (see draft EIR page 22-3). The draft EIR presented three

alternative scenarios in Table 22-1 that would significantly reduce trips at this intersection, of which only a combination of 150 residential units and 100 hotel rooms with no restaurant met the required reduction. The City determined that a project that was reduced to the extent of the reductions included in Table 22-1 would not be economically feasible, and therefore, these alternatives were not studied. Additionally, Public Resources Code section 21159.26 and CEQA Guidelines sections 15041 (c) and 15092 (c) strongly discourage CEQA alternatives that reduce housing density; given the project site's location within the Sustainable Communities Strategy's opportunity area, which encourages high density infill housing near high-quality transit lines and stations, the City opted not to include an alternative that reduces residential density. An alternative in which the hotels were eliminated did not reduce traffic sufficiently to reduce the significant and unavoidable impacts.

April 16, 2018

City of Sand City Planning Department
1 Pendergrass Way
Sand City, California 93955

RE: Comments on South of Tioga Project and EIR

Dear Mr. Bodem:

Thank you for the opportunity to comment on the proposed South of Tioga Project and the supporting Environmental Impact Report (EIR). Monterey-Salinas Transit (MST) provides public transportation service to the area with multiple fixed route lines, as noted in the EIR. Refer to our website for information about specific service: www.mst.org.

We focused our attention on the transit and transportation impacts and provide the following comments in support of the Project and EIR:

1. On page 6-13, last paragraph, the EIR states that "Del Monte Boulevard meets the definition of a high quality transit corridor (six bus lines with combined commute period headways of seven minutes) and is within one-quarter mile of the project site". A more accurate location of a high-quality transit service bus stop is at Sand City Station on Playa at California. The Del Monte Avenue/Tioga bus stop adjacent to the Porche dealership does not currently have service at 15-minute frequencies in the peak commute hour. 1

2. On page 6-16, mitigation measure AQ-1 states that: 2

> Prior to occupancy of any residential units on the project site, the applicant shall construct a sidewalk to complete a gap on the existing sidewalk within or abutting to the railroad right-of-way on the south side of Tioga Avenue. Coordinate with MST to incorporate transit design into the circulation network.

MST supports this mitigation measure and recommends that the project proponent enhance the mitigation by offering all tenants a 31-day MST bus pass to help incentivize the use of transit. MST has successfully grown ridership by offering people new to transit a free transit pass. This approach helps remove barriers to trying transit for the first time. The top two reasons people hesitate to ride transit are 1) how to pay the fare, and 2) the perceived uncertainties of how to ride. 2 cont.

Additionally, MST suggests that the project include paying for a new bus stop shelter at the Del Monte Boulevard and Tioga Avenue stop as a mitigation measure for the anticipated increase in transit usage. The stop currently serves 1,720 passengers annually. By the time the project is constructed and occupied, the additional usage of the stop would justify the implementation of a shelter with a bench, trash can, and RealTime electronic signage. 3

3. On page 15-9, the EIR lists the MST lines serving the general area. Please note that the list is outdated and should be corrected. Note that MST uses the term "line" instead of "route". Please delete line 10 as it has been discontinued. Please add lines 19 Del Monte Center – CSUMB *via East Campus*, 67 Presidio – Marina, and 94 Sand City – Carmel to the list. 4

4. On page 15-9, please correct the number of MST lines with service along Del Monte Boulevard to four (4). 5

5. On page 15-10, the EIR states "Del Monte Boulevard meets the definition of a high quality transit corridor, and is within one-quarter mile of the project site". Del Monte Boulevard is served by four transit lines with frequencies less than the definition of a "high-quality transit corridor". 6

6. On page 15-23, the EIR states "Additionally, implementation of Mitigation Measure AQ-2 in the Air Quality section of this EIR may increase transit opportunities in the vicinity of the project site". We believe the reference to Measure AQ-2 is meant to be Measure AQ-1. 7

Additionally, MST has been studying the feasibility of a rapid bus corridor along SR 1 shoulders and/or the Monterey Branch Line between Marina and Monterey. As noted in the EIR, the Monterey Branch Rail Line is owned by the Transportation Agency for Monterey County for future use as a transportation corridor and is located in the project area. As such, the EIR should consider and incorporate results from this Feasibility Study in the South of Tioga Project and EIR to help support future rapid transit. 8

If you have any questions about the above comments and suggestions, please do not hesitate to contact me at lrheinheimer@mst.org or 831-264-5874.

Sincerely,

Lisa Rheinheimer
Director of Planning and Marketing

Response to Letter #2 from the Monterey-Salinas Transit (April 16, 2018)

1. A high quality transit corridor has bus service headways of 15 minutes or less during peak periods, and opportunity areas, per SB-375, are within one-half mile of a high quality transit corridor. Bus line availability along Del Monte Boulevard and at the transit center on Playa Avenue has been re-checked. Both the bus stop on Del Monte Boulevard and the transit center on Playa Avenue are close enough (within one-half mile) to qualify as high quality transit corridors under the SB-375 definition. There are four lines stopping on Del Monte Boulevard (with 10 to 15 minute combined headways) and 12 lines stopping at the Sand City transit center (with 5 minute combined headways) during the afternoon commute hour (5:00 to 6:00 PM). Therefore, while Del Monte Boulevard may just meet the headway requirement, the transit center easily exceeds the requirement. These changes have been made to the draft EIR. This modification does not change the conclusions in the draft EIR, because the project site is located within one-half mile of a high quality transit stop at the Sand City transit center. The bus lines along Del Monte Boulevard are more convenient to the project site and provide considerable service that appears to meet the headway requirement.
2. The suggestion is not necessary to mitigate a significant air quality impact however, the suggestion has been provided to the applicant.
3. The suggested improvements are not necessary to mitigate a significant air quality impact however, the suggestions have been provided to the applicant.
4. The comment is noted and the changes have been made to the draft EIR. This modification does not change the conclusions in the draft EIR. Please refer to the response to Comment 1.
5. The comment is noted and the changes have been made to the draft EIR. This modification does not change the conclusions in the draft EIR. Please refer to the response to Comment 1.
6. The comment is noted. Refer to the response to Comment 5. A high quality transit corridor or stop is required to be within one-half mile to meet sustainable community strategies requirements.
7. This correction has been made to the draft EIR. This correction does not change the conclusions in the draft EIR.
8. This comment does not raise an environmental issue and therefore, no response is necessary. The City of Sand City is willing to work with and coordinate efforts with TAMC and MST for future development and public transportation within the railroad right-of-way.

April 3, 2018

Sand City City Council
1 Pendergrass Way
Sand City, CA 93955

Subject: DBO South of Tioga Project

As a concerned citizen, I would like to express my views concerning the DBO South of Tioga project.

1 The bulk and height of the buildings are out of scale for Sand City. The height of the three residential towers are 85 feet — 30 feet higher than the Granite Rock silos on California Street (Ref. Draft EIR 5-15) and 3 stories higher than The Independent on Ortiz Avenue.

2 The social impacts of this project will be significant. The current residential population of Sand City is 334 (Ref. Draft EIR 3-2). The proposed project adds 420 units (Ref. Draft EIR 5-15) with an estimate of 2.27 persons per unit (Ref. Draft EIR 4-46) totaling 950 new residents. The resulting population for Sand City will be 1,284, nearly quadruple the current residential population. This does not count the 216 hotel units proposed. The small-town atmosphere that we all love will vanish. Nearly all of the Sand City residents that I have talked to know nothing of this project. When I have shown them the plans for this project their universal reaction has ranged from astonishment to outrage.

3 Parking in Sand City has always been a chronic problem. The project adds 950 residents and provides approximately 620 parking spaces. It is safe to assume that most residents will have at least one car. This leaves over 300 cars that will have to find parking spaces in other areas of the city. In addition, the EIR states that there will be at least 200 employees working at the residential complexes requiring possibly another 100 parking spaces to be found somewhere else in the city. The only place I can think of where parking of that magnitude is available is within the Sand Dollar Shopping Center which would not be acceptable to the local merchants.

4 If this project goes forward as described in the EIR, it will affect every business and residence in Sand City due to traffic congestion, parking problems and visual impact.

5 <u>Therefore it is very important that every business owner and resident be informed of the project so they have the opportunity to be heard</u>.

The City Council should do the following:

5 cont.

1. Hold a series of informational meetings to be scheduled in the evenings where public comments can be heard. All residents and businesses in Sand City should be notified by mail of the schedule of meetings. The news media should be notified as well.

6

2. The developer should construct a large scale-model of the project to demonstrate the height and bulk of the buildings. (Building surface features need not be detailed to reduce cost.) The model should be kept at City Hall and made available for public viewing.

7

3. The corners of all the buildings, including the hotels, should be located on the proposed building sites and the heights should be shown with large balloons elevated to the proposed building heights. The city engineer should confirm that the heights are correct. The City Council members and the Design Review Committee should have a field trip to judge the visual impacts from various locations. There should be public notice so concerned citizens can attend. These balloons should be left up for at least seven days so the public is aware of the project. Damaged balloons should be replaced as soon as possible.

This project is too important to fly under the radar. Sand city voters and citizens must be informed because their lives will be impacted in many ways by this project. It is the responsibility of our elected representatives to insure that their constituents are heard.

We all know that redevelopment south of Tioga is desirable. Many of the buildings are archaic and rundown and need to be replaced. I believe that the citizens can work with DBO on a plan that will enhance the character of Sand City that is financially feasible to build.

Thank you for giving me the opportunity speak.

Michael & Gay Morris
Sand City residents since 1970
Former Sand City business owners
831-394-0828
mmorris740@gmail.com
gmorris740@gmail.com

Response to Letter #3 from Michael and Gay Morris (April 3, 2018)

This comment letter focuses on the merits of the project and does not provide comments on the analysis in the draft EIR. However, because the commenter references the draft EIR, the following responses are provided.

1. The commenter presents the proposed bulk and height of the buildings, but does not comment on the adequacy of the aesthetics analysis in Section 5 of the draft EIR. Refer to Section 5, Aesthetics, of the draft EIR for a complete visual analysis of the proposed project.
2. CEQA Guidelines section 15131 states that economic or social effects of a project shall not be treated as significant effects on the environment and requires study of social effects only to the extent that those effects may result in a physical impact on the environment. The increased population could have effects on air quality, transportation, and public utilities and services, all of which are addressed in the EIR.
3. The proposed project would provide parking in excess of the requirements in the City's zoning code. Additional information on parking has been included in the final EIR (refer to Section 3.0 Changes to the Draft EIR).
4. Traffic congestion is addressed in Section 15, Transportation and Traffic; and visual impacts are addressed in Section 5, Aesthetics. Regarding parking, please refer to the response to comment #3 above.
5. The City has noticed the project hearings in accordance with State noticing requirements. The project has been discussed at various City County meetings since the area was proposed for re-development in 1997. Updates on the current proposal have been included in City Council reports over the past year.
6. The comment is noted. The City does not have requirements for project models; however, Section 5, Aesthetics, of the draft EIR includes a visual impact assessment of the proposed project.
7. The comment is noted. The City does not have requirements for on-site staking and flagging; however, Section 5, Aesthetics, of the draft EIR includes a visual impact assessment of the proposed project.

Comment Letter 4

Monterey Bay Air Resources District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

April 16, 2018

Todd Bodem, City Administrator
City of Sand City Planning Department
1 Pendergrass Way
Sand City, CA 93955

Email: TBodem@sandcityca.org

SUBJECT: DEIR South of Tioga (#2017061066)

Dear Mr. Bodem,

Thank you for providing the Monterey Bay Air Resources District (Air District) the opportunity to comment on the above-referenced document.

The Air District has reviewed the document and has the following comments:

1 • Permits Required – Please note that Air District Permits to operate may be required for engine generator sets and boilers. Air District permits or registration with the California Air Resources Board may also be required for portable construction equipment. Please contact the Air District's Engineering Division at (831) 647-9411 if you have questions about permitting.

2 • Construction Equipment - The Air District suggests that when possible cleaner construction equipment be used for the project. This includes equipment that conforms to ARB's Tier 3 or Tier 4 emission standards. We further recommend that, whenever feasible, construction equipment use alternative fuels such as compressed natural gas, propane, electricity or biodiesel.

3 • Building Demolition/Renovation and Trenching Activities - If any buildings are renovated or demolished as part of this project, Air District rules may apply. These include Rule 424, National Emissions Standards for Hazardous Air Pollutants and Rule 439, Building Removals. Rule 424 contains the investigation and reporting requirements for asbestos which includes surveys and advanced notification on structures being renovated or demolished. Notification to the Air District is required at least ten days prior to renovation or demolition activities. If old underground piping or other asbestos containing construction materials are encountered during trenching activities, Rule 424 could also apply. District Rule 439 prohibits the release of any visible emissions from building removals. Rules 424 and 439 can be found online at https://www.arb.ca.gov/drdb/mbu/cur.htm. Please contact Mike Sheehan, Compliance Program Coordinator, at (831) 718-8036 for more information regarding these rules.

4 • Transportation - Given the growing use of electric vehicles, please consider making EV charging stations available at the proposed project site.

Feel free to contact me if you have any questions. I can be reached at (831) 718-8021 or hmuegge@mbard.org.
Best Regards,

Hanna Muegge
Air Quality Planner

cc: David Frisbey, Planning & Air Monitoring Manager

Response to Letter #4 from the Monterey Bay Air Resources District (April 16, 2018)

1. The comment is noted. It does not raise an environmental issue; and therefore, no response is provided.
2. Mitigation Measure AQ-4 addresses the requirement for the use of newer higher tier construction equipment engines, which significantly reduce emissions of air pollutants. The use of alternative fuels will also reduce emissions, but the City feels that the Tier 3 engine requirement will be adequate given the distance to the nearest sensitive receptors.
3. Mitigation Measures HAZ-1, HAZ-3, and HAZ-4 address this concern. However, edits will be made to HAZ-4 to include the ten-day notification requirement and a provision for discovery of underground pipes containing asbestos. The modification does not change the conclusions of the EIR.
4. This suggestion is not necessary to mitigate a significant air quality impact however, the suggestion has been provided to the applicant.

April 16th, 2018

Charles Pooler, City Planner
City of Sand City, 1 Pendergrass Way, Sand City, CA 93955

Subject: Draft Environmental Impact Report (DEIR) for South of Tioga

Dear Mr. Pooler,

I wish to point out an error of omission in the DEIR, and I wish to recommend a course of action to correct the circumstances that led to the error and the likely consequences had the error not been recognized.

The biology section of the DEIR fails to recognize that the project area overlaps with the second largest population of a federally endangered plant – the Monterey Gilia or "Sand Gilia", *Gilia tenuiflora* ssp. *arenaria*.

Background:

- The endangered taxon is a subspecies. Thus, *Gilia tenuiflora* ssp. *arenaria* (GITEA) is federally endangered, whereas *Gilia tenuiflora* ssp. *tenuiflora* (GITET) is not endangered, and is not a special-status species of any kind.
- The entire known range of GITEA is contained approximately between Watsonville and Pebble Beach.
- GITEA was listed by the USFWS as "endangered" in 1992. The Federal Register specifically lists "commercial and residential development" in Sand City as one of the factors warranting the listing.
- The Tioga GITEA population was identified in the 2003 USFWS "Recovery Plan for Seven Coastal Plants and the Myrtle's Silverspot Butterfly".
- The Tioga GITEA population was mapped in the 2008 USFWS "5-Year Review: Summary and Evaluation" for "Monterey Gilia (Gilia tenuiflora ssp. arenaria)". See Attachment A to this comment. 1
- The Tioga GITEA population is mapped in the California Natural Diversity Database (CNDDB) with a polygon that overlaps the "South of Tioga" Project Area. This database is a standard resource routinely used by biological consultants to discover the location of special status species within project areas. The Tioga GITEA polygon in CNDDB has been in the database for at least a decade; and it was still in the database when I last checked it in about April or May 2017.
- USFWS management of GITEA recognizes probable genetic differences between coastal dune populations and inland populations, and specifically seeks to protect the occurrences of GITEA on the coastal dunes (USFWS 5-yr review 2008).
- The Tioga GITEA population is thus crucial to the management of GITEA as a whole, because it is the largest known population of the GITEA in the specifically recognized coastal dune area.
- On May 5th 2017, unaware of the "South of Tioga" development project, I mapped 189 clusters of GITEA (approximately 1000 plants) in the general area south of Tioga Ave. See Attachment B to this comment. My survey was part of an informal regional effort to verify the continued existence of numerous small historically known populations of GITEA. During this effort, I completed 67 miles of survey transects, focused solely on GITEA, documenting 1335 GITEA clusters.
- On May 17th 2017, biologists for the "South of Tioga" DEIR surveyed the area sand failed to detect any GITEA (DEIR Appendix D). They reported a small number of GITET (not GITEA) at a

different location within the project area (apparently not where I had found GITEA 12 days earlier).

- Between May 20th and 25th 2017, I documented GITEA still in flower at several other sites nearby.
- Released on March 1st, 2018, the DEIR listed GITEA as a "special-status plant with low to very low potential to occur on the site". Given the two USFWS reports cited above, this was a fundamentally incorrect statement, and was knowable as such by standard procedures used by consultants.
- On April 13th 2018, in order to double-check my identification of GITEA, I visited the South of Tioga project area with David Styer, a widely recognized local amateur native plant expert. We readily found many tens of GITEA in a short 200 ft walk. The plants we examined had densely glandular stems and stigmas generally among the anthers (the stigma tips slightly exceeding the anthers, but the stigma bases generally below the anthers); these are two key indicators of GITEA versus GITET. See Attachment C to this comment.
- The DEIR does not identify any mitigation and monitoring plans for GITEA, because the consultant failed to find the GITEA that were there.

1 cont.

Standard mitigation and monitoring measures (MMMs) could be planned. But is my informed and emphatic opinion that **standard mitigation and monitoring measures would be insufficient**, for two reasons:

- The project's impacts will likely alter human influence through the entire Tioga GITEA population, and not just within the project area.
- Standard MMMs for GITEA have failed at nearby sites subject to very similar development pressures. I know of three substantial populations of GITEA that were subject to MMMs that did not work. In one case, the population appears to be extirpated (I searched several times, including once with professional local expert botanist Bruce Delgado). In another case, the population is declining, and was a about a quarter of its original size when I last checked. The causes of these failures were – in my opinion - two factors that are very much at play South of Tioga: (1) ice-plant encroachment, (2) oversight by a small jurisdiction with potentially insufficient resources to assure perpetual success of native plant preservation through standard MMMs, let alone comply with the basic requirements of a Mitigation Monitoring & Reporting Program. A third case was a restoration that apparently never took hold, because no plants were present a few years after the 5-year MMM period expired (I would argue that this could have been prevented generally by a more holistic approach to regional GITEA management, and specifically by better initial site selection).

2

My primary recommendation is that approval of the project should be conditioned on a **pre-determined** plan for city-wide assurance of the viability of GITEA populations within the city. The plan itself should be developed with USFWS involvement **before project approval**, to minimize risk of an inadequate plan being developed. The plan should be far more substantial that has been the case for many GITEA MMMs in the region:

3

- The spatial extent of the plan should include at least the entire range of the current Tioga population of GITEA. This extends well beyond the currently defined Project Area. A portion of this range is exemplified in Attachment B, but I am aware of additional historic occurrences nearby (e.g. just north of Tioga).
- The plan should include active protection measures that extend beyond the standard conservation easement and fencing, it should include managed pedestrian access (optimal

4

GITEA habitat typically involves some level of site disturbance; total public exclusion would probably be inadvisable) and extensive interpretive signage. Any fencing should be complimentary to natural environments and connote celebration of nature. Chain-link or orange plastic would be unacceptable. Ranch-style post-and-rail would be acceptable. Durable post-and-rail imitations would be acceptable.

- The plan should include restoration measures, such as removal of ice-plant. Restoration measures should be trialed in small areas first, in case they do more harm than good.
- The plan should include long-term monitoring of invasive species that may decrease ground cover to the point of displacing GITEA. Invasive plants need to be removed to maintain high quality GITEA habitat. A point of reference is the fenced off mitigation sites such as the Sand Dollar Preserve site west of Target, OSH and Costco where slender iceplant (*Conicosia pugioniformis*) is now aggressively invading with no apparent mechanism to slow its advance in this mostly high-quality habitat area. (S. Worcester, pers. comm.)

4 cont.

- The plan should require annual consultation with USFWS and a list of interested parties including myself and other local environmental scientists.
- The plan should have a perpetual element, e.g. by amending the city's General Plan to incorporate long-term management of GITEA within the city through regular monitoring and pre-planned response to any problems that may be detected. (Note: I could not find the city's General Plan on the city's web site.)
- The plan should require preparation of regular reports that are published in PDF format on a web site. The reports should be comprehensive, with maps and graphs, not merely tables of plant counts. Maps should include sequences of historical and recent aerial imagery, as well as some indication of GITEA distribution. Graphs should indicate historic and recent trends in GITEA abundance, both locally and regionally.

In responding to these comments on the DEIR, I further recommend that a working group be convened to not only formulate an appropriate **pre-approval** plan of action in relation to the South of Tioga project, but also to plan more strategically for preserving and celebrating GITEA in Sand City in general as the city moves forward. The city should solicit any interested parties to be eligible to participate in the working group. I would like to participate. USFWS should also be a participant, of course.

I also recommend that any biological consultant formally engaged in the above work be required to publicly submit evidence of the specific ways in which their **prior experience with GITEA has been successful, in terms of the actual numerical trajectory of the plant populations themselves**.

Sincerely,

Fred Watson, PhD

Environmental Scientist
Professor, CSUMB*
fwatson@csumb.edu

*These comments should not be construed as representing the official opinion of CSUMB.

Cc:
USFWS (responsible agency for GITEA). Leilani Takano, Assistant Field Supervisor
CDFW (cited in DEIR). Brandon Sanderson, Environmental Scientist
State Parks (nearby public reserve owner). Steve Bachman. Senior Park & Recreation Specialist
MPRPD (nearby public reserve owner). Rafael Payan PhD, General Manager

Attachment A to Watson comment: reproduced from USFWS 2007

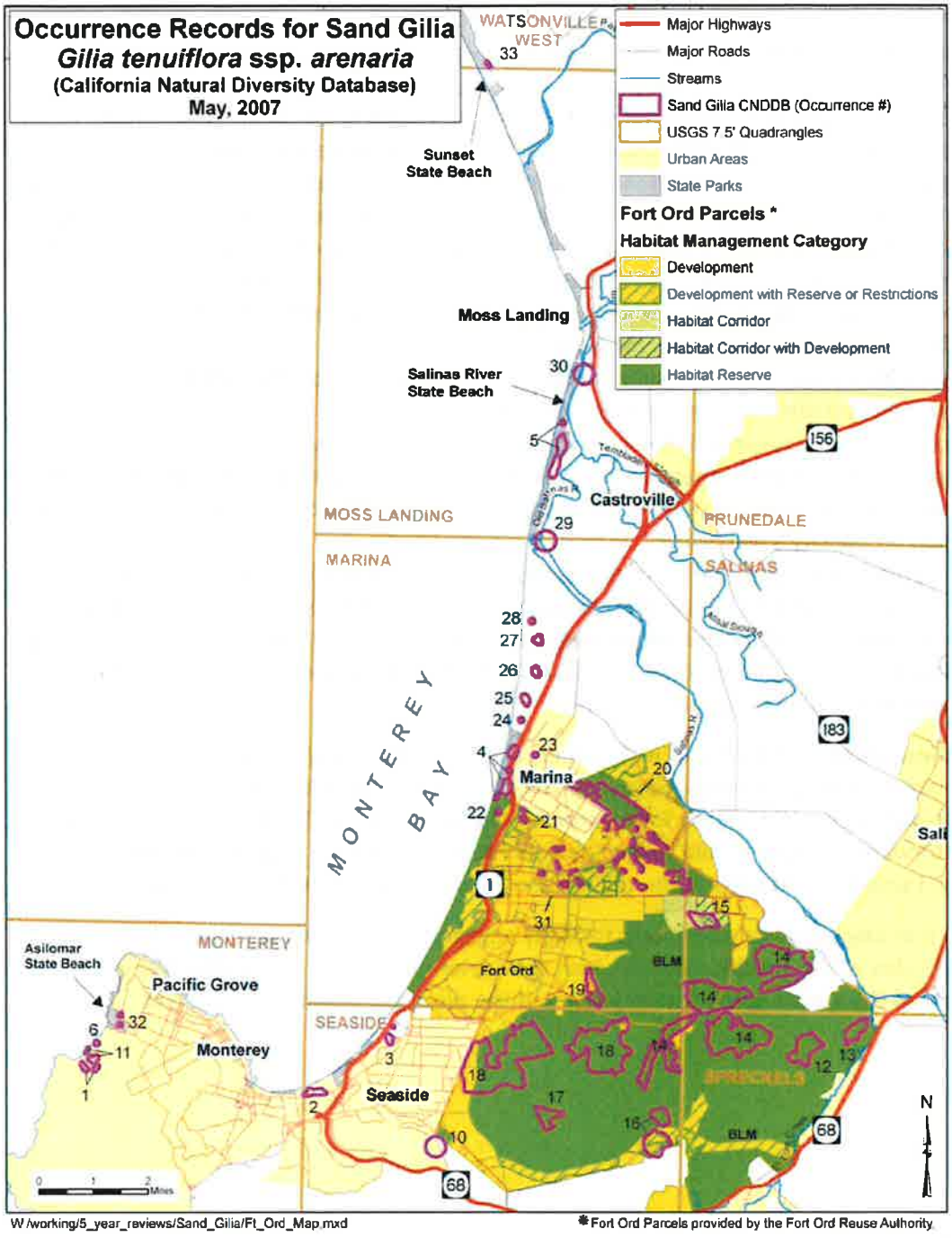
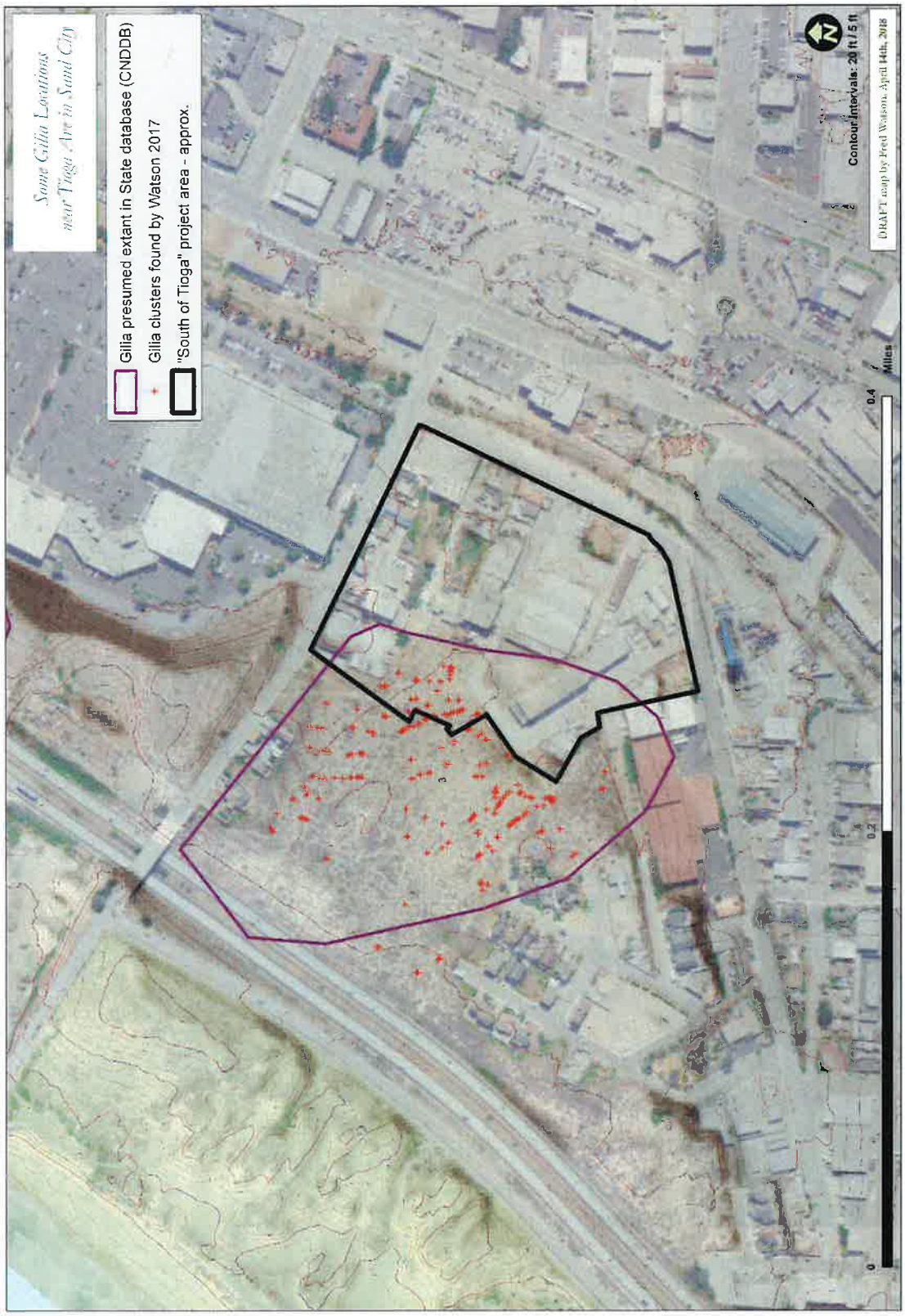


Figure 1. Occurrence records for *Gilia tenuiflora arenaria* and future land use designations on former Fort Ord (derived from CNDDB 2007 and the Fort Ord Reuse Authority).

Attachment B to Watson comment: an original map



Attachment C – photos of GITEA South of Tioga, April 13th, 2018

(F. Watson)

(D. Styer)

(D. Styer)

Response to Letter #5 from Fred Watson, PhD, CSU Monterey Bay (April 16, 2018)

1. Focused plant surveys for the project site specifically timed to observe an endemic special-status plant species, the federally listed endangered and state-listed threatened Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*) and all other species with potential to occur were conducted on May 17 and September 14, 2017, in accordance with California Department of Fish and Wildlife (2009), California Native Plant Society (2001), and U.S. Fish and Wildlife Service (2000) rare plant survey protocols. As outlined in the Focused Plant Survey Report for South of Tioga Avenue Mixed Use Project (EMC Planning Group 2017), due to a project-related email from California Department of Fish and Wildlife environmental scientist Brandon Sanderson expressing special concern for possible occurrence of Monterey gilia, local botanical expert David Styer was contacted. He confirmed that he had recorded this species blooming in the project vicinity at four locations on former Fort Ord during its spring survey period, with one observation noted on May 1, 2017. He also confirmed based on his records from 2004 through 2014 that a few Monterey gilia local reference populations fully bloom in April, but most reach full blooming condition during the month of May.

2. The May 2017 surveys were conducted during the known blooming period for Monterey gilia, however for unknown reasons the species was not observed. Upon receiving comments from Dr. Fred Watson with CSUMB, EMC Planning Group biologists met the Dr. Watson at the project site on April 19, 2018 to confirm his information. The project site contains a small portion of a previously documented and significant occurrence of Monterey gilia. The size and distribution of this population likely varies from year to year due to multiple environmental factors. Based on May 5, 2017 observations by Dr. Fred Watson and April 19 and 26, 2018 observations by EMC Planning Group biologists Andrea Edwards and Emily Malkauskas, up to 500 plants are conservatively estimated within disturbed coastal dune scrub habitat on the project site, primarily within the proposed conservation area. Four plants (less than one percent of the maximum estimated on-site population) are in or on the project impact boundary. To avoid impacting any Monterey gilia plants, a mitigation measure has been added to expand the proposed preservation area to include these four plant locations, so that proposed project impacts to Monterey gilia are avoided. The Biological Resources section of the EIR has been revised to include these changes.

3. Protective measures for the Monterey gilia located within the project preservation area have been proposed. Comments on insufficiency of standard plant protection measures were noted, and Monterey gilia will be incorporated into the project's

Habitat Conservation Plan to maximize species protection on the project site, including careful manual removal of non-native iceplant to enhance habitat quality in the proposed preservation area. The Biological Resources section of the EIR has been revised to include these changes.

4. The remainder of the letter encourages the City of Sand City to address GITEA on a city-wide basis and is not related to the proposed project. City staff will contact Dr. Watson to further discuss this issue.

   Project mitigation must be in proportion to the proposed project's impacts; size is usually a ratio of impacted area to conserved area; an expansion of the set-aside in excess of the accepted industry standard could potentially violate Supreme Court precedents regarding nexus and proportionality from the *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard* cases. Though representatives of Sand City are open to discussing the long-term viability of Monterey gilia populations within their jurisdiction, such future working group meetings and potential conservation actions are not a reasonable condition of approval for this proposed project, which will not adversely impact this species. Monterey gilia will benefit as a result of the proposed project through permanent preservation within a conservation easement and targeted habitat restoration. The expanded size of the on-site preservation area to accommodate this species along with related long-term restoration efforts, pedestrian fencing, interpretive signage, and monitoring requirements will be finalized through the Habitat Conservation Plan process with the U.S. Fish and Wildlife Service. No further changes to the EIR are required.

Ohlone/Costanoan-Esselen Nation

Previously acknowledged as
The San Carlos Band of
Mission Indians
The Monterey Band
And also known as
O.C.E.N. or Esselen Nation
P.O. Box 1301
Monterey, CA 93942

www.ohlonecostanoanesselennation.org.

April 19, 2018

Todd Bodem
City Administrator
City of Seaside
1 Sylvan Park
San City, CA 93955

Re: OCEN request Consultation, South of Tioga Project, NOP, Draft EIR

Saleki Atsa,

Ohlone/Costanoan-Esselen Nation is an historically documented previously recognized tribe. OCEN is the legal tribal government representative for over 600 enrolled members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission and/or Costanoan Mission Indian descent of Monterey County. Though other indigenous people may have lived in the area, the area is the indigenous homeland of our people. Included with this letter please find a territorial map by Taylor 1856; Levy 1973; and Milliken 1990, indentifying Tribal areas.

1 **Ohlone/Costanoan-Esselen Nation objects to all excavation in known cultural lands, even when they are described as previously disturbed, and of no significant archaeological value.** Please be advised that it is our priority that our ancestor's remains be protected and undisturbed. We desire that all sacred burial items be left with our ancestors on site or as culturally determined by OCEN. We request all cultural items returned to Ohlone/Costanoan-Esselen Nation. We ask for the respect that is afforded all of our current day deceased, by no other word these burial sites are cemeteries, respect for our ancestors as you would expect respect for your deceased family members in today's cemeteries. **Our definition of respect is no disturbance.**

OCEN's Tribal leadership desires to be provided with:

2 ——— Archaeological reports/surveys, including subsurface testing, and presence/absence testing.
3 ——— OCEN request to be included in mitigation and recovery programs,
4 ——— OCEN request that Cultural and Tribal mitigation measures reflect request for OCEN Tribal Monitor,
5 ——— Reburial of any of our ancestral remains, burial artifacts,
6 ——— Placement/return of all cultural items to OCEN, and that
7 ——— A Native American Monitor of Ohlone/Costanoan-Esselen Nation, approved by the OCEN Tribal Council is used within our aboriginal territory.
8 ——— **OCEN request consultation with the lead agency.**

9 We ask that a sacred lands search with the Northwest Information Center, Sonoma State University and the Native American Heritage Commission. Please feel free to contact me at (408) 629-5189. Nimasianexelpasaleki. Thank you

Sincerely and Respectfully Yours,

Louise J. Miranda Ramirez, Chairperson
Ohlone/Costanoan-Esselen Nation
(408) 629-5189
Cc: OCEN Tribal Council

Distribution of Ohlone/Costanoan-Esselen Nation Tribal Rancherias, Districts, Landgrants and Historic Landmarks

OCEN DIRECT LINEAL DESCENT

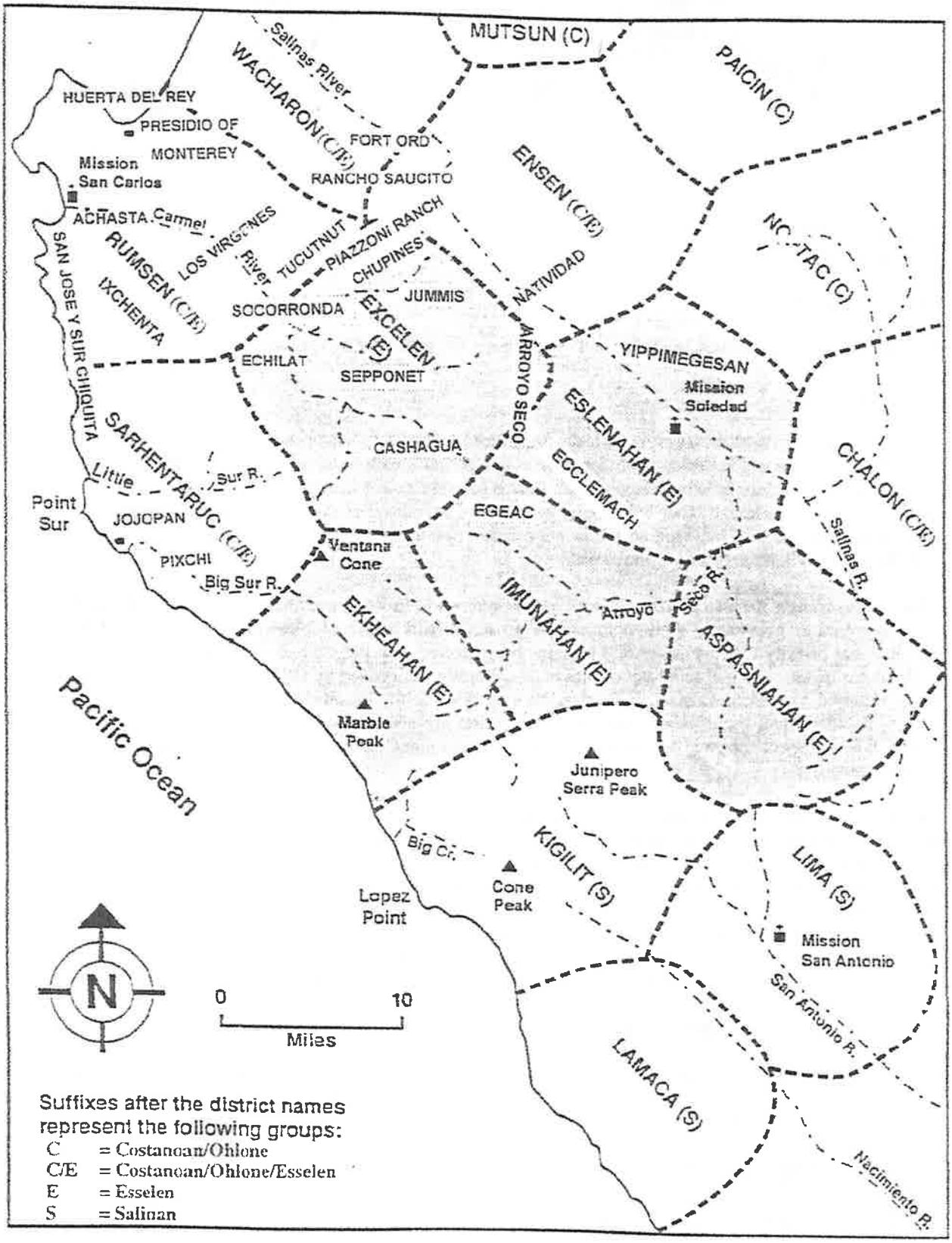


Figure 2:

Map after Taylor 1856; Levy 1973; Hester 1978; Milliken 1990

Response to Letter #6 from Louise J. Miranda Ramirez (April 19, 2018)

1. See Section 8.0, Cultural Resources Mitigation Measures CR-2 and CR-3 where disturbance of cultural resources are addressed. An addition to the text in Mitigation Measure CR-3 has been made to clearly reflect the return of tribal resources to the Ohlone/Costanoan-Esselen Nation, if any are found during project grading or excavation activities.
2. The City is cooperating with the Ohlone/Coastanoan-Esselen Nation in providing the reports and surveys as requested by the Ohlone/Coastanoan-Esselen Nation.
3. The City will include the Ohlone/Coastanoan-Esselen Nation with mitigation and recovery programs as requested.
4. A change in Mitigation Measure CR-3 has been made to allow a Tribal Monitor to monitor grading activities.
5. This concern is addressed by Mitigation Measure CR-2.
6. See response to Comment 1.
7. See response to Comment 4.
8. The City will continue to cooperate with the Esselen Nation with regards to consultation. The City extended a consultation offer on July 26, 2017 and received the Ohlone/Coastanoan-Esselen Nation request on August 23, 2017. However, further outreach to the Ohlone/Coastanoan-Esselen Nation did not result in consultation occurring to this point.
9. A sacred lands records search was conducted as part of the cultural resources investigation. Refer to page 8-11 of the draft EIR.

Charles

I made some comments on the EIR for the South Tioga Project. Please forward them to the correct people.

Thank you
Tom Batcha

Comments on Draft Environmental Impact Report on South of Tioga project

Author: My name is Tom Batcha and I reside at 502 Bay Ave, Sand City, 93955. I have been a resident of Sand City since Dec 2010. I am retired from the Naval Postgraduate School where I was a research associate.

Comments:

.Adverse impact the increased traffic will have on the community.

1 The EIR specifies that several intersections will be impacted by this projects increase traffic flow to have unacceptable wait times at these interactions during peak hours. It proposes no solutions to these problems if Cal Trans or the City of Seaside does not agree to make improvements to these intersections. I think that plan development should be contingent on getting these intersection improvements.

2 To help mitigate bicycle and pedestrian traffic interaction with autos on the corner of California and Tioga, a paved bicycle path should be created that borders the projects construction sites on the west and north west sides connecting to Tioga Ave at the Merle St intersection and California at the west end of the project site. This would reduce the bicycle and pedestrian traffic that will need to come in contact with cars turning into and out of the project site speeding up traffic and improving safety. It would also make access to the beach easier to residents and hotel guests.

3 .Alternative 2 descripted in the EIR reduces the Residential units to 5 story buildings from the proposed 7 story. The original 7 story height will do major harm to the charm of Sand City. It is very rare to see a building of that height in the Monterey Peninsula, particularly near the ocean. We want to maintain the charm of an artist community here in Sand City and not the look of a major metropolitan city. I believe that even 5 story building on the higher ground of where the residential units will be located will still be too tall. It would be best to reduce the Residential units to the same height as the Hotel which is 4 stories.

4 .My house sits on the sand as do my neighbor houses. Each time construction as occurred on the dunes we have

4 cont.

had lots of vibration caused by the earth moving equipment. It has felt like small earthquakes when they have been digging and packing down the sand. I am worried that construction of the scale of this project could cause some vibration damage to our house. I would like that aspect of construction to be added to the EIR and if there is potential for damage to have a plan to mitigate the problem.

Response to Letter #7 from Tom Batcha (April 19, 2018)

1. The traffic analysis concluded that there were several significant and potentially unavoidable impacts due to the consideration that the California Department of Transportation and the City of Seaside, who have the jurisdictional authority over the recommended improvements, may not agree to the roadway improvements that would reduce the impacts, or may not accept the payment intended to mitigate the project's share of those improvements. The City of Sand City has no enforcement of actions that must take place outside its boundaries; therefore, the impacts may remain potentially significant and unavoidable. CEQA Guidelines section 15091 allows the city to make a finding that the improvements necessary to mitigate the impacts are within the responsibility and jurisdiction of another public agency and not the public agency making the finding. Additionally, CEQA Guidelines section 15093 allows the City to make a Statement of Overriding Considerations, finding that the benefits of the project outweigh the significant adverse environmental effects in approving a project.

2. Bicycle lanes and sidewalks for pedestrians would be provided by the proposed project along California Avenue and Tioga Avenue. In addition, the applicant proposes to dedicate an existing informal path as a formal pedestrian access on the west side of the project site, leading to the Merle Street right-of-way and Tioga Avenue. In order to avoid habitat, a pathway west of the project buildings would provide a circuitous path between California Avenue/East Avenue and Tioga Avenue.

3. The comment is noted. See response to Comment 1 in Letter #3.

4. Section 13.0, Noise, discusses the potential for significant vibration on nearby sensitive receptors as a result of construction. Vibration from construction activities could be detected at the closest sensitive land uses, especially during movements by heavy equipment or loaded trucks and during some paving activities. The closest existing residences to the project site are located approximately 300 feet to the west. Vibration levels would not be expected to cause damage to any of the described building types and would be "barely noticeable" at the closest residence if the equipment was used continuously or frequently. Such levels are not considered to be a significant impact. Finally, the commenter lives more than 1,000 feet from the project site and therefore, vibration impacts are considered to be even less due to distance.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

April 20, 2018

Mr. Todd Bodem, City Administrator
City of Sand City Planning Department
1 Pendergrass Way
Sand City, California 93955

Subject: MPWMD Comments on Draft Environmental Impact Report (DEIR) for the South of Tioga Hotel and Residential Development Project, Southwest of corner of Tioga Avenue and California Avenue, Sand City (APNs: 011-122-010, 011, 032, 038, 039, 040, 041; 011-123-005, 006, 007, 009, 011, 022, 024, 025, 026; 011-135-001, 014, 015, 016, 023, 024; 011-136-007, 012, 024; and 011-186-021, 038, 039)

Dear Mr. Bodem:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates the opportunity to comment on the City of Sand City's Draft Environmental Impact Report (DEIR) for the South of Tioga Hotel and Residential Development Project in Sand City. The project is described as a development of 420 Multi-Family Residential units, 216 hotel rooms, and a 160-seat restaurant. The proposed project would demolish three existing Single-Family Dwellings and several Non-Residential structures consisting of retail, warehouse, office, plant nursery, and gym uses. The DEIR also identifies a potential Water Use Credit of 6.997 Acre-Feet-Annually (AFA).

According to the DEIR the projected water use for the Project would be approximately 60.15 AFA after the Water Use Credit of 6.997 AFA is established. The District has not verified the potential Water Use Credits are available to use on the Site. The DEIR also states that new intake Wells for the desalination facility will be constructed to ensure sufficient water is available to supply the project. The District is submitting these comments based on current rules and policies which are subject to revision by action of the Board of Directors. The District has the following comments:

Water Distribution System Permit Requirement

1 All Wells are considered Water Distributions Systems. A MPWMD permit is required to create or modify a WDS pursuant to Rule 20-A, unless the project meets the criteria for an exemption (Rule 20-C). MPWMD Rule 21 describes the application process, and Rule 22-B lists required findings that must be made in order for a WDS Permit to be issued.

Water Efficiency Standards in New Construction

2 All Residential and Non-Residential users must comply with MPWMD's extensive water conservation and water efficiency standards (Regulation XIV, Water Conservation and Regulation XV, the 2016 Monterey Peninsula Water Conservation and Rationing Plan). Installation of water efficient plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources. Current MPWMD Rules and Regulations are available at the following website: www.mpwmd.net.

MPWMD Water Efficient Landscape Requirements

New development projects must install and maintain landscaping that complies with MPWMD'S Water Efficient Landscape Regulation (Rule 142.1). The regulation promotes efficient landscapes in new developments and provides substantial water savings through proper landscape design, installation, and maintenance. Complete Landscape Documentation Packages and landscape plans must be submitted to the District. The Landscape Documentation Package is available at www.mpwmd.net/regulations/water-permits/landscape-permit-requirements/. 3

Water Meters on New and Expanded Water Service Connections

As a condition of the Water Permits, each user will be required to have individual Water Meters owned and maintained by the Water Distribution System Operator. A "User" is defined as "a customer or consumer of water delivered by a Water Distribution System. Each residence, commerical enterprise, or industrical enterprise shall be deemed a separate and distinct User." District Rule 23 B-2 (c) also requires all fire suppression systems to be separately metered from the domestic supply. 4

As the District is a permitting agency, a final review of the demand projection and issuance of Water Permits and WDS Permits for the project will be required prior to building permit approval.

Thank you for the opportunity to review and provide feedback. We trust that our comments will be addressed in the final EIR of the Project. If you have any questions or would like to discuss our comments, please contact me at gabby@mpwmd.net or Stephanie Kister Campbell, skister@mpwmd.net or 831-658-5601. 5

Sincerely,

Gabriela Ayala
Conservation Analyst

U:\demand\CEQA Docs\South of Tioga\20180417_SouthofTioga_Draft_EIR_Comments.docx

Response to Letter #8 from the Monterey Peninsula Water Management District (April 20, 2018)

1. No wells are proposed specifically for this project. Water will be provided from existing or new wells that are/will be part of the City's desalination facility. The Coastal Commission approved new brackish water wells to serve the City's desalination plant in February 2017. All applicable permits will be obtained for development of new wells at the desalination plant.
2. See Section 16.4 Environmental Impact Analysis, subsection Water Demand for the requirement that the proposed project will comply with the conservation rules of the Monterey Peninsula Water Management District.
3. See response to Comment 2. Landscaping detail with regard to water is presented in this section of the draft EIR. Only conceptual building and landscape plans are available at this time, so precise calculations, comparisons, and requirements cannot be completed at this time. The City will be deferring water allocations until building plans are submitted.
4. The comment is noted. Installation of water meters will be in accordance with District requirements, and in keeping with the City's aesthetics considerations.
5. The City will not issue building permits without the applicable, required Monterey Peninsula Water Management District permits. The City anticipates that water allocations will be made when final building plans are submitted for review.

STATE OF CALIFORNIA Edmund G. Brown Jr., *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

April 20, 2018

Todd Bodem
1 Pendergrass Way
Sand City, CA 93955

Re: Notice of Completion
Sand City South of Tioga Development Project
SCH # 2017061066

Dear Mr. Bodem,

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The project is located near the Tioga Ave at-grade highway-rail crossing, identified as CPUC No. 001EE-122.80 and DOT No. 752287D. Please ensure the nearby crossing and track within the facility comply with applicable federal and state requirements. Applicable state requirements include:

- California Manual on Uniform Traffic Control Devices – Chapter 8 (http://www.dot.ca.gov/hq/traffops/engineering/mutcd/) 1
- CPUC General Order 26-D
- CPUC General Order 72-B
- CPUC General Order 75-D
- CPUC General Order 88-B
- CPUC General Order 118

A link to the Commission's General Orders can be found here http://www.cpuc.ca.gov/crossings.

While the highway-rail crossing is currently out of service with no rail traffic, the Transportation Agency for Monterey County has future plans to reactive the line with light rail service. The CPUC recommends setting aside fees for the following to be installed when the light rail project proceeds:

- Installing vandal resistant fence along the railroad right of way.
- Installing a Commission Standard 9-A (flashing light signal assembly with automatic gate arm and additional flashing light signals over the roadway on a cantilevered arm) in the northeast quadrant. 2
- Signalization of the California Ave and Tioga Ave intersection with railroad preemption. The CPUC will require this intersection to be signalized with railroad preemption before light rail service can begin.
- Installing pedestrian specific warning devices in all four quadrants. Pedestrian specific devices consist of Commission Standard 9 (flashing light signal assembly with automatic

2 cont.

gate arm) pedestrian warning devices, detectable warning, exit swing gates, and channelization.

- Installing raised concrete medians on Tioga Ave.
- Closure of all driveways adjacent to the crossing.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 703-3722 or email me at felix.ko@cpuc.ca.gov.

Sincerely,

Felix Ko, PE
Senior Utilities Engineer
Rail Crossings and Engineering Branch
505 Van Ness Ave
San Francisco, CA 94102

Response to Letter #9 from the State of California Public Utilities Commission (April 20, 2018)

1. The only improvements within the rail corridor will be sidewalk construction, per Mitigation Measure AQ-1, which will be subject to the review and approval of the Transportation Agency for Monterey County, which owns the rail corridor, and will ensure that improvements within the rail corridor comply with applicable requirements.

2. Installation of the various facilities noted in the letter is the responsibility of the Transportation Agency for Monterey County, separate from the proposed project. The proposed project will pay the regional development impact fees established by the Transportation Agency for Monterey County to mitigate for the project's fair share of the impacts.

To: Sand City Council

From: Amelia Olson

Date: April 20, 2018

Subject: Response to South of Tioga EIR

Dear City Council,

1 I am opposed to the proposed South of Tioga Project. I have read the EIR prepared for the project and noticed an omission of Monterey gilia (*Gilia tenuiflora ssp. Arenaria)* anywhere in the document. The species is presumed extant in the Project Site yet was excluded in the EIR. This was a surprising and significant oversight considering the species status listed as Federally Endangered (listing date 06/22/92) and State Threatened (listing date 01/87). This project should not move forward without the completion of surveys for the Monterey gilia, the inclusion of the species in a revised EIR, and the completion of a mitigation plan. The lack of revision of the EIR to include consideration for this species is risking significant violations of the Endangered Species Act.

Sincerely,

Amelia Olson

amolson@csumb.edu

Response to Letter #10 from Amelia Olson, CSU Monterey Bay (April 20, 2018)

1. Refer to the response to comments in Letter #5. The EIR has been revised to address this issue of Monterey gilia to ensure that impacts to this species would be avoided.

Comment Letter 11

APRIL 20, 2018

SAND CITY CITY COUNCIL
1 PENDERGRASS WAY
SAND CITY, CA 93955

RECEIVED
APR 20 2018
CITY OF SAND CITY

SUBJECT: SOUTH OF HIGHWAY PROJECT

DEAR CITY COUNCIL:

I AM WRITING THIS LETTER TO REGISTER MY STRONG OPPOSITION TO THE SOUTH OF HIGHWAY PROJECT. I FEEL THAT THE DRAFT EIR IS WOEFULLY INADEQUATE ON MANY LEVELS. THE PROJECT WILL HAVE A NEGATIVE IMPACT ON SAND CITY RESIDENTS AND BUSINESSES AS WELL AS MONTEREY PENINSULA RESIDENTS AND VISITORS TO THE AREA.

FIRST AND FOREMOST THE DISPLACEMENT OF VIBRANT, WELL-LOVED BUSINESSES WOULD BE A TRAGIC MISTAKE.
1 A BUSINESS LIKE THE SANCTUARY ROCK GYM ATTRACTS PEOPLE OF ALL AGES AND ABILITIES TO SAND CITY, WITH THESE PEOPLE REMAINING LOYAL TO THE BUSINESS, ITS STAFF AND SAND CITY FOR DECADES. GENERATIONS OF SAND CITY RESIDENTS AND RESIDENTS OF THE PENINSULA AND BEYOND CONSIDER SANCTUARY A COMMUNITY OF FRIENDS AND FAMILY. A WAY FORWARD MUST BE FOUND TO RETAIN THE SANCTUARY ROCK GYM AS AN ANCHOR BUSINESS (AND GREAT AMENITY) FOR ANY DEVELOPMENT AND FOR SAND CITY.

AT THE APRIL 19, 2018 MEETING IT WAS MADE VERY CLEAR THAT THE SOUTH OF TIOGA PROJECT BRINGS NO NEW AMENITIES TO THE CITY AND IN FACT ELIMINATES THEM. THE LESS THAN ONE ACRE OF OPEN SPACE IS WOEFULLY INADEQUATE AND PROVIDES NO PUBLIC ACCESS OR RECREATION OPPORTUNITIES. A RESPONSIBLE DEVELOPMENT WOULD PROVIDE MANY ACRES OF OPEN SPACE THAT WOULD BENEFIT WILD LIFE AND PEOPLE. OPEN SPACE CAN PROVIDE CONNECTIVITY AND ACCESS TO THE MONTEREY BAY COASTAL TRAIL ON THE BEACH. 1 cont.

THE POTENTIAL USE OF EMINENT DOMAINE FOR THIS DEVELOPMENT WOULD BE AN IRRESPONSIBLE AND RECKLESS USE OF AN EXTREME MEASURE TO BENEFIT ONE DEVELOPER AT THE EXPENSE OF INDIVIDUALS AND THE PUBLIC. EMINENT DOMAINE SHOULD ONLY BE USED TO BENEFIT THE PUBLIC AS A WHOLE.

IT IS MY GREAT HOPE THAT THE SAND CITY CITY COUNCIL WILL WORK WITH THE DEVELOPER, AND MORE IMPORTANTLY THE PUBLIC, TO FIND A NEW WAY FORWARD, KEEPING PRECIOUS ASSETS LIKE SANCTUARY AND CREATE A NEW PLAN THAT WOULD BENEFIT ALL.

SINCERELY

JOSEPH P. NARVAEZ

30 VILLAGE DR
CARMEL VALLEY, CA 93924

Response to Letter #11 from Joseph Narvaez (April 20, 2018)

1. The comment makes a general statement about the adequacy of the draft EIR, but does not make specific comments regarding what is inadequate about the draft EIR. The letter focuses on the merits of the project and not the environmental analysis in the draft EIR. The letter does include a comment about the lack of open space provided by the project. The project proposes to set aside a 0.9-acre habitat preserve, which is about 8.5 percent of the total project site. Additionally, the project will pay a fee to the City in lieu of providing on-site parkland.

April 20, 2018

RECEIVED

APR 20 2018

CITY OF SAND CITY

Sand City City Hall
1 Pendergrass Way
Sand City, CA 93955

Re: South of Tioga Draft EIR Comments
State Clearing House #2017061066

1. The public was not notified in writing of the Notice of Preparation scoping meeting which occurred on July12, 2017. Public input at this early stage would have been very helpful to the developer in order to redirect the project into a form that would be more acceptable to Sand City residents. (DEIR 1-3). 1

2. The project is not consistent with the definition of the MU-P Zoning District as described in the Sand City Municipal Code Chapter 18.13.010 which "provides for a mixed use of residential, commercial and light-industrial uses, and ancillary retail uses to maintain and enhance the economic viability for manufacturers, artists and artisans in the district." 2

3. Project Alternatives:

   Alternative #1 is a No Project Alternative. Alternatives #2 and #3 do not reduce the project height, residential density or basic size of the footprint. There needs to be a smaller project alternative by lowering height and density. (DEIR 2-4) 3

4. All architectural renderings that show building elevations should use a graphic legend to show the location of the viewpoint such as the red legend in the lower left-hand corner of Figure 5.3. There is a blank page adjacent to each architectural rendering where this could easily be shown. 4

5. Policy 2.6.2 of the Sand City General Plan elaborates on the East Dunes District consistency by stating that development should blend with the design characteristics promoted by the East Dunes District. How do seven-story apartment buildings blend in with East Dunes which will be up to three stories? (Personal communication in April, 2018 between Michael Morris and Charles Pooler indicated that the East Dunes project height will probably be two stories). 5

Respectfully submitted,

Michael Morris

Michael Morris
740 Tioga Avenue
Sand City, CA 93955

Adrian Gay Morris

Adrian Gay Morris
740 Tioga Avenue
Sand City, CA 93955

Response to Letter #12 from Michael and Adrian Gay Morris (April 20, 2018)

1. The purpose of a Notice of Preparation is to notify responsible and trustee agencies that an EIR will be prepared and to solicit their input regarding what environmental issues should be addressed in the draft EIR. The Notice of Preparation was sent out in accordance with CEQA Guidelines §15082, which states "...the lead agency shall send to the Office of Planning and Research and each responsible and trustee agency a notice of preparation stating that an environmental impact report will be prepared." Therefore, noticing by the City was done in accordance with state requirements. The City also provided notice at the three locations within the City where such posting is required by Municipal Code Chapter 1.12, and therefore the City also met local noticing requirements.

2. The full purpose statement of the Planned Mixed Use district, as stated within Municipal Code section 18.13.010 reads:

> The purpose of the MU-P district is to: (a) implement the Sand City General Plan land use policies relating to the mixed use classification illustrated on the General Plan Diagram; (b) encourage development and redevelopment of mixed residential, commercial and light-industrial uses that ensure land use compatibility; (c) encourage the creation of living wage jobs; (d) provide for the continued availability of light manufacturing and commercial businesses; (e) provide opportunities for office development where it will not unduly interfere with light manufacturing and commercial uses; (f) allow on-site ancillary retail use to maintain and enhance the economic viability of manufacturers, artists and artisans in the district; (g) allow buildings and site areas where living and working environments can be combined in an effort to reduce work commutes and provide for a more lively area of town; and (h) establish a conditional use permit procedure for all new and proposed commercial, light industrial and residential uses within the district to insure land use compatibility and real estate marketability.

   The proposed project is substantially consistent with these purposes. The project is consistent with General Plan policies 2.6.1, 2.6.2 that address redevelopment of the project site. The proposed project includes high density residential, hotels, and a restaurant, all of which are specifically listed as conditionally allowed uses in Section 18.13.040 (note that all uses in the Planned Mixed Use district require conditional use permits). The proposed project is consistent with the definition of the Planned Mixed Use zoning district as described in Sand City Municipal Code Section 18.13.010.

3. Refer to the response to Comment 17 in Letter #1. The Reduced Height alternative was selected primarily to reduce aesthetic impacts to the East Dunes District. The Reduced Height alternative would remove and relocate 36 residential units from the upper two floors of R-2A (R 2 phase 1) residential building, to reduce building height in the area closest to the East Dunes District. This alternative would reduce the building's height by approximately 22 feet. The Retail Mixed Use alternative would, among other things, replace a four story 55,725 square-foot hotel with a one-story 18,270 square-foot retail building. No additional alternatives are required in order to comply with CEQA. No changes to the EIR are necessary.

4. Each architectural rendering provided within the draft EIR provides a label indicating the location from which the view is taken. Existing features are visible to assist in correlating the view point with adjacent reference points.

5. Conformance with the General Plan policy does not require an exact match between development in one area and development in the other. The undeveloped land within the East Dunes District, including the area closest to the project site, is zoned R-3, Multi-family Residence. There is an approximate 15-foot elevation drop from the East Dunes District to the project site, so the proposed buildings could rise to about 70 feet above existing grade at the East Dunes District, or about 35 feet taller than development allowed within the East Dunes District. The bulk of the proposed buildings would be considerably greater than the single-family houses existing in the East Dunes District, but would be similar to multi-family development. Assuming multi-family development was to occur within the areas zoned R-3, there would be an appropriate transition between the project site and the existing single family development within the East Dunes District. The proposed residential buildings would be taller than the development envisioned for the adjacent East Dunes District, but consistent with the heights allowed by the City's Planned Mixed Use zoning standards.

April 19, 2018

Sand City City Council
1 Pendergrass Way
Sand City, CA 93955

Subject: Draft EIR South of Tioga

As a concerned citizen, I would like to address the following significant effects of the proposed project.

CEQA Guidelines Section 15204© states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

1 2.3 Summary of Alternatives - There are three project alternatives that were analyzed. Of the three, only #3 is consistent with the Sand City General Plan and zoning mixed-use designations for the project site. While this option more closely matches the City's mixed use vision, it is still inclusive of 420 residential units, a restaurant and 1 Hotel, which is too large of a scale for the projected area and current infrastructure. There should be a 4th alternative presented in an overall smaller project, more consistent with the surrounding communities and the Peninsula as a whole.

2 4.1 Project Characteristics - Restaurant - The applicant has stated that a restaurant "could be included on top of one of the residential parcels and share the parking lot at one of the hotels, although it could also be located in one of the hotels." As the Restaurant is the only thing the local community will get out of this project, it should be a definite inclusion, as opposed to a "could be". As currently presented it feels like an afterthought.

3 4.1 Eminent Domain - "The City may determine to exercise its right to use eminent domain over two parcels for public use and provide fair market value compensation to the owners." This project is not for "public use", it is for a private developer, I do not see how the use of eminent domain is valid in this situation.

4 4.1 - Access and Circulation - There is no mention of Scott Street and its necessity of being competed. This will be the only access to the Salvation Army during construction of the project, and will now be the overflow parking for the multitude of people that utilize their services on a daily basis. I can also see the residents of the residential buildings using this street for overflow parking, As proposed, the revised East Avenue & Scott St. intersection would be a nightmare.

5 4.1 - Off-site Transportation Improvements - Mitigation measures presented in Section 15.0 Transportation and Traffic require improvements at two intersections outside of the project site. The proposed project will not construct the improvements but provide a fee payment to cover its pro-rata share of costs of the improvements. Considering the proposed project will be solely responsible for the increased demands on all roads and intersections. Why is it that the project is not responsible for 100% of the costs of improvements?

6 4.1 - Development Timing - "Construction is anticipated to occur in three phases with phase 1 being the complete demolition of the site to prepare for the new roadway and site improvements, phase two as development of the two hotels and phase 3 being the multi-family residential development. Each phase is anticipated to occur over a period of 18 - 24 months."

6 cont. This timeline is completely unrealistic and unachievable, if you have ever done even a small project such a building a house, or a business, you know this time line is a pipe dream. The phases should be divided into smaller projects which can more easily adapt to changing conditions.

7 4.1 - Applicant Proposed Mitigation Measures - The applicant has proposed a Habitat conservation area, bike lanes and sidewalk improvements. These are all necessary and required results of the proposed project, but are a small concession to the local community, there should be more open space provided.

8 4.2 - Project Objectives - The applicants objectives as proposed seem out of line with the Sand City general plan Goal 2.6, which calls for the elimination of existing urban blight conditions, and Policies 2.6.1 and 2.6.2 which call for site plan design that will provide an appropriate transition between regional commercial uses and residential uses, a blending of development with the design characteristics of the planned East Dunes residential development and provision of public gathering spaces. The project will eliminate urban blight but does not provide an "appropriate transition" with the current mass of large buildings, and no public gathering spaces. Also referenced in Section 5.1 Environmental Setting.

9 5.1 - Visual Quality and Character - "Based on its general industrial character, the project site does not retain a high level of visual quality or character." This statement is false, there is a trend in repurposing large old industrial buildings, visual quality and character is a personal thing. Do you want the visual quality of 85' tall buildings?

10 5.2 Regulatory Setting - Sand City General Plan - 2.9.3 - "Encourage building designs that evoke a coastal resort or coastal industrial architectural theme....." This proposed project does not come close to achieving this goal. 5.6.2 - "Ensure development visible from Hwy. 1 are designed in a manner which creates a positive impact on the community, worthy of its Peninsula gateway location." The proposed project looks like driving into San Jose, not the gateway to the Peninsula.

11 5.4 Environmental Impact Analysis - Effect on Character of Surrounding Areas - "..the building articulation and increased landscaping areas between buildings would temper the appearance of the building mass." The proposed buildings are massive, there is no "articulation" or "increased landscaping" that is going to lessen the overall impact of size. "..the proposed hotel and multi-unit residential development would fit with the scale of the existing shopping center buildings and Graniterock Silo Tower." The proposed hotel may fit this statement, but the residential units would not, they will be imposing and massive and definitely have an "Effect on Character of Surrounding Areas". Multiple buildings at 85' tall will be seen from all over the Peninsula.

12 5.5 Impact Summary and Mitigation Measures - "..based on location, topography, and surrounding structures, proposed development on the project site would not significantly impact public views of, or through, the project site. Views from California Ave. toward the dunes would be improved. This impact would be less than significant." These statements are false, as views in Sand City & Seaside will be heavily impacted by the mass and size of these large buildings. Having to look through hotels and apartments in this location will NOT improve the view of the dunes from California Avenue. "...a suitable transition between the existing single-family units of the East Dunes District and the multi-family units of the proposed project." There is no suitable transition when you are putting 85' tall buildings within 200' of 2 story houses, it will look ridiculous, and ruin those houses value and sunrise. This is a significant impact, as are the other referenced items, but each one is given a "less than significant impact". The proposed project is creating the problems to be mitigated, but the mitigation measures offered are more of an excuse and not really a solution.

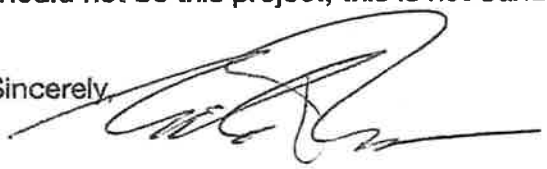
6.4 Environmental Impact Analysis - "...the project sites potential for higher than average transit ridership;" I would expect most hotel guests would not be using the bus to get around
13 the Peninsula, and anyone who can afford to live in the multi-family residential building, would not be your average bus rider. When was the last time you took the bus?

6.5 Impact Summary and Mitigation Measures - IMPACT; Inconsistent with Clean Air Plan, "..based on provision of transit access that would reduce use of automobiles." Mitigation Measure AQ-1 - "..the applicant shall construct a sidewalk to complete a gap on the existing
14 sidewalk....south side of Tioga Ave." "With implementation of Mitigation Measure AQ-1, consistency with the air quality management plan would be achieved and the impact would be less than significant." I find it funny that the completion of about 4' of sidewalk will mitigate the Clean Air Plan, because now people can walk to the bus and not use their car, hilarious.

I have read the entire EIR and tagged the pages with items that are similar to the above referenced items, the above items are only 1/3 of the way through the document, with 50 more tagged pages to go, but I am going to stop here. The balance of the items I have not covered are of a similar nature, with many being as ridiculous as 6.5 referenced above, and I did not even get to reference the many holes in the traffic report.

I find the overall project to be ill-conceived for the area proposed, and offers nothing for the local residents of the Peninsula as a whole. Everyone agrees that some sort of re-development should occur in this area, but maybe some things should stay. Its easy enough to paint a building and put on a cool awning and drop some landscaping in the ground, which could happen in this area, and should have been happening for the last 17 years. This area has been ignored by the City and the developer for too long, when it could have been thriving with interesting businesses that are willing to use an old warehouse, or fix up a so called blighted building. Something should definitely happen in this area with regards to re-development, but it should not be this project, this is not Sand City.

Sincerely,



Michal Bascou
Resident/Property & Business Owner
433 Orange Avenue

Response to Letter #13 from Michal Bascou (April 20, 2018)

1. Refer to the response to Comment 17 in Letter #1.
2. The restaurant referred to in the comment is an optional project component; however, a restaurant open to the public is also included within the hotel.
3. Eminent domain would be used to obtain parcels that are located within the proposed public street right-of-way. The comment does not raise an environmental issue and no response is necessary.
4. The comment does not raise an environmental issue. However, the proposed project does not include an extension of Scott Street. The City recognizes the issue with access to the Salvation Army during construction and is including a condition of approval to ensure continuous access. The re-constructed East Avenue will include parking on the south side, nearest to Salvation Army.
5. The proposed project is not solely responsible for the increased demands on all roads and intersections, but would be adding traffic to intersections that already experience large volumes of traffic. The mitigation measures in the draft EIR require developers of the proposed project to pay their fair share of the necessary improvements. Draft EIR Section 15, Transportation and Traffic, includes a complete discussion of the intersections affected by the proposed project and the improvements that are necessary to mitigate the intersection that are, or would be, operating unacceptably. No changes to the EIR are necessary.
6. This timeline was developed in consultation with the applicant based on their intended development plans. The comment does not raise an environmental issue.
7. The comment is noted. Approximately 8.5 percent of the site is proposed for open space..
8. Refer to the response to Comment 5 in Letter #12.
9. While acknowledging that beauty is in the eye of the beholder and that visual analysis can be subjective, most of the existing buildings on the project site were constructed in the 1950s and are large warehouses with few windows, little ornamentation, or other features that typically lend aesthetic value to a building.
10. The City ensures conformance with architecturally oriented policies through its design review process. The Design Review Committee considered the proposed project at its April 6, 2018 meeting and recommended conditions of approval for consideration by the City Council. Discussion of the project's consistency with the City's policies relating to visual character is presented in draft EIR Section 5.0, Aesthetics.

11. Refer to the response to Comment 10.

12. Existing views of the sand dunes from California Avenue are minimal and limited to East Avenue, with the most restricted point in the view corridor about 40 feet wide. The proposed project would open a wider view into the dune area at the proposed "A" Street with the most restricted point in the view corridor about 75 feet wide. Analysis and conclusions in the EIR regarding scenic views are based on the General Plan policies relating to protection of views, which focus on views toward Monterey Bay from State Route 1. Refer to the response to Comment 5 in Letter #12 regarding transition between the proposed project and the East Dunes District.

13. High density residential development has significantly lower individual vehicle trip generation rates. Transit replaces some of those trips that would otherwise be made by automobile.

14. The comment is noted. The sidewalk would be approximately 30 feet long. The association between high density residential development, transit access, and emissions reductions (hence consistency with the Clean Air Plan) is based on regional planning mandated by Senate Bill 375, which established sustainable communities strategies in each region of the state.

Comment Letter 14

RECEIVED

APR 20 2018

CITY OF SAND CITY

Patrick Casey
1875 Ocean View Avenue
Sand City, CA 93955

April 20, 2018

Via Personal Delivery

Sand City City Council
1 Pendergrass Way
Sand City, CA 93955

Subject: **Objections to EIR for DBO South of Tioga Project**

Dear Sand City City Council:

I am a resident of Sand City and I own the property located at 1875 Ocean View Avenue, Sand City, which is my primary residence. The following details my objections to the Draft Environmental Impact Report dated March 1, 2018 ("EIR") for the South of Tioga Project (the "Project") as proposed by DBO (the "Applicant"):

1. The EIR fails to adequately take into account the Project's impact on the Monterey Spineflower, the buckwheat grass that serves as food for the Smith's Blue Butterfly, the Smith's Blue Butterfly itself and the Snowy Plover, which are listed on, and subject to the protections established by, the Endangered Species Act. In addition, the 0.9 acre habitat conservation area is neither adequate nor sufficient to protect these plants and species or to appropriately mitigate the effects of this Project. There should be a much larger and more substantial mitigation area that is subject to a permanent habitat conservation easement in order to appropriately protect these species and offset the destructive effects of this Project on their natural habitat. 1

In addition, the EIR fails to take into account the effect that all these additional residents, along with the increased foot traffic, vehicular traffic, related noise, and use of the sand dunes (especially to access the beach) will have on (i) the Monterey Spineflower, the buckwheat grass, the Smith's Blue Butterfly and the Snowy Plover, and (ii) all the bird nests in the sand dunes behind the Project.

2. The EIR entirely fails to take into account the wind tunnel effect that will be created by having such large buildings (up to 85 feet high) in this area. Sand City is subject to high winds practically year-round coming directly off the ocean. These high winds typically cause large sand drifts across the bike path and small sand drifts across Highway 1. These winds will be magnified and become much stronger when they are funneled through the various large buildings that are part of this Project, thus creating a number of wind tunnels. These wind tunnels can be very difficult for anyone – or any animal – to walk through. Yet, the EIR entirely fails to address the wind tunnel effect or any ways to mitigate for such wind tunnels. In addition, there has been no 2

2 cont. analysis of how these wind tunnels will affect the migratory flight patterns of all the birds that go directly over the Project area.

3. The EIR fails to provide adequate mitigation measures for the water supply for this Project. The EIR states that the Project should have adequate water, but it assumes that the construction of new wells for the Sand City desalination plant will have been done and completed. However, installation of such new wells, and the related funding, is never assured or guaranteed to occur on time or within budget. In addition, there is no guarantee that Sand City will obtain all the requisite permits to do so. Therefore, the assumption that the Project will have an adequate water supply based upon the installation of these new wells is a significant leap of faith and a serious deficiency in the analysis. The EIR fails to provide any mitigation measures or alternatives that will provide adequate water for the Project in case these new wells are not drilled or are not completed prior to the Project's development. 3

4. A significant problem with the EIR is its failure to appropriately address the traffic impacts of the Project as follows:

a. Although the traffic study uses the parking standards under the current zoning laws to determine the required number of parking spaces, reality has shown that the current zoning requirements are inadequate to appropriately address today's modern trends. Practically all families today have at least two cars and typically have three cars. Therefore, the EIR significantly underestimates the actual number of cars that will be using the Project parking spaces. 4

b. The EIR identifies a number of traffic impacts that will occur in the City of Seaside. However, the EIR fails to provide any mitigation measures in the City of Seaside since it is outside the jurisdiction of Sand City. This is another serious deficiency in the EIR. All reasonable traffic mitigation measures must be taken into account and appropriately addressed in the EIR. The EIR should be revised to recommend that Sand City coordinate with - and reach agreement with - the City of Seaside to implement all reasonable traffic mitigation measures as a condition to this Project. Furthermore, the City Council should not approve the EIR - or the Project – without requiring that such agreement be reached. By doing so, this will significantly reduce the traffic effects of this Project in both Sand City and the City of Seaside. It is also the neighborly thing to do. 5

c. The EIR deems that there is no traffic impact by the Project if there is less than a 2% overall traffic impact. The EIR concludes that the overall traffic impact is less than 2% and thus no traffic impacts. There are two deficiencies in this analysis. First, the overall traffic impact of this Project should take into account the traffic that will be generated by the eco-resort currently under construction just north of the Project along with John King's project on Tioga Avenue at the beach. It is hard to imagine that these three projects, taken together, will not have more than 2% overall traffic impact. Second, even if the EIR fails to include the other two projects, a traffic impact of up to 2% is still a significant traffic impact if you either reside or work in Sand City. 6

d. Most individuals rarely park in their garage because typically they use the garage for storage. The clearest example of this is the recently constructed East Dunes Bungalows in Sand City. Based upon my observations, only one person actually parks in their garage in the East Dunes Bungalows. Everyone else uses their garages for storage and therefore they park their cars and trucks in their driveways or on the street. It is highly likely that this will be the same practice at the Project, thus yielding far more cars on the street and parking in non-permitted areas, such as the Costco parking lot. The EIR entirely fails to take this into account. 7

e. The EIR does not adequately address alternative transportation routes or methods for individuals residing in the Project or for individuals that desire to access the Project. The EIR proposes to establish sidewalks and a bike lane as alternative transportation methods. It also makes reference to a possible bus stop that might, at some point, be constructed by the Transportation Agency of Monterey County ("TAMC"). In our modern society, no one walks to or from work or to run errands, so establishing sidewalks is woefully inadequate to properly address alternate transportation routes or methods. While establishing bike lanes is a step in the right direction, practically no one commutes to and from work or runs errands on a bicycle. Yet, these are the only substantive alternate transportation routes or methods required by the EIR. This is not nearly a sufficient, adequate or complete analysis of alternate transportation routes or methods. The EIR should address alternatives such as carpooling; ridesharing; zip cars (or the equivalent); partially motorized bicycles; mandating a public bus stop; a dedicated bike lane from the Project to the Monterey Peninsula recreational bike path; and seeking input from TAMC as to other alternatives. The whole-hearted failure of the EIR to address some or all of these alternative transportation methods is a glaring error in the EIR and shows an inability to incorporate the forward-thinking ideas and concepts that are the hallmark of any good 21st century development project. 8

In conclusion, the Project presents significant environmental, water, parking and traffic issues that must be addressed prior to Project approval. The EIR fails to adequately address the significant and serious environmental impacts of this Project. It fails to properly address a reliable water supply for the Project along with appropriate mitigation measures. In addition, it almost entirely fails to address the comprehensive impact this Project will have on parking and traffic on surrounding neighborhoods and the City of Seaside. For these reasons, the EIR is lacking and deficient and fails to comply with, or meet the standards of, the California Environmental Quality Act. Therefore, the City Council should reject the draft EIR in its entirety.

Sincerely,

Patrick Casey

Response to Letter #14 from Patrick Casey (April 20, 2018)

1. Project impacts to Monterey spineflower (*Chorizanthe pungens* var. *pungens*) and Smith's blue butterfly (*Euphilotes enoptes smithi*), including impacts to Smith's blue butterfly host plants coast buckwheat (*Eriogonum latifolium*) and seacliff buckwheat (*Eriogonum parvifolium*) are addressed in draft EIR Section 7.0, Biological Resources, and mitigations measures are included to ensure impacts to these species are less than significant. Impacts to these species will continue to be addressed through a habitat conservation plan (mitigation measure in the draft EIR) in coordination with the U.S. Fish and Wildlife Service (USFWS). This process in underway and will adhere to protections established by the Endangered Species Act and will establish measures approved by the USFWS as being both adequate and sufficient to avoid, minimize, and compensate for potential impacts to these species. The conservation approach will at the very least include the 0.9-acre area proposed for preservation in perpetuity, where a majority of these species currently reside on the project site and will therefore remain protected within a permanent habitat conservation easement. Minimal impacts to these species within the impact areas of the project will be appropriately mitigated for at the discretion of the USFWS.

   The proposed project is not anticipated to have a substantial effect on these species through increased vehicular traffic as the 0.9-acre dune scrub habitat area containing these species is not within an existing or proposed roadway area. Increased foot traffic is also not anticipated to have a substantial effect on these species as the habitat conservation plan will propose to establish fencing, or some comparable barrier with interpretive signage, between the protected 0.9-acre dune scrub area and the project impact areas. This 0.9-acre dune scrub area also connects to a much larger, privately owned compilation of dune scrub parcels currently containing habitat for these species. The proposed project includes redevelopment of commercial and semi-industrial uses and related project noise is not anticipated to substantially change as a result of this project. Nesting birds will be appropriately protected during project activities in coordination with the Migratory Bird Treaty Act and the Fish and Game Code. Post-construction nesting birds will not be impacted by the project due to the fact that project activities will have subsided. Lastly, this project is not anticipated to impact the western snowy plover (*Charadrius alexandrinus nivosus*), which primarily utilizes fore-dune habitat along the shoreline for nesting and foraging activities.

   Regarding the size of the habitat area, refer to the response to Comment 3 in Letter #5.

2. The City of San Francisco considered wind tunnel effects in its 2004 and 2009 Housing Element Addendum to the Environmental Impact Report. The conclusion from that study was that new development greater than 85 feet in height could potentially affect ground level wind speeds (San Francisco Planning Department 2015). The proposed project would not reach a height greater than 85 feet, and the City of Sand City does not believe that the isolated and relatively widely spaced proposed project buildings would result in significant wind tunnel effects that would affect human beings or migratory birds.

3. Mitigation Measure WS-1 prohibits project occupancy until the new desalination well or wells are completed and in use, and a reliable supply of water from the desalination plant is available. The Coastal Commission approved installation of up to six new intake wells at the City's desalination facility in February 2017. The proposed project will not begin construction until the new intake wells have been constructed and ensured to have sufficient water supply. Therefore, the proposed project is reliant on the new intake wells being constructed in a timely manner and producing an adequate amount of water to supply the proposed project.

4. The proposed project provides an adequate amount of parking supply that is consistent with the City's current requirements for parking.

5. See response in Comment 1 in Letter #7.

6. Neither the traffic impact analysis nor the draft EIR state that increases in traffic under two percent are less than significant. An increase in traffic of 1.8 percent on the segment of State Route 1 south of State Route 218 is characterized as a significant impact in draft EIR (page 15-21). The term "two percent" is found once between the traffic and cumulative sections of the draft EIR (page 19-21) and is in reference to historic traffic growth rates.

   The Monterey Bay Shores eco-resort and King Ventures projects are included in the traffic analysis presented in Section 19.0, Cumulative Impacts. The thresholds of significance are standards used by the jurisdiction with ownership and responsibility for the given transportation facility. The draft EIR includes traffic-related mitigation measures that mitigate project impacts.

7. The comment is noted. See response to Comment 3 in Letter #3.

8. See response to Comment 2 for letter #7. The bicycle lanes on Tioga Avenue would directly connect to the existing Pacific Coast bicycle route. Census data for Sand City indicates that a very high percentage of residents work at or near home, and/or use alternative means of transportation. Mitigation Measure AQ-1 requires completion of a sidewalk to provide continuous access to the bus stop on Del Monte Avenue. The project design does not preclude carpooling or the use of on-call ride services.

2.3 ORAL COMMENTS ON THE DRAFT EIR

The City held a public hearing on April 19, 2018 to take comments on the draft EIR. This section presents a brief summary of oral comments on environmental issues that were not received in substantially similar written form.

The following members of the public spoke during the hearing:

Andy Bryant

James Kendall

Ted Lim

Michael Morris

Susan St. John

David Perry

Patrick Casey

Ashley Wayland

Tiffany Wheeler

Charles Schrammel

Don DiFede

Elizabeth Darovic

Sebastian Atcitty

Keeha Levitan

Patrick Webster

Paula Duncan Adams

Tom Batcha

Patty Velez

Joseph Narvaez

Kirk Koslowski

Tim Durant

Caroline DeGray

Megan Dole

Roy Meadows

Matt Elliot

Steve Wilson

Brian Clark

Aesthetics, traffic and parking, water supply, and public services were the environmental issue areas that were brought up during the public hearing. Most of these are addressed in written comments and are not repeated here. There were unique oral comments concerning views from within the City of Seaside.

Commenters remarked that buildings up to 85-feet tall would affect views from locations within the City of Seaside. Seaside General Plan Figure UD-1 identifies six view sheds within the City of Seaside. Four of the view sheds are located north of Military Avenue and overlook Monterey Bay from at or near State Route 1. One view shed overlooks Monterey Bay from near the foot of State Route 218. The final view shed is from Laguna Grande northward. The project site is not visible from any of these locations. The Seaside General Plan includes two policies related to views: Policy UD-3.1 calls for preservation of private views, and Policy UD-3.2 protects views from State Route 1 toward Monterey Bay. Several streets in Seaside inland of the project site were evaluated for view effects: Yosemite Street, Highland Street, and Noche Buena Street from both north and south of LaSalle Avenue and San Pablo Avenue, as well as views down LaSalle Avenue and San Pablo Avenue. In general, houses blocked views from these streets, and views of Monterey Bay were limited. The proposed project would be visible from locations within Seaside, but the City does not believe the visibility rises to a level of significance under CEQA.

3.0
Changes to the Draft EIR

3.1 CEQA Requirements

CEQA Guidelines section 15132 requires that a final EIR contain either the draft EIR or a revision of the draft EIR. This final EIR incorporates the draft EIR by reference and includes the revisions to the draft EIR, as presented on the following pages. Note that the revised summary is presented in Section 4.0 Revised Summary.

3.2 Changes Made

This section contains text from the draft EIR with changes indicated. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Explanatory notes in italic text *(italic)* precede each revision. The following changes are made:

The City makes the following changes on page 6-13 of the Draft EIR in response to comments by Monterey Salinas Transit.

The priority blueprint area, opportunity area, and regional traffic impact infill fee area identifications for the project site are in recognition of the project site's potential for higher than average transit ridership. The project site is within walking distance of existing transit service on Del Monte Boulevard and future transit planned by TAMC within the railroad corridor. A high quality transit corridor has bus service headways of 15 minutes or less during peak period or provides rail service. Del Monte Boulevard and the Playa Avenue transit center meets the definition of a high quality transit corridor (~~six~~ multiple bus lines with combined commute period headways of ~~seven~~ between five and 15 minutes) and ~~is~~ are within one-quarter to one-half mile of the project site. The railroad corridor is adjacent to the project site and is planned in the long-term for transit service and/or a bicycle path.

The City makes the following change on page 7-6 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

Other special-status plants with ~~low to very low~~ potential to occur on the site included:

The City makes the following changes on page 7-6 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

~~All undeveloped portions of the project site were systematically surveyed and only~~ Monterey spineflower (*Chorizanthe pungens* var. *pungens*) and Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*), described below, are ~~was~~ present on the project site.

The City makes the following change on page 7-6 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

Figure 7-2, Monterey Spineflower~~Special-Status Plant~~ Locations, shows the locations and extent of the Monterey spineflower on-site occurrence…

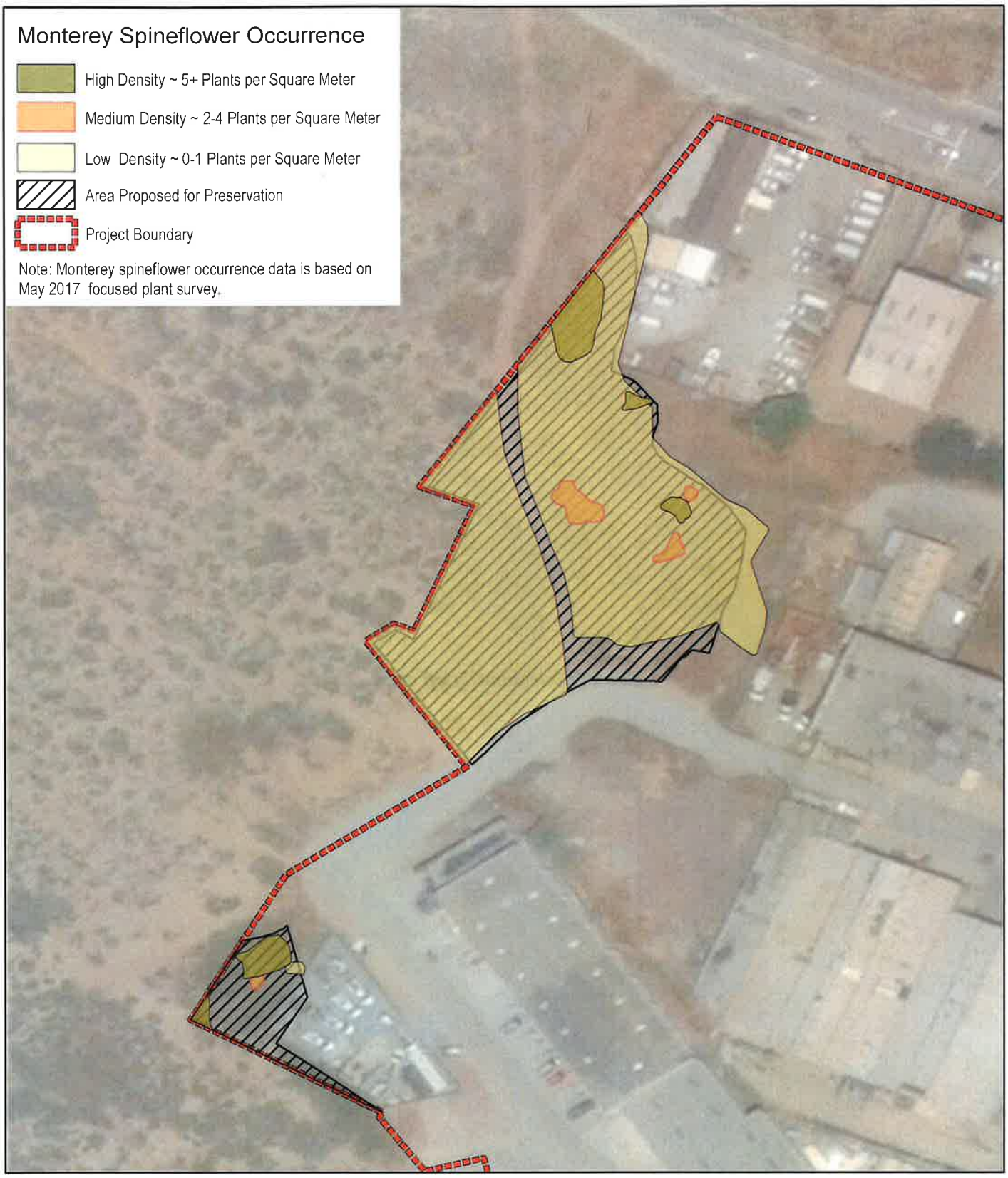
The City revises the name of Figure 7-2 (from "Special-Status Plant Locations" to "Monterey Spineflower Locations") and adds Figure 7-3, "Monterey Gilia Locations." These figures are presented on the following pages.

The City makes the following addition at the start of page 7-9 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*)

Monterey gilia is a federally listed endangered, state-listed threatened, and a California Native Plant Society Rare Plant Rank 1B.2 species. Monterey gilia is an annual herb of the phlox family, with a blooming period from April through June; it is found in northern Monterey County and southern Santa Cruz County, at elevations below 45 meters, in sandy openings in habitats that include maritime chaparral, coastal dunes, coastal scrub, and cismontane woodland (CNPS 2018). This species was state-listed as threatened in January 1987, and federally listed as endangered on June 22, 1992; there is no critical habitat designated for the species (USFWS 2018). There are fewer than 20 known occurrences of the plant, and major threats come from fragmented habitat caused by development, as well as threats from sand mining, vehicles, foot traffic, invasive species, and non-native plants (Porter 2012).

The project site contains a portion of a previously documented and significant occurrence of the endemic Monterey gilia that is mapped in the CDFW *California Natural Diversity Database*, and despite surveys specifically timed to identify the species, for unknown reasons it was not observed during the 2017 project site focused botanical surveys. It occurs in small scattered clusters within disturbed coastal dune scrub on the western portion of the project site. Figure 7-3, Monterey Gilia Locations, shows the locations and extent of the Monterey gilia on-site occurrence. The size and distribution of this population likely varies from year to year due to multiple environmental factors; based on May 5, 2017 observations by Dr. Fred Watson and April 19 and 26, 2018 observations by EMC Planning Group biologists Andrea Edwards and Emily Malkauskas, up to 500 plants are conservatively estimated on the site.



Source: ESRI 2017

Figure 7-2

Monterey Spineflower Locations

South of Tioga Project EIR

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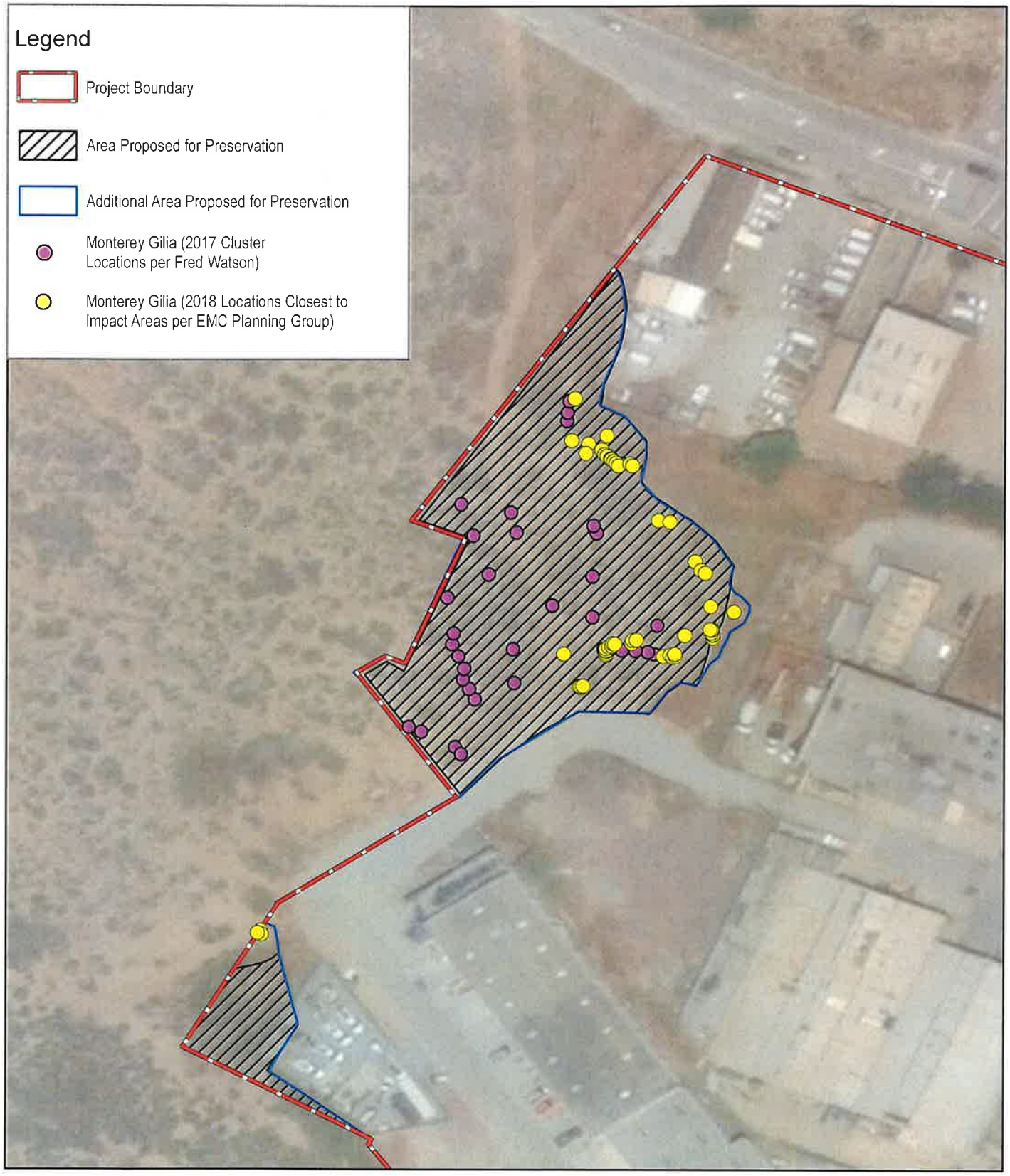

Source: Fred Watson 2017, EMC Planning Group 2018, ESRI 2017

Figure 7-3

Monterey Gilia Locations

South of Tioga Project EIR

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The City makes the following changes on pages 7-18 to 7-19 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

Monterey Spineflower and Monterey Gilia

As detailed above, in 2017 approximately 4,200 Monterey spineflower plants were observed on an approximately 0.9-acre portion of the 10.6-acre project site. ~~No other special-status plant species were observed.~~ Of the approximately 4,200 plants, the proposed project would remove approximately 200 (less than five percent) that are located on the margins of the dune area, where development is proposed. The on-site population size of this annual species will naturally vary greatly from year to year depending on multiple environmental factors. The great majority of the plants are positioned within the adjacent area proposed for preservation, and would not be disturbed.

In addition, up to 500 Monterey gilia plants occur on the project site. Of these, only four plants (less than one percent of the maximum estimated on-site population) are in or on the project impact boundary. To avoid impacting any Monterey gilia plants, the proposed preservation area will be expanded to include these four plant locations, so that no direct project impacts to Monterey gilia are anticipated.

Monterey spineflower and Monterey gilia are ~~is a~~ federally listed plant species, and when combined with the potential for project impacts to a federally listed wildlife species (Smith's blue butterfly, discussed below), a federal Incidental Take Permit application must also address impacts to federally listed plant species.

The City makes the following changes on pages 7-21 to 7-23 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

IMPACT Reduction of Monterey Spineflower and Monterey Gilia Populations (Less than Significant with Mitigation)

Based on focused plant surveys conducted in 2017, approximately 200 Monterey spineflower plants (less than five percent of the total number observed on the project site) would be directly removed by the proposed project. In addition, up to 500 Monterey gilia plants occur on the project site. Of these, only four plants (less than one percent of the maximum estimated on-site population) are in or on the project impact boundary. To avoid impacting any Monterey gilia plants, the proposed preservation area will be expanded to include these four plant locations, so that no direct project impacts to Monterey gilia are anticipated. Monterey spineflower and Monterey gilia are ~~is a~~ federally listed plant species, and when combined with the potential for project impacts to a federally listed wildlife species (Smith's blue butterfly, discussed below), a federal Incidental Take Permit application must also address impacts to federally listed plant species.

Impacts to federally listed threatened Monterey spineflower or to federally listed endangered and state-listed threatened Monterey gilia would be a significant adverse environmental impact. The on-site Monterey gilia plant locations will all be included in the area proposed for preservation, so direct impacts to this species will be avoided per the mitigation measure below. As an extra precaution, due to the minimal potential that in the future, a small number of Monterey gilia plants could shift into the project impact area prior to ground disturbance and/or the Monterey gilia seed bank could be slightly adversely impacted by long-term habitat enhancement (careful manual iceplant removal) in the on-site preservation area, an Incidental Take Permit will also be obtained from the California Department of Fish and Wildlife. Measures to reduce the level of impact to Monterey spineflower will be finalized in the Incidental Take Permit application process; however measures may include, but not be limited to, those included in the following mitigation measures, which incorporate measures included in the applicant's draft preservation area management plan. These measures would reduce the impact to a less-than-significant level.

Mitigation Measures

BIO-1 To compensate for the permanent loss of Monterey spineflower individuals and Smith's blue butterfly habitat, and to avoid impacts to Monterey gilia individuals, the applicant shall record a conservation easement over approximately 0.9 acre of Monterey spineflower/Monterey gilia and Smith's blue butterfly coastal dune scrub habitat, including the existing 0.1 acre sandy trail. The area proposed for preservation shall be expanded from that proposed in the Draft EIR as illustrated in Figure 7-3 to avoid direct impacts to all known on-site Monterey gilia locations. An Incidental Take Permit for Monterey gilia shall also be obtained from the California Department of Fish and Wildlife prior to ground disturbance.

Granting and conveyance of the easement will be subject to the conditions developed during consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife to secure ~~an~~ Incidental Take Permits. The conservation easement shall be recorded prior to issuance of the first grading permit for the project, subject to review and approval by the City Planner, City Attorney, and City Administrator. Conditions may include, but not be limited to, the following:

a. The 0.9 acre will be expanded slightly in two locations, one to the south and one to the north, and preserved and protected in perpetuity, by an entity other than the applicant, per a conservation easement, which will prohibit any activity that is incompatible with the preservation efforts;

b. Invasive iceplant will be carefully removed by hand with the intent to minimize disturbance to the native seed bank, and this area will be maintained to support expanded growth of Smith's blue butterfly host plants and Monterey spineflower/Monterey gilia following completion of the project;

~~d~~c. The existing 0.1-acre sandy trail (leading to Merle Street right-of-way) will be maintained by installing roped fencing, or other method deemed appropriate by the City, on both sides of the trail and from the trail to Tioga Avenue to guide foot traffic away from adjacent habitat areas;

~~e~~d. Permanent fencing will be installed between the project development area and the preserved area to prevent access to Smith's blue butterfly and Monterey spineflower/Monterey gilia habitat (except pedestrian access through the area using the roped/fenced path on the existing sandy trail);

~~f~~e. Signage will be installed to notify the public that the area is protected and that special-status species may be present;

~~g~~f. A U.S. Fish and Wildlife Service-approved native plant specialist will plant Smith's blue butterfly buckwheat host plants/seeds and Monterey spineflower seeds in the preserved area, with seeds/plants relocated/collected from the site impact areas prior to demolition or grading within the impact areas;

~~h~~g. A monitoring and reporting program will be developed in detail in the project Habitat Conservation Plan. The monitoring program will include pre- and post-treatment vegetation sample plot or transect surveys to record the percent cover of invasive plants, Monterey spineflower, Monterey gilia, and buckwheat plants prior to and after treatment. The plots/transects will be surveyed during the appropriate blooming period for Monterey spineflower/Monterey gilia to allow for positive identification. Non-native and invasive weed cover will be no more than 10 percent in the restoration areas. Monitoring shall be conducted for a period of five years. If the restoration is not successful after five years, the project proponent will consult with the U.S. Fish and Wildlife Service and Sand City to define alternative measures. Brief written reports will be submitted annually to the property owner(s), conservation easement holder, and U.S. Fish and Wildlife Service; and

~~i~~h. A fund will be created by the project applicant through a one-time endowment to carry out management of the habitat preservation area in perpetuity (including monitoring and weeding as necessary). Management activities will be conducted by a third party approved by the U.S. Fish and Wildlife Service.

The City makes the following changes on pages 7-23 to 7-24 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

BIO-3 Prior to issuance of a grading permit and during construction, the following measures to avoid or minimize impacts to Monterey spineflower and Monterey gilia shall be implemented:

- Prior to grading and construction and during the appropriate identification period, Monterey spineflower and Monterey gilia surveys shall be conducted by a U.S. Fish and Wildlife Service-approved, qualified biologist in areas where spineflower or gilia were previously identified or have potential to occur.

- The boundaries of Monterey spineflower and Monterey gilia populations near project work areas, or the limits of project work areas or access roads/routes near Monterey spineflower and Monterey gilia populations that are to be avoided shall be delineated with clearly visible flagging or fencing, which shall be checked weekly by the qualified biologist or designated site representative and repaired as needed.

- The populations that are to be impacted shall be recorded using a submeter-accurate global positioning system ("Global Positioning System") unit, and the total acreage of temporary and permanent impacts shall be calculated.

- In project work areas where Monterey spineflower is present, initial ground disturbance activities shall be conducted in late summer or early fall to avoid impacting these plants before they have set seed. If this is not feasible and it is possible to collect seed prior to the start of construction, seed shall be collected by a qualified biologist from the impact area. Monterey spineflower individuals shall be used during restoration following the completion of Phase 1 construction activities. Alternatively, a U.S. Fish and Wildlife Service-approved, qualified biologist can proceed with the relocation of the top layer of substrate containing the spineflower seeds to previously identified and approved locations.

The City makes the following change on page 7-24 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

Implementation of these mitigation measures would reduce the impact to special-status Monterey spineflower and Monterey gilia by protecting plants to be retained during construction, and by requiring transplantation/reseeding of the impacted Monterey spineflower population into a designated mitigation area, worker awareness training, habitat monitoring, and compensatory mitigation to protect occupied habitat in perpetuity.

The City makes the following change on page 7-32 of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

BIO-10 Prior to demolition, site clearing, grading, excavation, and construction, and in coordination with mitigation measures BIO-3 and BIO-5, which require the delineation of areas where Monterey spineflower/Monterey gilia and Smith's blue butterfly buckwheat host plants occur, the boundaries of coastal dune scrub located near project work areas, or the limits of project work areas or access roads/routes near coastal dune scrub that are to be avoided shall be delineated with clearly visible flagging or fencing, or otherwise marked for avoidance. The flagging, fencing, and/or other marking shall be maintained in place for the duration of construction at each location until work is completed at the site. Fencing shall be checked weekly by the qualified biologist or designated site representative and repaired as needed.

The City makes the following additions on page 8-15 in response to the letter from the Ohlone/Costanoan-Esselen Nation.

Mitigation Measure

CR-3 Due to the possibility that unique tribal resources might be found during construction activities, the following language shall be included in all construction documents and on any permits issued for the project site, including, but not limited to, grading, and conditional use building permits for the proposed project:

"The City Planner shall ensure that the permit language has been included and that the appropriate resource recovery program is implemented should any tribal resources be uncovered. In the event that evidence of tribal resources is uncovered during excavation and/or grading, all work shall stop in the area of the subject property until an appropriate data recovery program can be developed and implemented by a qualified archaeologist."

The applicant shall notify the Ohlone/Costanoan-Esselen Nation, with a copy to the Sand City Planning Department, no less than 14 days prior to initiation of grading and excavation activities to provide an opportunity for provision of a Tribal Monitor to be present during rough grading and excavation activities. All cultural items found during construction activities shall be returned to the Ohlone/Costanoan-Esselen Nation.

Implementation of Mitigation Measure CR-3 would lower the potential of disturbance or damage of a tribal resource. The City has placed all commenters of the Notice of Preparation on the proposed project's notification list to keep them apprised of City actions on the proposed project.

The City makes the following addition on page 11-20 in response to the letter from the Monterey Bay Air Resources District.

Mitigation Measure

HAZ-4 Prior to the demolition of buildings, the developer shall conduct an asbestos survey and lead-based paint survey that include management of these hazardous materials during demolition of buildings. An abatement plan shall be developed for approval by the City Planner, City Engineer, and/or City of Monterey Fire Department prior to the issuance of a demolition permit for any existing building within the project site. The developer shall notify the Monterey Bay Air Resources District at least ten days prior to demolition activities. In the event underground pipes are discovered during excavation activities, those pipes shall be assessed for the potential to contain lead or asbestos.

The surveys shall include abatement measures and appropriate management during demolition of the buildings identified as containing these hazardous materials.

The City makes the following corrections to typographical errors and updates information on page 15-9 in response to the letter from Monterey Salinas Transit. Note the Line 78 was also removed from the list because it only serves Sand City on weekends.

Existing Transit Service

The transit service used throughout Monterey County is the Monterey-Salinas Transit. The following transit ~~routes~~ lines ~~traverse and~~ serve the project vicinity on weekdays:

- ~~Route~~ Line 8 – Ryan Ranch – Sand City;
- ~~Route 10 – Marina – Monterey;~~
- ~~Route~~ Line 11 – Carmel – Sand City;
- ~~Route~~ Line 18 – Monterey – The Dunes;

- Line 19 – Del Monte Center – CSUMB via East Campus;
- ~~Route~~ Line 20 – Salinas – Monterey;
- ~~Route~~ Line 55 – Monterey – San Jose Express;
- Line 67 – Presidio – Marina;
- ~~Route~~ Line 75 – Presidio – Marshall Park Express;
- ~~Route Line 78 – Presidio – Santa Cruz Express;~~
- ~~Route~~ Line 91 – Sand City – Carmel Rancho;
- Line 94 – Sand City – Carmel; and
- Jazz ~~Routes~~ Lines A, B, and C (Bus Rapid Transit).

Del Monte Boulevard is served by four lines (Line 8 northbound, and Lines 18, 20, and 67 both north and southbound) with five northbound and four southbound boardings during the 5:00 to 6:00 PM hour (10 to 15 minute combined headways). The bus stop nearest to the project site is located on Del Monte Boulevard at the intersection of Tioga Avenue. The Sand City Station is served by ~~six~~ 12 weekday bus lines, including direct service to downtown Monterey, Ryan Ranch, Marina, Salinas, and San Jose~~, with combined commute period headways of about seven minutes. The bus stop nearest to the project site is located on Del Monte Boulevard at the intersection of Tioga Avenue.~~ The Sand City Station, a regional transit exchange location, is located on Playa Avenue between the Sand Dollar shopping center and the Edgewater shopping center approximately one-quarter to one half of a mile to the north of the project site. There are 12 boardings in each direction during the 5:00 to 6:00 PM hour (5 minute combined headways).

As reported earlier in Section 6.0, Air Quality, the project site is designated by AMBAG as a Blueprint Priority Area, the project site is in an area identified by TAMC's Regional Transportation Plan/Sustainable Communities Strategy as an opportunity area, where high density infill housing is encouraged within one-half mile of a high quality transit corridor, and the project site is within a regional traffic fee infill development area established by TAMC (AMBAG 2011, TAMC 2013 and 2014). Del Monte Boulevard and/or the Sand City Station meet~~s~~ the definition of a high quality transit corridor, and ~~is~~ are within one-quarter mile to one-half mile of the project site. The railroad corridor is adjacent to the project site and is planned in the long-term for transit service and/or a bicycle path. The Blueprint, opportunity area, and reduced regional traffic impact fee area identifications for the project site are in recognition of the potential for higher than average transit ridership.

The City makes the following corrections to a typographical error on page 15-23.

Transit

Development of the proposed project can be assumed to generate new riders for public transportation. A significant environmental impact would occur if the increased demand exceeds service capacity to the extent that new transit facilities are required; the construction

of which would result in significant impacts, would be needed to serve the proposed project's demand. The proposed project would increase demand for transit primarily by hotel employees and apartment residents. Transit stops are located within one-quarter of a mile from the project site and a regional transit exchange is located within one-half mile, which is sufficient to serve the transit demand increase anticipated for the proposed project. Additionally, implementation of Mitigation Measure AQ-~~2~~ 1 in the Air Quality section of this EIR may increase transit opportunities in the vicinity of the project site.

The City adds the following parking information on page 15-23, succeeding the subsection title "On-site Circulation."

Parking

Zoning Code Section 18.64.050.G specifies a City-wide minimum parking requirement for multi-family dwellings of one and one-half parking spaces per unit of which at least one parking space per unit shall be covered for units of zero through two bedrooms; two spaces per unit of three or more bedrooms, of which at least one parking space per unit shall be covered. The parking requirement for hotels is one space per living or sleeping unit.

Project-proposed parking is summarized in the following table. All of the proposed residential units would be two bedrooms or fewer:

Table 15-2 Project-proposed Parking Summary

Location	Code Minimum	Provided
Parcel R1 (100 units)	150 spaces	151 spaces
Parcel R2-A (149 units)	224 spaces	225 spaces
Parcel R2-B (171 units)	257 spaces	261 spaces
Parcel H1/H1-A (135 rooms)	135 spaces	143 spaces
Parcel H2/H2-A (81 rooms)	81 spaces	81 spaces
"A" Street parking	n/a	32 spaces
East Avenue parking	n/a	6 spaces
California Avenue parking	n/a	32 spaces
Total	**847**	**931**

SOURCE: TCA Architects 2017; Sand City Municipal Code

The applicant proposes that restaurant parking would be shared between the restaurant and one of the hotels. The residential garages would be gated. Residential guest parking is expected to be provided on streets, where 70 spaces would be provided.

With the combined hotel alternative proposal on Parcel H1/H1-A, Parcel H2/H2-A would be used (exclusively or primarily) for hotel parking. This alternative hotel proposal would provide a total of 225 surface spaces, 175 of which would be on Parcel H2/H2-A and 50 would be on Parcel H1/H1-A.

The proposed project would provide at least as much as the minimum requirement under the City's zoning code standards, so there would not be a significant environmental effect from lack of parking.

The following corrections are made on page 18-5.

Table 4.2, Trip Summary, of the CalEEMod results presented in Appendix C of this draft EIR, reports that at buildout, the proposed project would generate approximately ~~10,579,967~~ 10,231,013 annual VMT (~~28,986~~ 28,030 daily VMT).

The following clarification is made to Mitigation Measure CUMT-1 on page 19-26.

CUMT-1 Prior to final sign-off of any certificate of occupancy, the project developer shall either construct the signal improvement at the intersection of California Avenue and Playa Avenue, or, if the intersection has already been signalized or is in the process of being signalized, shall pay a pro-rata fee for the project's fair share of the cost of signalization of the intersection. Intersection improvement plans or payment of fees are subject to review and approval by the City Engineer.

The City makes the following additions on pages 23-4 to 23-5 (Sources, Biological Resources) of the Draft EIR in response to comments by Fred Watson regarding the presence of Monterey gilia on the project site.

California Native Plant Society (CNPS). 2018. *Inventory of Rare and Endangered Plants.* Information on Monterey gilia. Sacramento, CA. http://www.rareplants.cnps.org/detail/868.html

Porter, J.M. 2012. *Gilia tenuiflora* ssp. *arenaria,* in Jepson Flora Project (eds.). Accessed April 2018 through Jepson eFlora: http://ucjeps.berkeley.edu/cgi-bin/get_IJM.pl?tid=50823.

U.S. Fish and Wildlife Service (USFWS). 2018. *Environmental Conservation Online System (ECOS).* Information on Monterey gilia. https://ecos.fws.gov/ecp0/profile/speciesProfile.action?spcode=Q2AJ

The City makes the following addition to sources used on page 23-14. This source was used in responding to a comment on analysis of the effects of wind.

23.18 ADDITIONAL SOURCES

San Francisco Planning Department. January 2015. "Addendum to Environmental Impact Report." http://sfmea.sfplanning.org/2014.1327E_Add.pdf.

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4.0
Revised Summary

Where changes to the draft EIR text described in Section 3.0, Changes to the Draft EIR also require changes to the Summary contained in the draft EIR, the Summary changes are identified below. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Explanatory notes in italic text *(italic)* precede each revision.

Note that a number of additions shown in the revised summary table are completion of mitigation measure text that was presented in the draft EIR, but truncated in the summary table - the full text of all mitigation measures is included in the revised summary table.

PROPOSED PROJECT SUMMARY

Location and Setting

The project site is located on approximately 10.64 acres in the City of Sand City with approximate boundaries of Tioga Avenue to the northeast, California Avenue to the southeast, East Avenue to the southwest, and the Merle Street right-of-way to the northwest. The project site is generally referred to as the South of Tioga area of Sand City, and identified as the South of Tioga District in the Sand City general plan. This District serves as a transition zone between the "big box" commercial developments to the northeast, the partially built East Dunes District residential area to the south and west, and the mixed use West End District to the southeast. The project site is currently comprised of light industrial/warehouse uses, commercial uses, undeveloped coastal dune areas, and several residential dwelling units. Commercial uses and sand dune areas are located to the north, commercial and light industrial uses are located to the east, commercial and residential areas are located to the south, and existing single family residences and planned residential development in a coastal dune area are located to the south and west of the project site.

General Plan and Zoning

The project site carries two Sand City general plan designations, and may be developed consistent with either one: Regional Commercial or Mixed Use Development. The City rezoned the project site to Planned Mixed Use in 2016. The project site has existing zoning designations of MU-P (Planned Mixed Use) and CZ-C4 (Coastal Regional Commercial).

Project Description

The proposed project consists of a six-parcel, vesting tentative map application (including roadway abandonment and dedications and lot mergers), site plan review, architectural review, and conditional use permits on the 10.64-acre project site. Coastal Development Permits would be required for two of the six parcels. Development would consist of 420 multi-family residential units, 216 hotel rooms, and a restaurant. A 0.9-acre dune area would be set aside within a conservation easement.

SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION

This draft EIR identifies significant or potentially significant environmental impacts in several areas as identified below. The impacts are presented in a summarized format in Table 2-1, which can be found at the end of this Section due to its length. The full text of the environmental setting, project analysis, and impacts and the mitigation measures can be found with Sections 5.0 through 21.0.

Significant Project Impacts

Project-level significant impacts that are reduced to a less-than-significant level are anticipated in the following areas:

- Aesthetics (introduction of light and glare);
- Air Quality (inconsistent with Clean Air Plan; construction dust emissions; construction equipment emissions);
- Biological Resources (reduction of Monterey spineflower and Monterey gilia populations; potential loss or disturbance of western red bat; loss of Smith's Blue Butterfly habitat and potential loss or disturbance of Smith's Blue Butterfly; potential loss or disturbance of Black/Silvery Legless Lizard and Coast Horned Lizard; potential loss or disturbance of special-status Western Burrowing Owl; potential loss or disturbance of special-status Townsend's Big-Eared Bat; potential loss or disturbance of protected nesting birds; loss of Coastal Dune Scrub habitat; loss of regulated trees);
- Cultural Resources (potential disturbance of unique historical, archaeological, and/or paleontological resources during construction; potential disturbance of unknown Native American human remains during construction; potential disturbance of unknown Native American tribal cultural resources during construction);
- Geology and Soils (possible soil erosion during construction; possible exposure of structures to soil instability);

- Hazards and Hazardous Materials (disturbance of contaminated soil; disturbance of underground storage tanks and other potentially hazardous subgrade structures; potential release of lead and asbestos from building materials);
- Drainage and Water Quality (increase off-site storm water runoff);
- Noise (temporary noise increase during demolition and construction)
- Transportation & Traffic (degraded performance of SR 1 South of SR 218); and
- Water Supply (net water demand increase of 60.15 AFY).

Cumulatively Considerable Effects

Cumulatively considerable impacts that are mitigated to a less-than-cumulatively considerable level are anticipated in the following areas:

Biological Resources

- Disturb coastal dune scrub habitat and regulated trees, potentially resulting in impacts to federally listed Monterey spineflower, federally and state-listed Monterey gilia, and special-status wildlife species including Smith's blue butterfly, black/silvery legless lizards, coast horned lizard, western burrowing owl, protected nesting birds;
- Loss of 0.4 acres of lower quality disturbed coastal dune scrub and protection and restoration of 0.9 acres of higher quality disturbed coastal dune scrub.

Cultural Resources

- Development of projects in Sand City, Marina, and Seaside could destroy, damage, or disturb:
  - Archaeological resources;
  - Undiscovered human remains; and
  - Tribal cultural resources.

Hazards and Hazardous Materials

- Disturbance to buildings and soils that may be contaminated with hazardous substances

Drainage and Water Quality

- Discharge of pollutants into the groundwater basin;
- Off-site storm water runoff.

Transportation and Traffic

- Increased traffic and delays on State Route 1 freeway segments between Del Monte Boulevard and State Route 218; between Fremont Boulevard and State Route 218, and north of Fremont Boulevard;
- LOS E at the intersection of California Avenue and Playa Avenue;
- LOS E at the intersection of Fremont Boulevard/State Route 1 ramps/Monterey Road;
- LOS F at the intersection of State Route 218 and State Route 1 northbound ramps.

Significant and Unavoidable Impacts

Potentially significant and unavoidable transportation and traffic impacts are anticipated in the following locations:

- Project and cumulative impacts to intersection of Fremont Boulevard/Del Monte Boulevard/Military Avenue;
- Project and cumulative impacts to intersection of SR 1 Southbound Ramps and SR 218); and
- Cumulative impact to SR 218 and Del Monte Boulevard.

Growth Inducing Effects

The proposed project would be consistent with general plan and zoning designations for the site and would not alter the City's vision of the area's urban growth more than what is already anticipated within the South of Tioga District. Growth within this area has been anticipated by the City for many years. The proposed project would not include infrastructure upgrades that would lead to future growth. Therefore, the proposed project would not have growth inducing effects.

SUMMARY OF ALTERNATIVES

Project alternatives are presented, discussed, analyzed, and compared in Section 22.0, Alternatives.

The following project alternatives were analyzed:

1. Alternative 1: No project;
2. Alternative 2: Reduced Height; and
3. Alternative 3: Mixed Use with Retail.

Alternative 1: No Project

The No Project alternative assumes that comprehensive re-development of the project site does not occur and the existing buildings and uses continue.

Alternative 2: Reduced Height

The Reduced Height alternative was selected primarily to reduce aesthetic impacts, such as light and glare, in the East Dunes District. The Reduced Height alternative would remove and relocate 36 residential units from the R-2A (R-2 phase 1) residential building, to reduce building height in the area closest to the East Dunes District. This alternative would remove levels 6 and 7 to reduce the building's height by approximately 22 feet. The Reduced Height alternative assumes that these units could be relocated within the project site; 20 residential units would be relocated within R2-A, 15 of the residential units would be relocated to R-1, and one residential unit would be relocated to R2-B. All of the re-located residential units would be located within existing residential parcels on the project site with no reduction in the total number of residential units originally proposed.

Alternative 3: Retail Mixed Use

The Retail Mixed Use alternative was selected primarily to introduce a retail component to the project, consistent with the Sand City general plan and zoning mixed use designations for the project site. Under the Retail Mixed Use alternative, there would be 420 attached residential units and a restaurant (not changed from the proposed project); 135 hotel rooms (the larger of the two proposed hotels); and 18,270 square feet of retail uses in a one story building in place of the smaller hotel. The restaurant could be located anywhere within this alternative, including as an addition to the retail building. The Retail Mixed Use alternative does not meet all of the applicant's objectives because it removes one of the two proposed hotels; however, it more closely matches the City's mixed use vision.

Comparison of Alternatives

The three alternatives were compared to the proposed project for each of the areas in which the proposed project would have a significant impact or potentially significant impact. Table 22-3, Comparison of Project Alternatives to the Proposed Project, summarizes each alternative's effects in comparison to the proposed project's significant effects. Environmental effects for which the proposed project was determined to have a less-than-significant impact are not included in the table, as CEQA requires the alternatives analysis to focus on substantially reducing or eliminating significant environmental effects.

The No Project alternative would be the environmentally superior alternative. The No Project alternative would avoid or reduce most of the proposed project's significant impacts. The exception would be in regard to the various biological resources found on the project site. Because these resources would not be protected within a conservation easement as they would with the proposed project, they may be vulnerable to damage or loss from ongoing operations; such damage or loss could exceed the damage or loss associated with the proposed project.

The second environmentally superior alternative is the Reduced Height alternative. The Reduced Height alternative avoids light and glare impacts and is otherwise similar to the proposed project. Although for conceptual purposes, the units in the Reduced Height alternative have been re-located within the project's proposed residential lots, it is not known if these locations are feasible from an engineering standpoint.

AREAS OF KNOWN CONTROVERSY

CEQA Guidelines section 15123(b)(2) requires an EIR summary to identify areas of controversy known to the lead agency including issues raised by agencies and the public. The lead agency is aware of potential controversy regarding an increase in traffic on the local roadway system through concerns from the City of Seaside and the California Department of Transportation. Concerns from the California Department of Fish and Wildlife were raised regarding the potential for the project site to support special-status species, impact federal species, and avoid wildlife impacts from erosion control mesh products. Other potential issues were raised by Native American tribes during the project's NOP process.

Letters are included in Appendix A, Notice of Preparation and Responses.

ISSUES TO BE RESOLVED

After the completion of a Phase II Environmental Site Assessment (see Section 11.0 Hazards and Hazardous Materials) additional concerns may arise with regard to currently unknown underground storage tanks and/or additional currently unknown soil contaminations. This issue would be resolved prior to the issuance of a demolition and grading permit.

Table 2-1 Significant Impacts and Mitigation Measure Summary

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
Aesthetics	New sources of light and glare to the project site and vicinity	AES-1	All exterior lighting, including light from the buildings and street lights, shall be down-lit or otherwise shielded to prevent spill-over beyond the project site and prevent direct visibility of the light source from off-site locations. A final lighting plan indicating the location, type, and wattage of all exterior light fixtures and including catalog sheets for each fixture shall be provided for all areas of the project site and submitted for review and approval by the City Planner prior to the issuance of building permits for construction on the project site.	Less than Significant
		AES-2	All windows higher than 80 feet above mean sea level (approximately 25 feet above ground floor) facing all directions, shall be fitted with non-glare glazing. This measure shall be included in the building plans, subject to review and approval by the City Planner prior to issuance of a building permit.	Less than Significant
Air Quality	Inconsistent with Clean Air Plan.	AQ-1	Prior to occupancy of any residential units on the project site, the applicant shall construct a sidewalk to complete a gap on the existing sidewalk within or abutting to the railroad right-of-way on the south side of Tioga Avenue.	Less than Significant
Air Quality	Fugitive dust emissions from grading on more than 2.2 acres and construction on more than 8.1 acres.	AQ-2	To reduce dust emissions from demolition, grading, and construction activities on the project site, specific language shall be included in all grading and construction plans for these projects prior to the issuance of a building permit. Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used: a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind; b. Use recycled water to prevent visible dust from building demolition; c. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days; d. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover; e. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible; f. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials; g. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;	Less than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			h. Stop demolition, grading, and earth moving if winds exceed 15 miles per hour; i. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule; j. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance); and k. Limit the area under construction at any one time.	
Air Quality	Construction equipment would emit toxic air contaminants.	AQ-3	The applicant shall prepare a Construction Staging Management Plan to be reviewed and approved by the City Planner and City Engineer, prior to issuance of grading or demolition permits. The plan shall include the following restrictions: a. On-site staging and loading areas for off-haul trucks during demolition, grading, and excavation activities shall be located no farther than 30 feet south or west of Street "A;" b. Offsite staging, if allowed, shall not be located on Tioga Avenue between Metz Road and Sand Dunes Drive, or at any location within 500 feet of a residence; and c. Construction equipment and off-haul trucks shall not idle in excess of five minutes.	Less than Significant
		AQ-4	All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. The developer shall provide evidence of compliance prior to issuance of a grading permit.	Less than Significant
Biological Resources	Reduction of Monterey spineflower and Monterey gilia populations.	BIO-1	To compensate for the permanent loss of Monterey spineflower individuals and Smith's blue butterfly habitat, and to avoid impacts to Monterey gilia individuals, the applicant shall record a conservation easement over 0.9 acre of Monterey spineflower/Monterey gilia and Smith's blue butterfly coastal dune scrub habitat, including the existing 0.1 acre sandy trail. The area proposed for preservation shall be expanded from that proposed in the Draft EIR as illustrated in Figure 7-3 to avoid impacts to all known on-site Monterey gilia locations. Granting and conveyance of the easement will be subject to the conditions developed during consultation with the USFWS to secure an Incidental Take Permit. The conservation easement shall be recorded prior to issuance of the first grading permit for the project, subject to review and approval by the City Planner, City Attorney, and City Administrator. Conditions may include, but not be limited to, the following: a. The 0.9 acre will be expanded slightly in two locations, one to the south and one to the north, and preserved and protected in perpetuity, by an entity other than the applicant, per a conservation easement, which will prohibit any activity that is incompatible with the preservation efforts;	Less than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			b. Invasive iceplant will be carefully removed by hand with the intent to minimize disturbance to the native seed bank, and this area will be maintained to support expanded growth of Smith's blue butterfly host plants and Monterey spineflower/Monterey gilia following completion of the project; c. The existing 0.1-acre sandy trail (leading to Merle Street right-of-way) will be maintained by installing roped fencing, or other method deemed appropriate by the City, on both sides of the trail and from the trail to Tioga Avenue to guide foot traffic away from adjacent habitat areas; d. Permanent fencing will be installed between the project development area and the preserved area to prevent access to Smith's blue butterfly and Monterey spineflower/Monterey gilia habitat (except pedestrian access through the area using the roped/fenced path on the existing sandy trail); e. Signage will be installed to notify the public that the area is protected and that special-status species may be present; f. A U.S. Fish and Wildlife Service-approved native plant specialist will plant Smith's blue butterfly buckwheat host plants/seeds and Monterey spineflower seeds in the preserved area, with seeds/plants relocated/collected from the site impact areas prior to demolition or grading within the impact areas; g. A monitoring and reporting program will be developed in detail in the project Habitat Conservation Plan. The monitoring program will include pre- and post-treatment vegetation sample plot or transect surveys to record the percent cover of invasive plants, Monterey spineflower, Monterey gilia, and buckwheat plants prior to and after treatment. The plots/transects will be surveyed during the appropriate blooming period for Monterey spineflower/Monterey gilia to allow for positive identification. Non-native and invasive weed cover will be no more than 10 percent in the restoration areas. Monitoring shall be conducted for a period of five years. If the restoration is not successful after five years, the project proponent will consult with the U.S. Fish and Wildlife Service and Sand City to define alternative measures. Brief written reports will be submitted annually to the property owner(s), conservation easement holder, and U.S. Fish and Wildlife Service; and h. A fund will be created by the project applicant through a one-time endowment to carry out management of the habitat preservation area in perpetuity (including monitoring and weeding as necessary). Management activities will be conducted by a third party approved by the U.S. Fish and Wildlife Service.	
		BIO-2	At least 15 days prior to ground disturbance, the applicant shall submit the names and credentials of biologists who will conduct activities specified in mitigation measures BIO-1 through BIO-5 ("qualified biologist"). No project activities shall begin until the applicant has received written approval from the USFWS that the biologists are qualified to conduct the work. Written approval is required prior to issuance of the first grading and demolition permits, subject to review and approval by the City Planner. The qualified biologists shall supervise and/or implement all species protection measures	Less than Significant
		BIO-3	Prior to issuance of a grading permit and during construction, the following measures to avoid or minimize impacts to Monterey spineflower and Monterey gilia shall be implemented:	Less than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			a. Prior to grading and construction and during the appropriate identification period, Monterey spineflower and Monterey gilia surveys shall be conducted by a USFWS-approved, qualified biologist in areas where spineflower or gilia were previously identified or have potential to occur. b. The boundaries of Monterey spineflower and Monterey gilia populations near project work areas, or the limits of project work areas or access roads/routes near Monterey spineflower and Monterey gilia populations that are to be avoided shall be delineated with clearly visible flagging or fencing, which shall be checked weekly by the qualified biologist or designated site representative and repaired as needed. c. The populations that are to be impacted shall be recorded using a submeter-accurate global positioning system ("GPS") unit, and the total acreage of temporary and permanent impacts shall be calculated. d. In project work areas where Monterey spineflower is present, initial ground disturbance activities shall be conducted in late summer or early fall to avoid impacting these plants before they have set seed. If this is not feasible and it is possible to collect seed prior to the start of construction, seed shall be collected by a qualified biologist from the impact area. Monterey spineflower individuals shall be used during restoration following the completion of Phase 1 construction activities. Alternatively, a USFWS-approved, qualified biologist can proceed with the relocation of the top layer of substrate containing the spineflower seeds to previously identified and approved locations.	
Biological Resources	Potential loss or disturbance of western red bat.	BIO-4	The project proponent shall conduct an education program for all persons employed or otherwise working at the project site before performing any demolition, grading, or excavation work. The program shall consist of a presentation from a USFWS-approved biologist that includes photos of special-status species with the potential to occur on the project site in all life history stages, and a discussion of the biology and general behavior of each species in each life history stage, information about the distribution and habitat needs of the special-status species in each life history stage, sensitivity of the special-status species to human activities in each life history stage, and its status pursuant to the Federal Endangered Species Act, including legal protection, recovery efforts, penalties for violations, and project-specific protective measures. The project proponent shall prepare and distribute wallet-sized cards or a fact sheet handout containing illustrations and summarized information for workers to carry at the project site. Upon completion of the education program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be engaged in ground disturbance activities at the project site. The project proponent shall be responsible for implementation of these mitigation measures with oversight by the City of Sand City. Compliance with these measures shall be documented and submitted to the City.	Less than Significant
Biological Resources	Loss of Smith's Blue Butterfly Habitat and Potential Loss or Disturbance of Smith's Blue	BIO-5	Prior to issuance of a grading permit and during construction, the following measures to avoid or minimize impacts to Smith's blue butterfly will be implemented: a. Any vegetation removal or grading work in proximity to buckwheat plants should avoid the period of June 15 to September 15 (Smith's blue butterfly flight season) unless otherwise authorized by the qualified biologist after review of current Smith's blue butterfly activity.	Less than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
	Butterfly.		b. The boundaries of buckwheat populations near project work areas, or the limits of project work areas or access roads/routes near buckwheat populations that will be avoided shall be delineated with clearly visible flagging or fencing. Fencing shall be checked weekly by the qualified biologist or designated site representative and repaired as needed. c. Buckwheat populations that will be impacted shall be recorded using a submeter-accurate global positioning system ("GPS") unit, and the total acreage and/or number of individuals disturbed shall be calculated. d. The qualified biologist will monitor activities on a regular basis during grading and construction, including all areas where Smith's blue butterflies may be present. Monitoring during the summer butterfly flight period will occur on a daily basis. The project proponent shall be responsible for implementation of this mitigation measure with oversight by the City of Sand City. Compliance with this measure shall be documented and submitted to the City.	
Biological Resources	Potential Loss or Disturbance of Black/Silvery Legless Lizard and Coast Horned Lizard	BIO-6	Prior to issuance of a grading permit and during demolition, site clearing, grading, excavation, and construction, a list of measures to avoid or minimize impacts to legless lizards and coast horned lizard will be implemented. a. Not less than three months prior to the start of grading activities (including staging and mobilization), a qualified biologist shall place coverboards in impact areas with suitable habitat (coastal dune scrub and disturbed maritime chaparral mixed with coastal dune scrub) for legless lizards and coast horned lizard. The coverboards shall be at least four feet by four feet and constructed of untreated plywood placed flat on the ground. The coverboards shall be checked by the biologist once per week for each week after placement up until the start of vegetation removal. All legless lizards and coast horned lizards found under the coverboards shall be captured and placed in five-gallon buckets for transportation to relocation sites. If areas are left undisturbed for a period of three months or longer, the coverboards will replaced and relocation efforts will be repeated prior to the re-initiation of ground disturbance activities. b. All relocation sites shall be approved by Sand City and/or the implementing entity and shall consist of suitable habitat. Relocation sites shall be as close to the capture site as possible but far enough away to ensure the animal(s) is/are not harmed by construction of the project. Relocation shall occur on the same day as capture. California Department of Fish and Wildlife California Natural Diversity Database Native Species Field Survey Forms shall be submitted to the California Department of Fish and Wildlife for all special-status species observed. c. During all initial ground vegetation removal activities, a qualified biologist shall be on the site to recover any legless lizards and coast horned lizards that may be excavated/unearthed. If the animals are in good health, they shall be immediately moved to relocation sites. If they are injured, the animals shall be released to a wildlife recovery specialist until they are in a condition to be released into relocation sites. d. A report of all preconstruction survey efforts and monitoring during initial ground vegetation removal shall be submitted to the implementing entity within 30 days of completion of the	Less Than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			survey/monitoring efforts to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include for each captured special-status animal, the Universal Transverse Mercator coordinates and habitat descriptions of the capture and release sites, the length of time between capture and release, and the general health of the individual(s). The project proponent shall be responsible for implementation of this mitigation measure with oversight by the City of Sand City. Compliance with this measure shall be documented and submitted to the City.	
Biological Resources	Potential Loss or Disturbance of Special-Status Western Burrowing Owl	BIO-7	To avoid/minimize potential impacts to burrowing owls occurring within or adjacent to the project site, individual project developers will retain a qualified biologist to conduct a two-visit (i.e. morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no less than 14 days prior to the start of any construction activities. Surveys shall be conducted according to methods described in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). If these pre-construction "take avoidance" surveys performed during the breeding season (February through August) or the non-breeding season (September through January) locate occupied burrows in or near construction areas, consultation with the California Department of Fish and Wildlife would be required to interpret survey results and develop a plan for project-specific avoidance, minimization, and compensation. Where there is insufficient habitat for permanent protection on, adjacent to, or near project sites where burrowing owls will be impacted, acquisition of off-site mitigation lands with occupied burrowing owl habitat may be required in consultation with the California Department of Fish and Wildlife. Compensation may take the form of (a) acquiring and dedicating lands into conservation easements; (b) purchasing mitigation credits at compensation ratios that have been approved by the California Department of Fish and Wildlife; or (c) preserving area contiguous or near the acreage lost. The project proponent shall be responsible for implementation of this mitigation measure with oversight by the City of Sand City. Compliance with this measure shall be documented and submitted to the City prior to ground disturbance.	Less Than Significant
Biological Resources	Potential Loss or Disturbance of Special-Status Townsend's Big-Eared Bat	BIO-8	Prior to tree removal or structure demolition activities, the project proponent shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites in trees to be removed, in trees within 250 feet of the disturbance/ development footprint, within structures (when accessible), and surrounding any structures that may be demolished by the project. These surveys shall be conducted no more than 15 days prior to the start of tree removal or building demolition. The surveys can be conducted by visual identification and assumptions can be made by the biologist on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. If no roosting sites or bats are found, a letter report confirming absence shall be submitted to the City of Sand City and no further mitigation is required.	Less Than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			If bats or roosting sites are found, a letter report and supplemental documents shall be provided to the City of Sand City prior to grading or demolition permits being issued and the monitoring, exclusion, and habitat replacement measures shall be implemented. a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 250-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure demolition shall occur until after the nursery season. b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be demolished by project activities, the individuals will be safely evicted, under the direction of a qualified bat biologist and in consultation with the California Department of Fish and Wildlife. Methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity, and opening doors/windows on structures or creating openings in walls to allow light into the structures. Removal of any trees or snags and demolition of any structures shall be conducted no earlier than the following day (i.e., at least one night will be provided between initial roost eviction disturbance and tree removal/structure demolition). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation. The project proponent shall be responsible for implementation of this mitigation measure with oversight by the City of Sand City. Compliance with this measure shall be documented and submitted to the City prior to vegetation removal, ground disturbance, or building demolition.	
Biological Resources	Potential Loss or Disturbance of Protected Nesting Birds	BIO-9	To avoid possible impacts to nesting birds on and adjacent to the project site, if noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project proponent shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than one week prior to the initiation of disturbance or construction activities. If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for bird nest avoidance shall be prepared by the qualified biologist to determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species,	Less Than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			existing site conditions, and type of proposed disturbance or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist. To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist. The project proponent shall be responsible for implementation of this mitigation measure with oversight by the City of Sand City. Compliance with this measure shall be documented and submitted to the City prior to vegetation removal, demolition, or ground disturbance.	
Biological Resources	Loss of Coastal Dune Scrub Habitat	BIO-10	Prior to demolition, site clearing, grading, excavation, and construction, and in coordination with mitigation measures BIO-3 and BIO-5, which require the delineation of areas where Monterey spineflower/Monterey gilia and Smith's blue butterfly buckwheat host plants occur, the boundaries of coastal dune scrub located near project work areas, or the limits of project work areas or access roads/routes near coastal dune scrub that are to be avoided shall be delineated with clearly visible flagging or fencing, or otherwise marked for avoidance. The flagging, fencing, and/or other marking shall be maintained in place for the duration of construction at each location until work is completed at the site. Fencing shall be checked weekly by the qualified biologist or designated site representative and repaired as needed	Less Than Significant
		BIO-11	In coordination with mitigation measure BIO-1, a conservation easement over 0.9 acre of coastal dune scrub shall be recorded. This area will be managed for special-status species and include invasive iceplant removal, planting of native coastal dune scrub species, and mitigation and monitoring subject to the conditions developed during consultation with the USFWS to secure an Incidental Take Permit for impacts to federally listed species. The project proponent shall be responsible for implementation of these mitigation measures with oversight by the City of Sand City. Compliance with these measures shall be documented and submitted to the City prior to ground disturbance	Less Than Significant
Biological Resources	Loss of Regulated Trees	BIO-12	Prior to construction, the project proponent shall retain a certified arborist to survey all significant trees on the project site (those with a DBH of 10 inches or more). For proposed significant tree removals, a permit from the City shall be obtained. The permit may require replacement plantings, but not necessarily of the same species. The project proponent shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the City for project approvals. The project proponent shall be responsible for implementation of this mitigation measure with oversight by the City of Sand City. Compliance with these measures shall be documented and submitted to the City prior to ground disturbance	Less Than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
Cultural Resources	Potential Disturbance of Unique Historical, Archaeological, and/or Paleontological Resources during Excavation, Grading, or Trenching.	CR-1	Due to the possibility that unique buried archeological or paleontological resources might be found during construction activities, the following language shall be included in all construction documents and on any grading or building permits: "In the event that evidence of historical, archaeological and/or paleontological resources is uncovered during excavation and/or grading, all work shall stop in the area of the subject property until an appropriate data recovery program can be developed and implemented by a qualified historian, archaeologist and/or paleontologist. The City Planner shall ensure that the permit language has been included and shall ensure that the appropriate data recovery program is implemented should historical, archaeological and/or paleontological resources be uncovered."	Less Than Significant
Cultural Resources	Potential Disturbance of Unknown Native American Human Remains during Grading, Excavation, or Trenching	CR-2	Due to the potential that human remains may be uncovered during construction activities, the following language shall be included in all construction documents and on grading and building permits: "If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.".	Less Than Significant
Cultural Resources	Potential for Disturbing Unknown Native American Tribal Cultural Resources during Grading, Excavation or Trenching	CR-3	Due to the possibility that unique tribal resources might be found during construction activities, the following language shall be included in all construction documents and on any permits issued for the project site, including, but not limited to, grading, and conditional use building permits for the proposed project: "The City Planner shall ensure that the permit language has been included and that the appropriate resource recovery program is implemented should any tribal resources be uncovered. In the event that evidence of tribal resources is uncovered during excavation and/or grading, all work shall stop in the area of the subject property until an appropriate data recovery program can be developed and implemented by a qualified archaeologist."	Less Than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			The applicant shall notify the Ohlone/Costanoan-Esselen Nation, with a copy to the Sand City Planning Department, no less than 14 days prior to initiation of grading and excavation activities to provide an opportunity for provision of a Tribal Monitor to be present during rough grading and excavation activities. All cultural items found during construction activities shall be returned to the Ohlone/Costanoan-Esselen Nation .	
Geology and Soils	Possible Soil Erosion during Construction Resulting in Discharge to Adjacent Properties and the City Storm Drain System	GEO-1	After demolition activities, the project developer(s) shall remove, stockpile under cover, and/or compact all disturbed soils that will remain inactive for more than fourteen days, subject to the review of the City Engineer and the Monterey Building Department inspectors.	Less Than Significant
		GEO-2	During grading activities, exposed soils shall be kept continuously moist or otherwise stabilized prior to placement of subsequent fill on the project site, subject to the review of the City Engineer and the Monterey Building Department inspectors.	Less Than Significant
		GEO-3	A Geotechnical Engineer shall monitor mass grading operations weekly (on weeks when such activities occur) in order to guarantee acceptable compaction of material and performance of the appropriate stability requirements of development, and shall report monthly to the City Engineer. The Geotechnical Engineer shall specifically monitor removal and replacement of the area of loose prior fill.	Less Than Significant
		GEO-4	If the period of post-grading and pre-construction extends for longer than 30 days, the developer(s) shall present the City Engineer with updated documentation and a report within the following 30 days, and on October 15th of each subsequent year, identifying their continued compliance with storm water prevention measures until construction of the development has commenced.	Less Than Significant
Geology and Soils	Possible Soil Erosion during Construction Resulting in Discharge to Adjacent Properties and the City Storm Drain System	GEO-5	No earthwork activities will occur when winds exceed sustained speeds over 20 miles per hour.	Less Than Significant
Geology and Soils	Possible Exposure of Structures to Soil Instability Resulting in Possible Safety Hazards to the Public and/or Hazards to the Environment	GEO-6	Subject to the review and approval of the City of Monterey Building Department and prior to the construction of any building, the developer(s) is (are) required to over-excavate and compact the soil within the proposed building areas to a depth of no less than 24 inches below the bottom of the footing elevation to minimize soil movement due to settlement and to provide uniform support for the proposed buildings.	Less Than Significant
		GEO-7	The developer(s) is (are) required to compact any uncertified fill material remaining after foundation excavation activities in accordance with the recommendations contained in the final project geotechnical report to prevent future compaction concerns to the fill material. Alternatively, uncertified fill material may	Less Than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			be removed from beneath building foundations and replaced with engineered fill.	
		GEO-8	Prior to the issuance of a building permit, developer(s) is (are) required to provide a shoring plan using slopes, benches, or protective structures, for review and approval by the City of Monterey Building Department for excavations exceeding five feet in total depth from the reference top-of-cut soil level.	Less Than Significant
Hazards and Hazardous Materials	Disturbance of Contaminated Soil	HAZ-1	The developer shall prepare a Phase II Environmental Site Assessment prior to the issuance of a permit for building demolition or site clearance activities. The Phase II Environmental Site Assessment shall be reviewed by the City Planner, the City Engineer, and the City of Monterey Fire Department. The City may opt to refer the Phase II Environmental Site Assessment to the Monterey County Environmental Health Department for review. The Phase II Environmental Site Assessment shall include representative sampling of all areas of the project site proposed for development, and shall specifically address the following: a. Documented/Undocumented underground storage tanks and surrounding soils conditions; b. Documented/Undocumented subgrade structures and surrounding soils conditions; c. Areas of impacted soil from surface spills and/or hazardous material storage; d. Soil vapor intrusion; e. Presence of lead-based paint, pesticides, and related metals in soils surrounding the existing buildings; f. Asbestos-containing building materials; and g. The plugged oil and natural gas production well and surrounding soils conditions.	Less Than Significant
		HAZ-2	A geophysical survey shall be required during the Phase II Environmental Site Assessment in order to address the potential presence for improper closure of the oil and natural gas production well.	Less Than Significant
		HAZ-3	The developer shall prepare a Site Management Plan to describe all of the measures that will be taken to address the concerns identified in the Phase II Environmental Site Assessment, including any soil contamination subject to remediation. If a remediation plan for outside agency oversight is required, that may be attached, with only a summary included in the Site Management Plan. The Site Management Plan shall include provisions for adequate monitoring by a qualified professional during site grading and excavation activities. The Site Management Plan shall be reviewed by the City Planner, City Engineer, and the City of Monterey Fire Department. The City may opt to refer the Site Management Plan to the Monterey County Environmental Health Department for review, and in the event of the need for outside agency oversight, shall coordinate review of the Site Management Plan with that agency. The Site Management Plan shall be approved prior to the issuance of a permit for building demolition or site clearance activities.	Less Than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
Hazards and Hazardous Materials	Disturbance of Underground Storage Tanks and Other Potentially Hazardous Subgrade Structures	HAZ-3	See text above.	Less Than Significant
Hazards and Hazardous Materials	Potential Release of Lead and Asbestos from Building Materials	HAZ-4	Prior to the demolition of buildings, the developer shall conduct an asbestos survey and lead-based paint survey that include management of these hazardous materials during demolition of buildings. An abatement plan shall be developed for approval by the City Planner, City Engineer, and/or City of Monterey Fire Department prior to the issuance of a demolition permit for any existing building within the project site. The developer shall notify the Monterey Bay Unified Air Resources District at least ten days prior to demolition activities. In the event underground pipes are discovered during excavation activities, those pipes shall be assessed for the potential to contain lead or asbestos. The surveys shall include abatement measures and appropriate management during demolition of the buildings identified as containing these hazardous materials.	Less Than Significant
Drainage and Water Quality	Increase Off-Site Storm Water Runoff	DR-1	Prior to approval of final grading and building plans for each parcel, the applicant shall prepare a final Storm water Control Plan that illustrates how the project site would capture all storm water runoff from each parcel in on-site infiltration areas. This final Storm water Control Plan shall be subject to the approval of the City Engineer. Parcel H1 may be considered in conjunction with Parcel H1-A, and Parcel H2 may be considered in conjunction with Parcel H2-A for the purposes of this mitigation measure.	Less Than Significant
Noise	Temporary Noise Increase During Demolition and Construction	N-1	The developer shall include language on any grading, site work, and construction plans issued for the proposed project, prior to the issuance of grading and building permits. This restriction shall not apply to work, such as painting, that does not cause significant noise. "During earth-moving, grading, and construction activities, the developer shall implement the following measures at the construction site: a. Limit outdoor construction activity to weekdays between 7:00 a.m. and 6:00 p.m., and on Saturdays between 10:00 a.m. and 5:00 p.m. Construction noise is prohibited on Sundays and City-observed holidays; b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area and/or provide an effective acoustical barrier or insulation; c. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment; d. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists; and	Less Than Significant

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
			e. Designate a "disturbance coordinator' who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem."	
Transportation and Traffic	Increase delays by an unacceptable 5.2 seconds at the City of Seaside Unsignalized Two-way Stop-controlled Intersection of Fremont Boulevard / Del Monte Boulevard / Military Avenue	T-1	Prior to issuance of a building permit for either the hotel(s) and residential buildings, the project developer, or developers, shall be responsible for their fair share of the costs of constructing a half signal to control the eastbound Fremont Boulevard approach and the northbound Del Monte Boulevard approach and provide a continuous green light on the westbound Fremont Boulevard approach. The exiting westbound left turn movement could remain prohibited. The Military Avenue leg could remain with its current configuration and stop control. This intersection is not included in the City of Seaside CIP and implementation of the improvements is not within the City of Sand City's jurisdictional authority. Should the City of Seaside not accept the fair share contribution, the project developer would be relieved from having to pay the fair share fee due to the infeasibility of the mitigation measure to reduce the proposed project's impact to the intersection of Fremont Boulevard / Del Monte Boulevard / Military Avenue, and the proposed project's impact would be potentially significant and unavoidable.	Potentially Significant and Unavoidable
Transportation and Traffic	Addition of Project Traffic to the Signalized Intersection of the Caltrans-controlled State Route 1 Southbound Ramps / State Route 218 Would Cause Intersection Operations to Degrade from LOS D to LOS F during the AM peak hour and from LOS C to LOS E During the PM peak hour	T-2	Prior to issuance of a certificate of occupancy for either the hotel or residential buildings, the project developer shall pay its proportionate share of costs to re-stripe the eastbound leg of the intersection of State Route 218 / State Route 1 Southbound Ramp to add a southbound right turn lane from State Route 218. The recommended improvement is not identified in the AMBAG regional transportation plan and TAMC regional transportation impact fee program. Should Caltrans and TAMC not accept the developers fair share contribution toward improvements to the intersection, the project developer would be relieved from having to pay the fair share fee due to the infeasibility of the mitigation approach and the proposed project's impact to the intersection of State Route 1 Southbound Ramps / State Route 218 would be potentially significant and unavoidable.	Potentially Significant and Unavoidable

Area of Concern	Significant Impact	Mitigation #	Mitigation Measure Summary	Residual Impact
Transportation and Traffic	Degraded Performance of Caltrans-Controlled Segment of State Route 1 South of State Route 218 Due to Traffic Generated by the Proposed Project	T-3	Prior to issuance of building permits for either the hotel(s) and residential structures, the project developer shall pay the TAMC Regional Traffic Impact fee.	Less than Significant
Transportation and Traffic (Cumulative)	Increased Traffic that Contributes to Cumulatively Unacceptable LOS E at the Intersection of California Avenue and Playa Avenue	CUMT-1	Prior to final sign-off of any certificate of occupancy, the project developer shall either construct the signal improvement at the intersection of California Avenue and Playa Avenue, or, if the intersection has already been signalized or is in the process of being signalized, shall pay a pro-rata fee for the project's fair share of the cost of signalization of the intersection. Intersection improvement plans or payment of fees are subject to review and approval by the City Engineer.	Less than Cumulatively Considerable
Transportation and Traffic (Cumulative)	Increased Traffic Volumes that Contribute to Unacceptable LOS E or Worse at the Caltrans-controlled Intersection of State Route 218 / Del Monte Boulevard	CUMT-2	Prior to final sign-off of any certificate of occupancy, the project developer shall pay its proportionate share of costs to modify the signal to add right turn overlaps (right turn green arrows) on the four approaches of the intersection of State Route 218 / Del Monte Boulevard. Should Caltrans not accept the developers fair share contribution toward the improvement, the project developer would be relieved from having to pay the fair share fee due to the infeasibility of the mitigation approach and the project's contribution to cumulative impacts to the intersection of State Route 218 / Del Monte Boulevard would be potentially significant and unavoidable.	Less than Cumulatively Considerable and Potentially Significant and Unavoidable
Water Supply	Net Water Demand Increase of 60.15 AFY	WS-1	The City shall ensure that sufficient new intake wells for the desalination facility, already approved by the City, will be constructed to ensure sufficient water from the desal facility is available to supply to the project.	Less than Significant

SOURCE: EMC Planning Group 2018