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June 4, 2005

Chairperson and Members
Monterey County Planning Commission
Planning and Building Inspection Department
Box 1208
Salinas, CA 93902

RE: Planning Commission Meeting of Wednesday June 8, 2005, Agenda Item #5
Doud, John Edward (PD040368) - Land Use Plan Amendment and Zone Change

Dear Chair and Members of the Planning Commission:

I am writing on behalf of LandWatch Monterey County, which has about 1,000 members countywide. Our members, and the overwhelming majority of Monterey County residents, place the very highest value on the preservation and protection of the Big Sur coast. We urge your "no" vote on the proposed Land Use Plan Amendment and Zone Change. Having reviewed the staff report and draft Negative Declaration for the proposed project, we respectfully submit the following comments:

1. The project would change the designation of the site from Outdoor Recreation to Watershed and Scenic Conservation under the Big Sur Land Use Plan. Construction of a single family dwelling, guest houses, accessory structures, and certain second residential units are among many of the uses that could be allowed under the new designations, and that would *not* be permitted under the current designations. In other words, this proposal is to modify the General Plan and the zoning designation to allow *more* single family development in Big Sur, on a parcel immediately adjacent to a significant coastal recreation area. The positive recommendation presented to you by the planning staff seems to say maximizing benefits for an individual property owner should have a higher priority than maintain an existing General Plan designation which is protective of the public's interest in preserving the character and quality of the Big Sur coastline. This is the opposite of good planning, and contrary to what the citizens and residents of Monterey County expect from their County government.
2. The Initial Study assumes that only a single family residential dwelling unit could be constructed within the constraints of the Big Sur Land Use Plan which prohibits public and private development visible from Highway One and major public viewing areas. The Initial Study finds that a single family residence could be constructed consistent with critical viewshed policies because of topographical configurations on the site and use of appropriate screening and design features. Based on this and other findings, staff concludes the project would not have a significant impact on the environment and recommends adoption of a Negative Declaration. In fact, the proposed zoning would

allow more than a single structure to be constructed, and the Initial Study addresses visibility from Highway One only, and not from Garrapata Park, a major public viewing area. Based on a site visit, it is apparent that all of the proposed project would be visible from Garrapata Park and would violate the critical viewshed policy. Based on this finding, the proposed project would have a significant impact on the environment because it cannot meet the requirements of the Big Sur Land Use Plan which serve as thresholds of significance. This means that a full Environmental Impact Report (EIR) is required now.

3. The Initial Study finds that the project site may include a Native American sacred site and concludes this issue would be addressed through additional environmental review when a development project is submitted. Because there is substantial evidence that the project may have an impact on cultural resources, EIR is required now.
4. The planning staff report confounds its recommendations for environmental review by deferring a complete impact analysis until the property owner submits a development plan, noting that “the proposed land use changes will not physically alter the property at this time” (Initial Study, p. 23). Since the 1970s, case law has clearly required that environmental review be undertaken at the earliest possible time and that the analysis be based on the underlying project, e.g., construction of facilities permitted under a WSC designation. In this case, based on staff’s findings (Exhibit “A, 6/8/05), a development plan could be submitted that would require preparation of an EIR. This is substantial evidence requiring preparation of an EIR now.
5. Staff’s analysis is further complicated by comparing the project’s impact to the impact that would occur based on the existing land use designation. CEQA requires that a project’s impact be evaluated in comparison to the existing environment, not to some other use. Evaluating the impact of development under the existing designation is required for a No Project Alternative analysis in an Environmental Impact Report, not for a Negative Declaration.
6. The Coastal Commission staff states, in a March 9, 2005 letter: “On its face, redesignating such land on the ocean side of Highway One in Big Sur adjacent to a State Park from “Outdoor Recreation” to “Watershed and Scenic Conservation” would appear highly problematic. In fact the draft Initial Study indicates the potential for greater environmental impact from the proposed redesignation.” The letter urges the staff to evaluate which land use designation would best meet the policies of the Land Use Plan as a basis for submitting an amendment to the Commission. This has not been done. The Coastal Commission letter provides clear evidence that there *might* be an adverse impact from the proposed redesignation, and that means, under the California Environmental Quality Act (CEQA), that an EIR is required now.
7. It is noted that the Big Sur Land Use Plan includes provisions for the Transfer of Development Rights. If the proposed redesignation is approved, the value and nature of the development rights on the parcel would be enhanced significantly over rights related to the current designation. This increased value would occur without the County ever knowing if any project is viable under the new designation. In other words, approval of the staff recommendation would provide a private benefit (a significant increase in land value) to the property owner with no corresponding public benefit. Indeed, it appears that

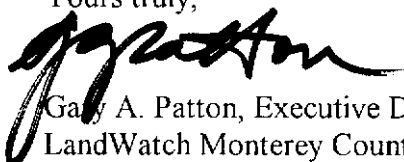
this is the actual purpose of the proposed redesignation. The Commission should act in the *public* interest, not to maximize private benefits, and especially when areas like the Big Sur coast are involved.

8. Planning staff recommends that should the Planning Commission determine that additional environmental review is needed, that the proposed change be processed as part of updating the General Plan and Local Coastal Program. We think a specific analysis and environmental impact report based on the proposed project requires a more thorough analysis than the environmental review that will normally be conducted as part of the General Plan Update.

In conclusion, while we have said several times in this letter that “an EIR is required now,” that is true *only* if the County determines to proceed towards approval of the requested General Plan Amendment and Zone Change. An EIR must be prepared and considered only for a project that is approved. We see no public benefit in such a General Plan Amendment and zone change (only a big private benefit), and we recommend that the Commission simply vote “no.” No EIR is required when a proposed project is turned down. Please save the applicant (and the public) both time and money by voting against this proposed General Plan Amendment and zone change.

Thank you for your consideration of our comments.

Yours truly,



Gary A. Patton, Executive Director
LandWatch Monterey County

cc: Board of Supervisors
Coastal Commission
Other Interested Persons