



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**

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**

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.

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.

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**

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.

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 required to meet.

## **Drainage**

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.

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 required to meet.

## **Greenhouse Gas Emissions**

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).

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**

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

### **Transportation – Project Level Impacts**

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

#### Intersection Impacts

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 developer's 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

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.

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

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**

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**

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