

# Monterey Bay Shores



**MONTEREY BAY SHORES  
CITY OF SAND CITY  
Monterey Peninsula, California**

**AGENDA ITEM W10a  
A-3-SNC-98-114 (SNG)  
APRIL 9, 2014**

**STIPULATED HEARING PURSUANT TO  
SETTLEMENT AGREEMENT**



A copy of this briefing booklet has been provided to Santa Cruz District Staff

# Monterey Bay Shores

## REMAND HEARING PURSUANT TO SETTLEMENT AGREEMENT

- Commission approval of MBS Project approval with conditions SNG can accept will:
  - Resolve 15-year permit appeal during which courts twice overturned Commission denials of earlier versions of Project.
  - Result in SNG dismissing its pending mandate case and separate inverse/temporary takings lawsuit.
- Commission authorization to settle based on "*Conceptual Site Plan*" led to Settlement Agreement (12/24/13) and Staff agreement to recommend approval with conditions, consistent with Conceptual Site Plan and revised Vesting Tentative Map (VTM)
- Settlement negotiations with Staff resulted in:
  - Extensive Project revisions.
  - Numerous compromises by SNG on conditions.
  - Submittals demonstrating MBS Project consistency with Sand City LCP and public access/recreation policies of Coastal Act"

***SNG's Request: Approve CDP for MBS Project with conditions of approval attached to Settlement Agreement as Exhibit "B".***



# LOCATION MAP



# AERIAL VIEW OF PROJECT SITE

With Seaside and Sand City Adjacent



Monterey Bay Shores  
Ecoresort



# HISTORIC USE: SAND MINING OPERATION (1920s -1986)

Dune  
condition  
in 1972



*A former sand mine operation on the site.*

“The sand mining operation left the site in an environmentally degraded condition, with an excavation pit near the middle of the property” – Court of Appeal (SNG v. California Coastal Commission)



# THE MONTEREY BAY SHORES ECORESORT PROJECT



Visual Simulation



# MBS PROFILE VIEW FROM FT. ORD

(From Trail Closest to Site)



Visual Simulation



# MBS PROJECT DESCRIPTION

- Land division of 39.2 acres into three parcels
- Mixed-use visitor-serving and residential project, including 368 units:
  - 184 hotel rooms
  - 92 hotel condominium units [with subdivision map]
  - 92 residential condominium units [with subdivision map]
- Restaurants, conference center, spa, retail, swimming pools, hotel facilities, back of house [801,306 sq. ft. for all units & useable space]
- Sustainable elements/ Grey water reuse/LEED certified (platinum)
- Coastal access public parking (46 surface spaces)
- Habitat and dune restoration (20.56 acres)
- Green landscaping, green roofs, green walls, geothermal (5 acres)
- Grading (680,000 cy) with excess sand disposal of 385,000 cy [lowers project from views]
- Open space, public access easements, trails, overlooks, conservation easements, Class II bike lane & bike racks
- Underground resort parking (947 spaces) [saves over 12 ac of impervious surface coverage and puts it underground]



# PROJECT HISTORY-15 YEARS APPEAL

- **1920s-1986** – Lonestar commercial sand mining operation.
- **1982** -- Sand City LCP certified (MBS site designated for V-S commercial).
- **1993** – SNG acquires option to purchase property.
- **1996** -- MOU re Sand City Coastal Land Use – “Coastal Peace Accord.” Sand City agrees to set aside 80% of coastal land for preservation. State Parks agrees to commercial/residential uses on two sites, including MBS property as the larger property.
- **1996** – CCC unanimously approves LCPA 1-93, MOU attached as exhibit (excluding MBS property and another site from a park and open space designation).
- **1996** – Relying on certified LCP and “Peace Accord,” SNG purchases MBS property.
- **1997** – CCC unanimously approves LCPA 2-97 (clarifies LUP designations on MBS property can be intermixed, max density of 650 units, specified ratio of V-S units to residential units).
- **1998** --Sand City approves 496-unit mixed use resort development



# PROJECT HISTORY -Continued

- **1999** – Sand City approval appealed to CCC.
- **2000** – CCC denies Project.
- **2008** – SNG v. CCC (“SNG I”) – published Court of Appeal opinion overturns CCC’s decision (holding CCC cannot amend LCP on permit appeal and no ESHA on site).
- **2009** – CCC again denies modified Project; SNG files inverse condemnation and mandate actions.
- **2010** – Published Court of Appeal opinion overturns Water Management District’s denial of water distribution permit (District subsequently approves permit).
- **2013** – SNG v. CCC (“SNG II”) – Trial Court again overturns CCC’s decision in mandate action.
- **2013** – CCC appeals SNG II; SNG amends inverse action to plead “temporary taking.”
- **September 2013 hearing**– CCC authorizes settlement negotiations with SNG based on revised project and Conceptual Site Plan; Agreement to December 2013 hearing.
- **December 24, 2013** – Settlement Agreement signed, agreement for a February 2014 hearing; First Amendment – March 2014 hearing; Second Amendment – April 2014 hearing



# RESOLUTION OF LITIGATION

- **6 Lawsuits in which SNG has prevailed: CEQA, water distribution permit decisions (2), a water rights adjudication, and two CCC decisions – SNG has prevailed in each.**
- **SNG v. CCC (“SNG I”) (2008)**: Published Court of Appeal opinion overturning CCC’s 2000 decision denying SNG a permit.
  - Held:** “The Commission has no power to revise the content of Sand City’s certified LCP when hearing an administrative appeal from the grant of a CDP.”
  - Held:** There is no Environmentally Sensitive Habitat Area (“ESHA”) on the MBS Property. “By declaring the site an ESHA, the Commission has impermissibly attempted to amend part of Sand City’s LCP.
- **SNG v. CCC (“SNG II”) (June 2013-Pending)**: Trial court ruling and judgment overturning Commission’s 2009 decision denying SNG a permit; \$38,000 in costs awarded. CCC has appealed. Dismissed by CCC?
  - Ruled:** Commission erred on denial issues relating to 1) adequacy of water supply, 2) establishment of an appropriate erosion setback line, 3) impairment of significant public views from Highway One, and 4) adequacy of protection for dunes and other natural resources.
- **SNG v. CCC (“SNG III”) (Pending)**: Inverse condemnation (\$200 million claimed) and temporary takings claim (\$50 million claimed), attorney fees and costs deferred pending settlement discussions.
- **Project approval per the Settlement Agreement would result in SNG’s dismissal of all pending litigation.**



# AUTHORIZED PROJECT CONCEPTUAL SITE PLAN ("V4.3")\*

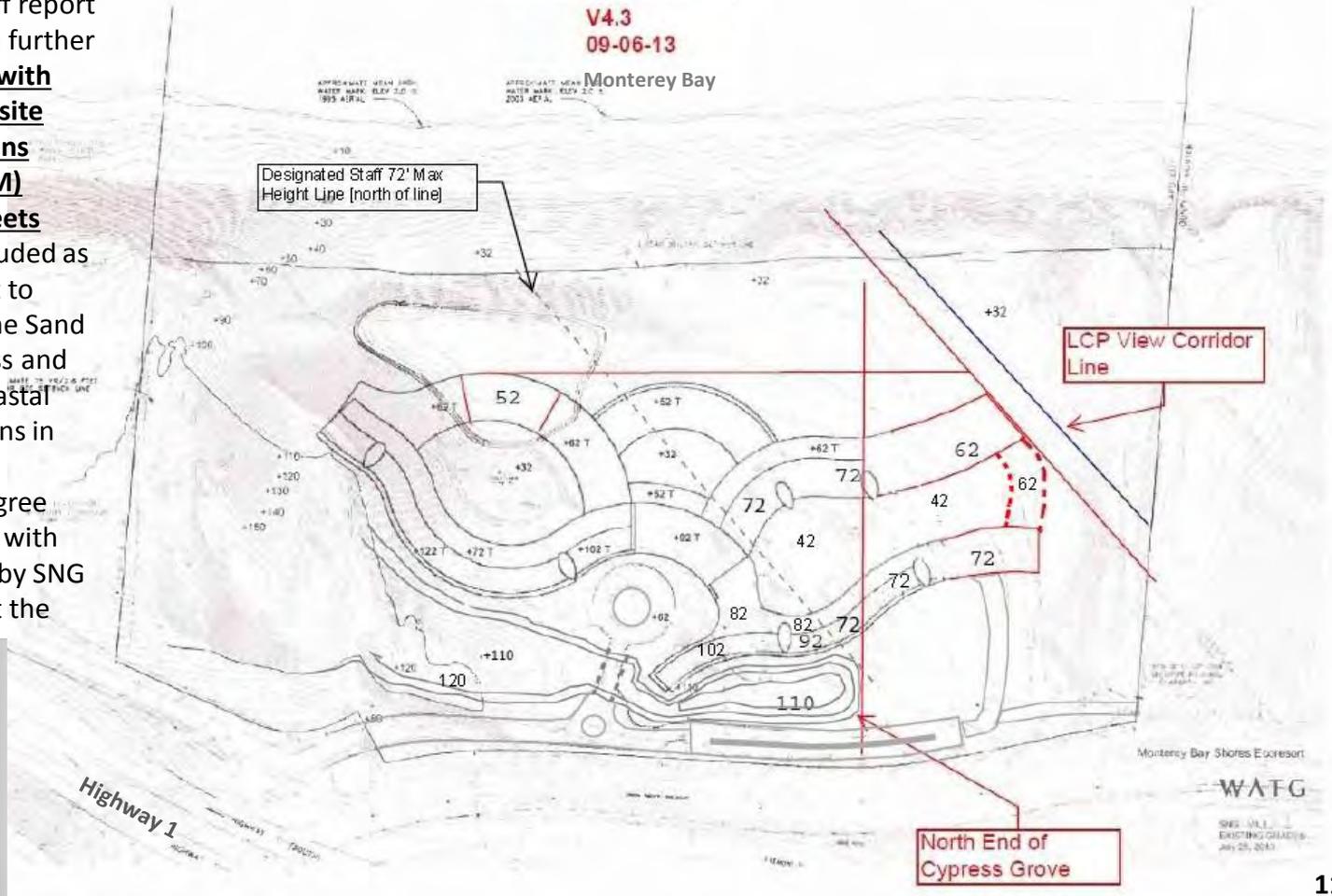
## Settlement Agreement:

"The Commission Executive Director has agreed, as reflected in this Agreement, to prepare a staff report recommending approval of a further modified project **consistent with SNG's proposed conceptual site plan (V4.3) and - revised plans (Vesting Tentative Map (VTM) dated October 21, 2013, sheets TM-01 through TM-05)**, included as Exhibit A hereto, and subject to conditions consistent with the Sand City LCP and the public access and recreation policies of the Coastal Act, including those conditions in Exhibit B hereto to which Commission staff and SNG agree (referred to herein, together with any modifications agreed to by SNG in writing or on the record at the Commission meeting, as the "Modified Project")."



Monterey Bay Shores  
The Settlement Project

*\* Not Attached to Staff Report*



# AUTHORIZED PROJECT CONCEPTUAL SITE PLAN (“V4.3”)

All project submittals, including Vesting Tentative Map(VTM), Reports, Plans, and SNG proposed Conditions of Approval (attached to Settlement Agreement), **based on Conceptual Plan** for the Settlement Project.

## **Key Features of Conceptual Site Plan:**

- Creates curvilinear (not boxy) design
- Establishes a “dune view line” – the designated Staff 72’ maximum height line.
- Revises project – lower profile and reduced footprint bulk and mass.
- Eliminates structures in LCP-designated view corridor.
- Provides substantial setback from LCP-designated view corridor, greater open space.
- Conforms with 75-year erosion setback line.
- Preserves additional bluewater views from Hwy 1 southbound north of dune view line.
- Eliminates all or portions of 11 stories throughout project.
- Eliminates one story to meet 45’ height limit from bottom of former sand mining “pit.”
- Reduces impervious surface by over 12 acres [536,603 sq. ft.] by placing garages underground and designing interior courtyards and gardens
- Provides tunnel, instead of surface, access to resort plaza entry to allow consistent restored dune formation. Service and condominium access tunnels on north side under restored dune to preserve view and add habitat restoration.
- Relocates coastal access parking further downcoast.



# MBS CONSISTENT WITH VISITOR-SERVING RESIDENTIAL LAND USE DESIGNATION

LUP Policy 6.4 provides:

- For MBS, up to 650 units
- Uses may be intermixed subject to an overall site development plan
- If Medium Density Residential is intermixed with V-S, a minimum of 2.7 V-S units required for every residential unit

- MBS proposes 368 units, intermixed uses meet the 2.7 ratio.
- The MBS Project is LCP compliant.



## LEGEND:

City Limits	Industrial Manufacturing (IM)
Coastal Land Use Classifications	Industrial Park (IP)
Residential Medium Density (R-2)	Public Recreation (PR)
Residential High Density (R-3)	Public Facilities (PF)
Visitor Serving Residential Light Density (VS-R1)	Habitat Reserve (HR)
Visitor Serving Residential Medium Density (VS-R2)	<u>Non-Coastal Land Use Classifications</u>
East Dunes Specific Plan (Proposed)	East Dunes Specific Plan
Visitor Serving Commercial (VSC)	Regional Commercial (C-4)
Light Commercial (C-1)	Mixed Use Development (MU-U)
Heavy Commercial (C-2)	Public Facilities (PF)
Coastal Dependent Industrial (CDI)	Habitat Preserve (HP)



# MBS SUSTAINABLE FEATURES

**MBS Ecoresort:** Designed as “greenest” eco-resort of any resort in the world, using six natural elements – **Earth, Water, Air, Light, Energy, and the Human Experience**

- Designed to exceed U.S. Green Building Council’s LEED Platinum rating.
- Optimized energy performance to reduce fossil-based energy use and CO2 emissions.
- Renewable energy – geothermal heating and cooling.
- Daylighting and natural ventilation.
- Water savings because no use of potable water is used for irrigation or landscaping; stormwater recharges the aquifer, grey water reuse.
- Green roofs with non-invasive native dune species to blend with native dune area in the surrounding area.
- Low emitting materials, biofiltration with interior green walls.
- Restoration of Flandrian dune formation and extensive re-vegetation to enhance native flora and fauna.
- Extensive dune revegetation and stability.
- Use of sustainable building materials.
- Public access, parking, trails connecting the dune system and beach and regional bike trail.
- Wellness spa center and green restaurant.
- MBS Environmental Trust –revenues set aside for local conservation programs to restore and enhance ecological community of Monterey Peninsula area. Sand City to join with TOT contributions . [est. 1% of net hotel room rental income and ½% TOT by Sand City – est. stabilized >\$150,000/year]



# HABITAT PROTECTION PLAN

SNG v. CCC (“SNG I”): In a published opinion, the Court of Appeal held:

- ***“The Commission has no statutory authority to amend an LCP during the CDP appeal process”***
- **No ESHA on the MBS Property.**

Comprehensive **Habitat Protection Plan** (“HPP”) is major component of revised project.

- 20.56 acres restored to foredune, secondary dune, back dune, wetland, and coastal bluff habitat.
  - 15.65 acres -- open space or conservation easement.
- 4.67 acres – public access easements.
- Restoration of existing large degraded dune feature, as required by LCP Figure 9.
- Preservation of 1.4 acres of coastal dune scrub preserved (including area where seacliff buckwheat plants will be avoided), iceplant removed, and approximately 400 buckwheat plants established to provide enhanced opportunity for use by Smith’s blue butterfly.
- Reestablishment of 3.7 acres of habitat for the Monterey spineflower.
- Avoidance of potential western snowy plover habitat along shoreline.



# VISUAL RESOURCES

**LUP Policy 5.3.2:** “Views of Sand City’s coastal zone, Monterey Bay and Monterey Peninsula shall be protected through provision of view corridors, vista points, development height limits, and dune restoration areas, as shown on Figure 9.”[emphasis added]

- LUP Figure 9 shows the designated view corridor at the northernmost portion of the property (including a designated vista point location) and dune preservation, stabilization, restoration of the existing large degraded dune.

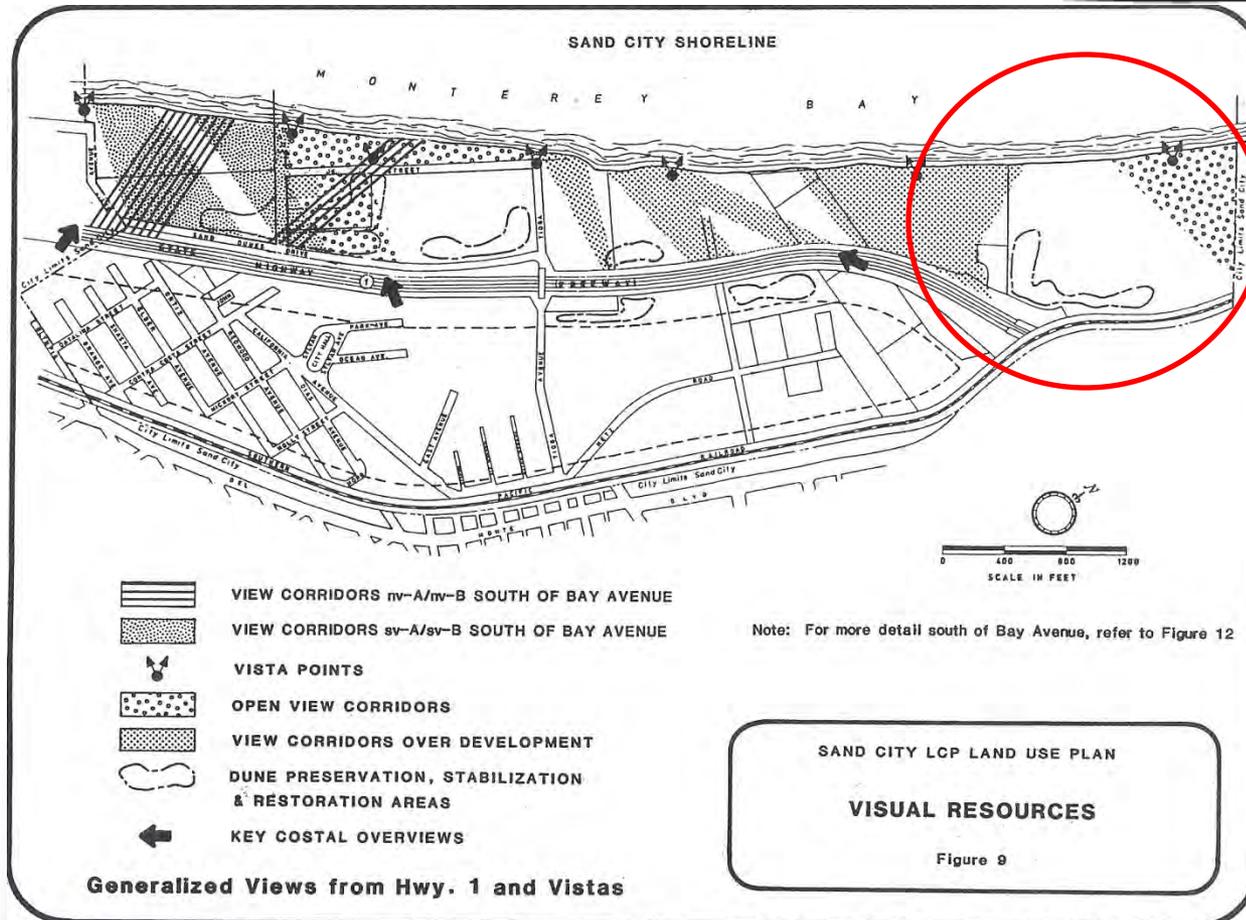
**LUP Policy 5.3.8:** “In addition to view corridors designated on Figure 9, encourage new developments to incorporate view corridors from Highway One to the ocean, within project design, consistent with City standards for view corridors. Such standards for view corridors should include varied roof or building profile lines, and visual corridors through, between and/or over buildings to the bay.”[emphasis added]

**LUP Policy 5.3.10:** “Utilize existing or manmade dunes with project design to enhance visual resources.”

**LUP Policy 5.3.11:** “In new developments require dune stabilization measures where feasible and where they would stabilize an unconsolidated dune, and/or reduce views of the development from Highway One.”



# VISUAL RESOURCES



LCP LUP Figure 9  
LCP-Designated View Corridor



# VISUAL RESOURCES

## The MBS Project is LCP Compliant:

- Restoration, enhancement, and consolidation of large degraded dune to recreate Flandrian dune formation – tunnels, rather than surface, access to resort entry.
- No development in LCP designated view corridor.
- Numerous precise, engineered cross-sections submitted on VTM, including “dune view cross-section” -- All development below line of sight north of the “dune view line” at elevations required by Staff (shown on Conceptual Site Plan, VTMs and other submittals), as viewed by southbound traveler 5’ above Highway One [see next slide].
- Beyond LCP Figure 9, MBS Project provides additional view corridors to preserve and increase by 14% bluewater views of Monterey Bay and the City of Monterey (north of Dune View Line).
- No LUP policy requires view corridor over entire property or protection of all bluewater views.
  - If Commission had intended such a policy, it could simply have said so, but did not.
  - Would have made no sense for Commission to permit up to 650 units on the property.
- No LUP Policy requires view protection from Fort Ord, which was a military base when LCP was certified.



# VISUAL RESOURCES

## Hwy 1 Before/After

Orientation of Visuals



Before



After



# VISUAL RESOURCES

## Hwy 1 Before/After



Before



After



Before



After

# VISUAL RESOURCES

## Settlement Dune View Line & Staff's New Line

Monterey Bay Shores  
The Settlement Project

V4.3  
09-06-13

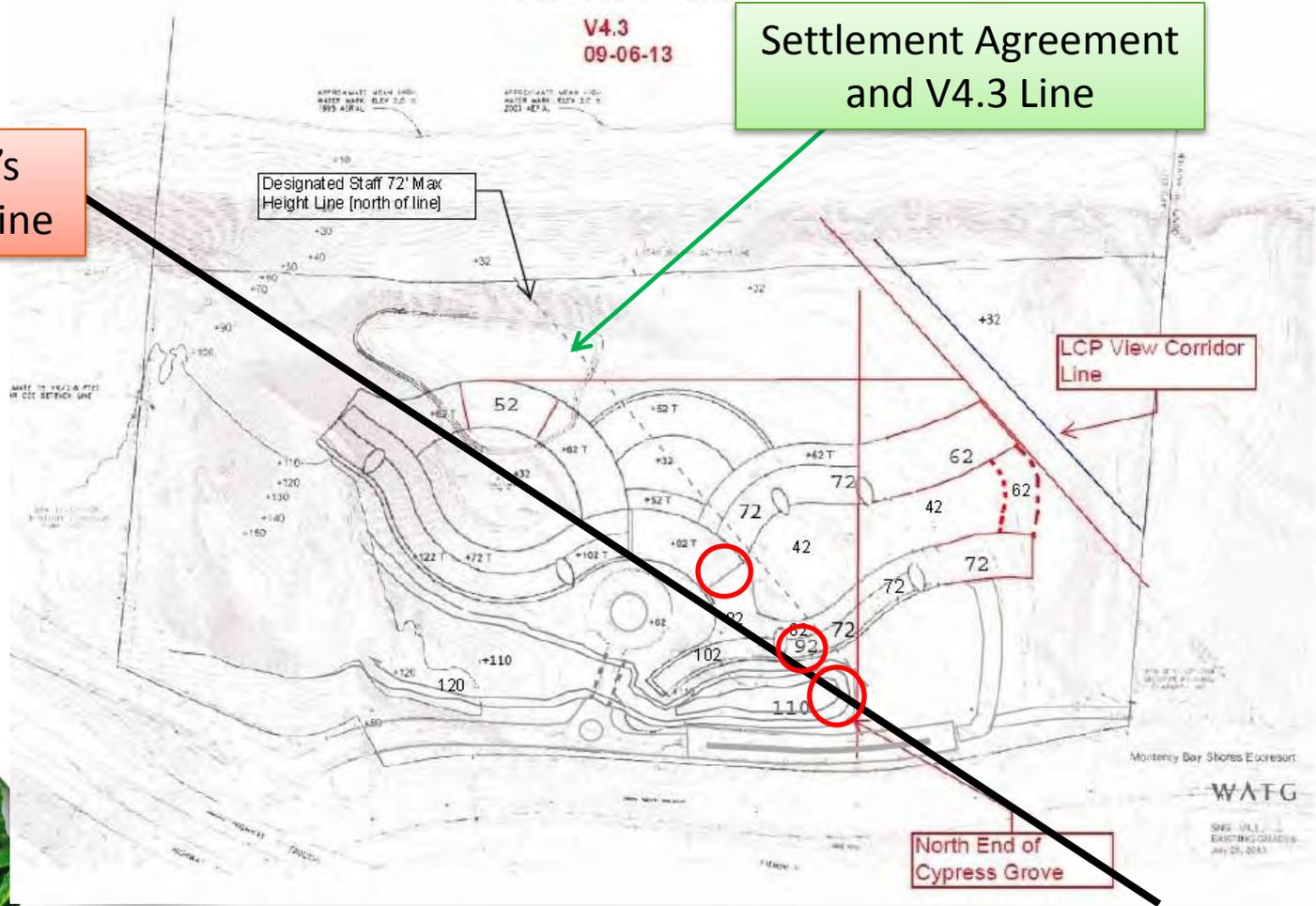
Settlement Agreement  
and V4.3 Line

Staff's  
NEW Line

Designated Staff 72' Max  
Height Line (north of line)

LCP View Corridor  
Line

North End of  
Cypress Grove



# VISUAL RESOURCES

## Staff's NEW "Dune View" Line

- LCP does not have "dune view" line or view overlay over majority of site, other than LCP-designated view corridor on Figure 9 (NW corner).
- Commission authorized settlement on basis of "dune view" line on Conceptual Site Plan V4.3.
- No discussion of Staff's different "dune view" line during settlement.
- Settlement Agreement – Staff would recommend approval, consistent with Conceptual Site Plan and VTM , both of which show the V4.3 Line.
- Provides no Bay view – runs through large Cypress tree grove 108' tall, 79' tall dune, 91' tall dune, obstructing all views.
- Would destroy middle of resort project, curvilinear design, and create entry lobby with low ceilings.





# VISUAL RESOURCES

## Hwy 1 Before/After



Before



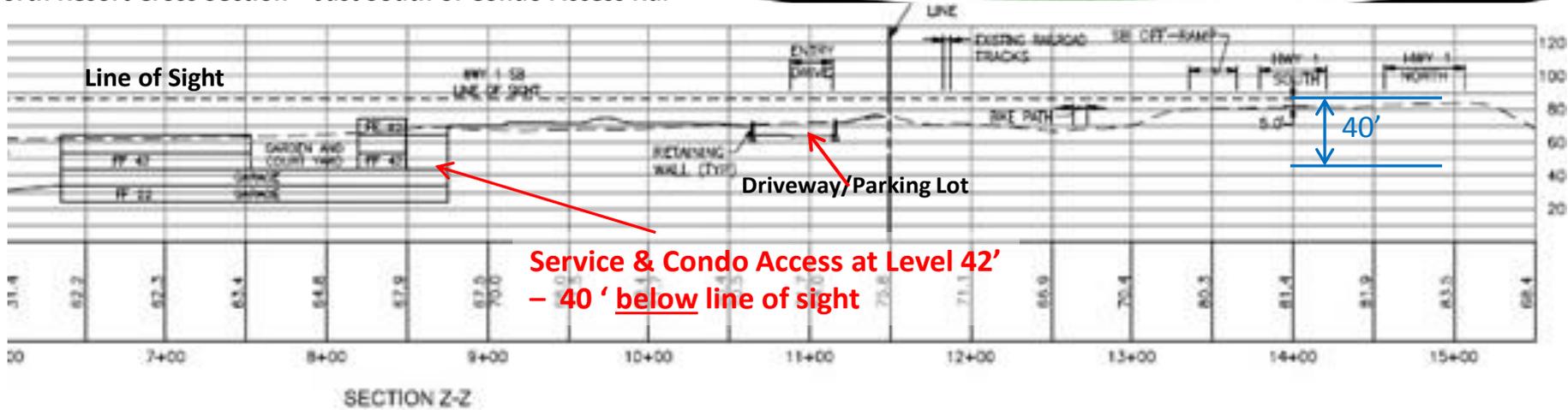
After



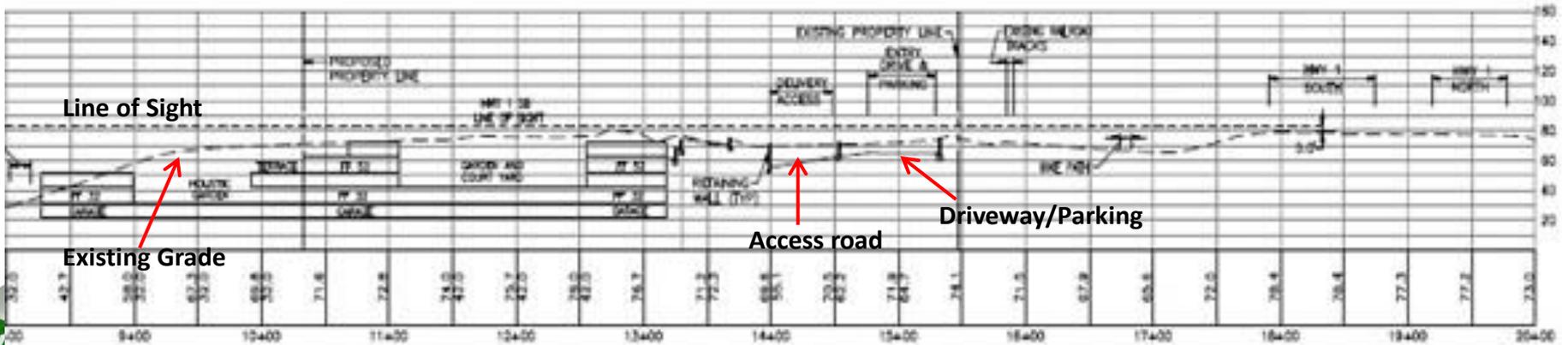
# VISUAL RESOURCES

## KEY CROSS SECTIONS ACROSS THE PROJECT

North Resort Cross Section – Just South of Condo Access Rd.



Dune View Line Cross Section

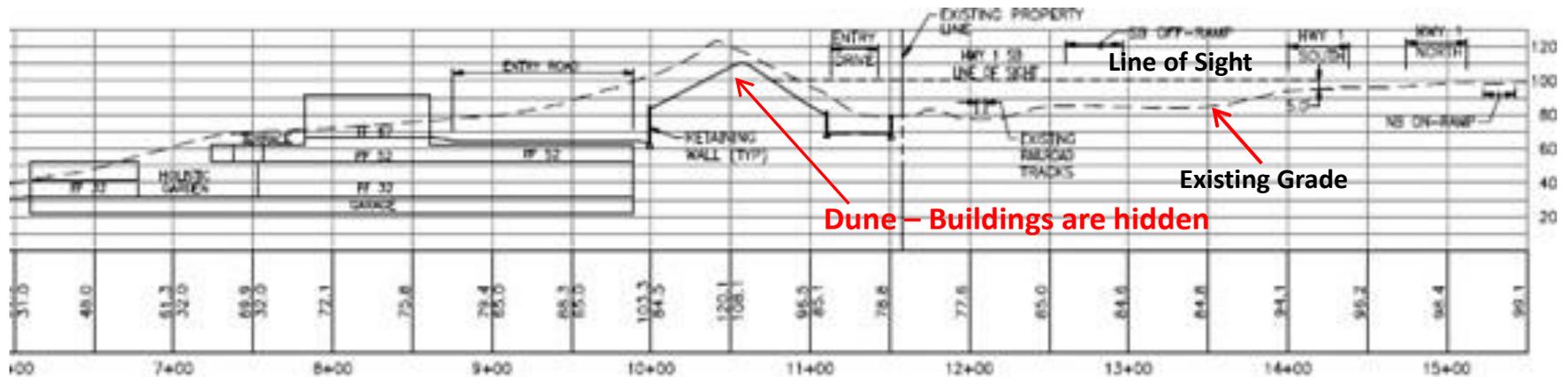


**Buildings are Below Line of Sight**  
**2 Access Roads Significantly below Line of Sight at Building**

# VISUAL RESOURCES

## KEY CROSS SECTIONS ACROSS THE PROJECT

Middle Resort Cross Section – Just North of Main Tunnel



**Dune Screens Buildings  
Buildings Below Line of Sight**



# HAZARDS – COASTAL EROSION AND PROJECT SETBACKS

- **LUP Policy 4.3.4:** Developments must be sited and designed to minimize risk from geologic and flood hazards.
- **LUP Policy 4.3.5/IP 2.2:** Setbacks based on at least a 50-year economic life for the project.
- **LUP Policy 4.3.8:** Deny development if hazards cannot be mitigated, and approve only if project density reflects degree of on-site hazard.
- **LUP Policy 6.4.1:** LCP development densities are maximums, and shall be limited to adequately address natural hazards.



# HAZARDS – COASTAL EROSION AND PROJECT SETBACKS

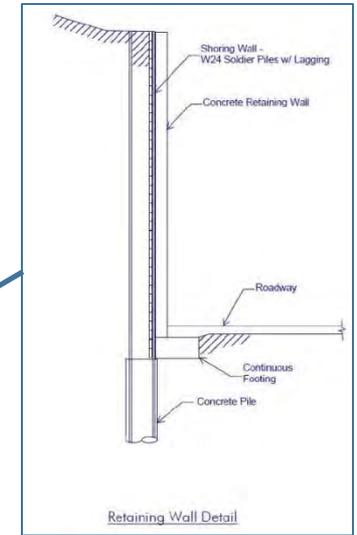
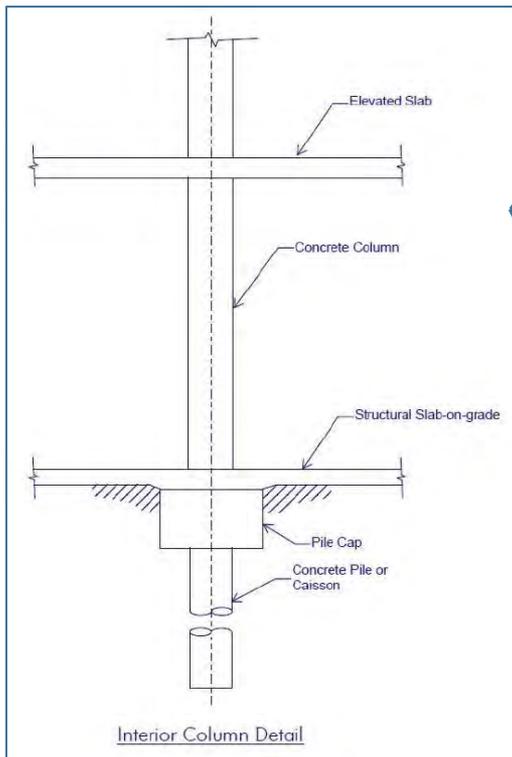
## The MBS Project is LCP compliant:

- SNG agrees to conservative 75 year erosion setback line, shown on Conceptual Site Plan and Vesting Tentative Map (VTM).
- All development (except trails, overlooks, and stairways) located inland of erosion setback line at elevation 32'. Setback Line located over 360' feet from the MHTL.
- *Site-specific/unique facts at MBS:*
  - *AMBAG 2008 CRSMP Report: Site in the “null zone” (where net alongshore transport from North Monterey Bay and South Monterey Bay meet), and thus has experienced minimal site erosion.*
  - *In 19-year repetitive survey period, MHTL has moved significantly seaward in some areas of the beach. 2013 survey shows significant seaward movement compared to where the MHTL was in 1995 or 2003, indicating no recession occurred at the MBS site, but rather accretion in the past 19 years.*
  - *MHTL has moved significantly seaward by approx. 24-80 feet.*
- **No seawall or revetment proposed.**
- Resort foundation sited and designed consistent with typical, normal engineering and construction practices for such a project, as recommended by project geotechnical, civil, and structural engineers incorporating deep caissons and piles to minimize static and dynamic settlement of dune sands during seismic, liquefaction, flooding, or tsunami, maximize stability, and ensure public safety for life of project. (SNG Condition 1(s).)
- Conditions 9(b) and (e) [agreed to by SNG]: Prohibit shoreline protective structures if development is damaged or destroyed by hazard or threatened with damage or destruction, and removal and relocation of the affected area or structures required.
- **Staff recommending removal of buildings within 50' of bluff top & Removal and Restoration Plan(RRP). 50' removal setback and RRP are unprecedented, not factually supported, unnecessary and unacceptable.**



# FOUNDATIONS-Caissons and Piles

## Sketch of Solution



Note: Single caissons or pile groups based on 3d pile spacing would be used for deep foundation solutions.



**Typical Site Retaining Walls and Pile & Caissons Foundations Required for MBS**  
(Required regardless of wave action )

# PROJECT LIGHTING

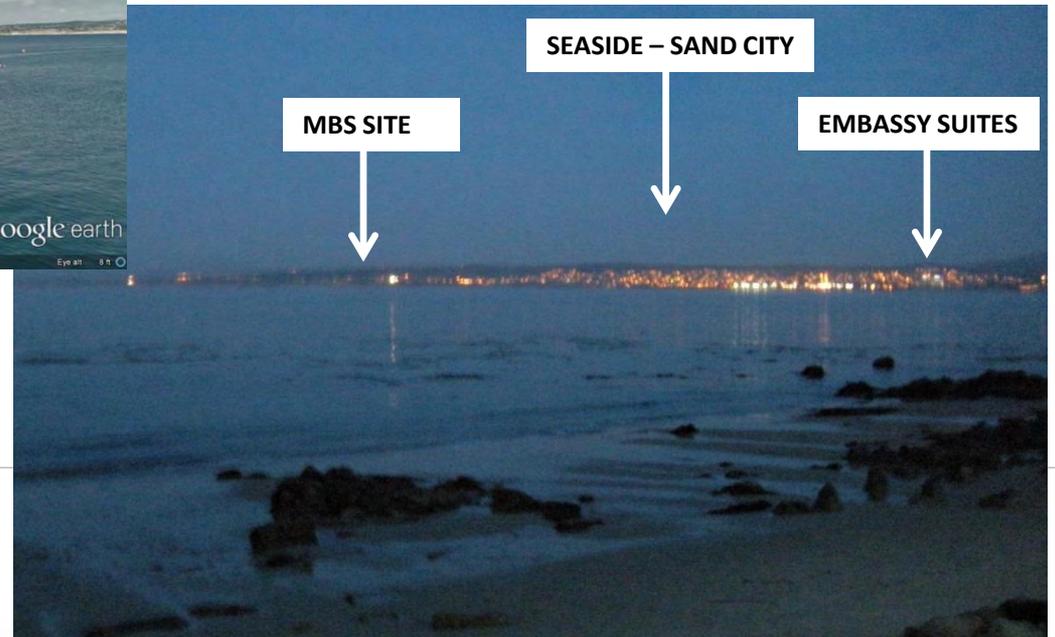
## **LUP: No policy addressing or restricting a building's interior lighting.**

- SNG agrees to Condition 1(m) requiring siting and designing of exterior lighting to limit amount of light and glare visible from public viewing areas.
- Access, Signage and Lighting Plan (2013) demonstrates compliance with this requirement.
- LUP's view policies address concerns regarding view impacts only from Hwy 1.
- View of "interior" lights from the MBS Project from the Monterey Coast Guard Station (near Cannery Row across the Bay, a distance of 15,480') **would not be perceptible.**



# PROJECT LIGHTING

## DAYTIME AND NIGHT TIME(dusk) VIEW



# SUBSTANTIAL NEW PUBLIC ACCESS

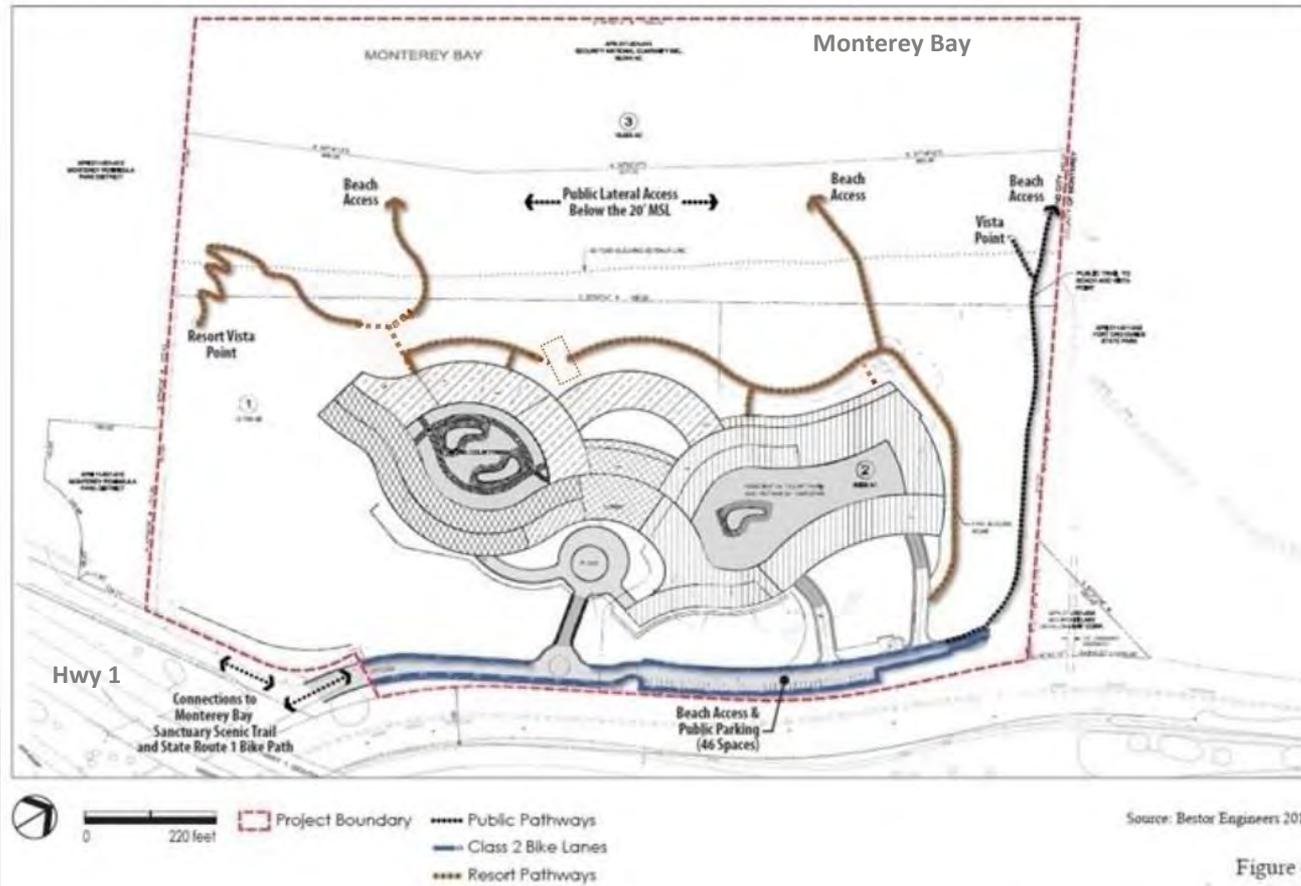


Figure 6



# SUBSTANTIAL NEW PUBLIC ACCESS

**LUP 2.3:** Requires bicycle path as part of regional bike path, lateral and vertical access, vista point, parking.

## **The MBS Project is LCP and Coastal Act compliant:**

- The Project provides for the first time comprehensive public access on the MBS site:
    - Class 2 bike lanes connecting to the Monterey Bay Sanctuary Scenic Trail and SR 1 Bike Path.
    - Coastal access and bicycle parking (46 spaces), 10 bike stands, recycling and trash bins, water fountain, ADA parking, and doggie mit station.
    - Vertical access trail (5' wide wooden boardwalk on sand) and a separate designated vista point (wooden boardwalk, 3 benches, interpretive panel, recycling and trash bins, doggie mit station).
    - Lateral access to toe of dune bluffs (20' MSL), including as the toe may migrate inland.
    - Public access amenities constructed and available for public use prior to occupancy.
    - Restaurants and spa open to the public.
    - Public access easements and public access management plan.
    - **No LUP policy addresses public access use hours (Condition 5(f)).**
      - **Lateral beach access – SNG: 5 a.m. to 12 a.m. Staff: 24/7.**
      - **Trail, overlook, parking – SNG: 5 a.m. to one hr. after sunset. Staff: 5 am to 12 a.m.**
- Area example: Marina State Beach: “Closed ½ Hour After Sunset to 8 A.M.”



# Coastal Access Parking Calculations

## LUP Policy 2.3.10:

Require provision of public parking as part of development at a rate of 10% above the project's total required parking

PARKING REQUIREMENT				
Use Type	Number	Parking Requirement	Parking Spaces	Public Spaces 10%
Hotel Rooms	184	1 per room	184	18.4
Visitor Serving -Condo Hotel	92	1.5 per unit	138	13.8
Residential Condominiums	92	1.5 per unit	138	13.8
<b>TOTAL</b>	<b>368</b>		<b>460</b>	<b>46</b>



# BUILDING HEIGHTS

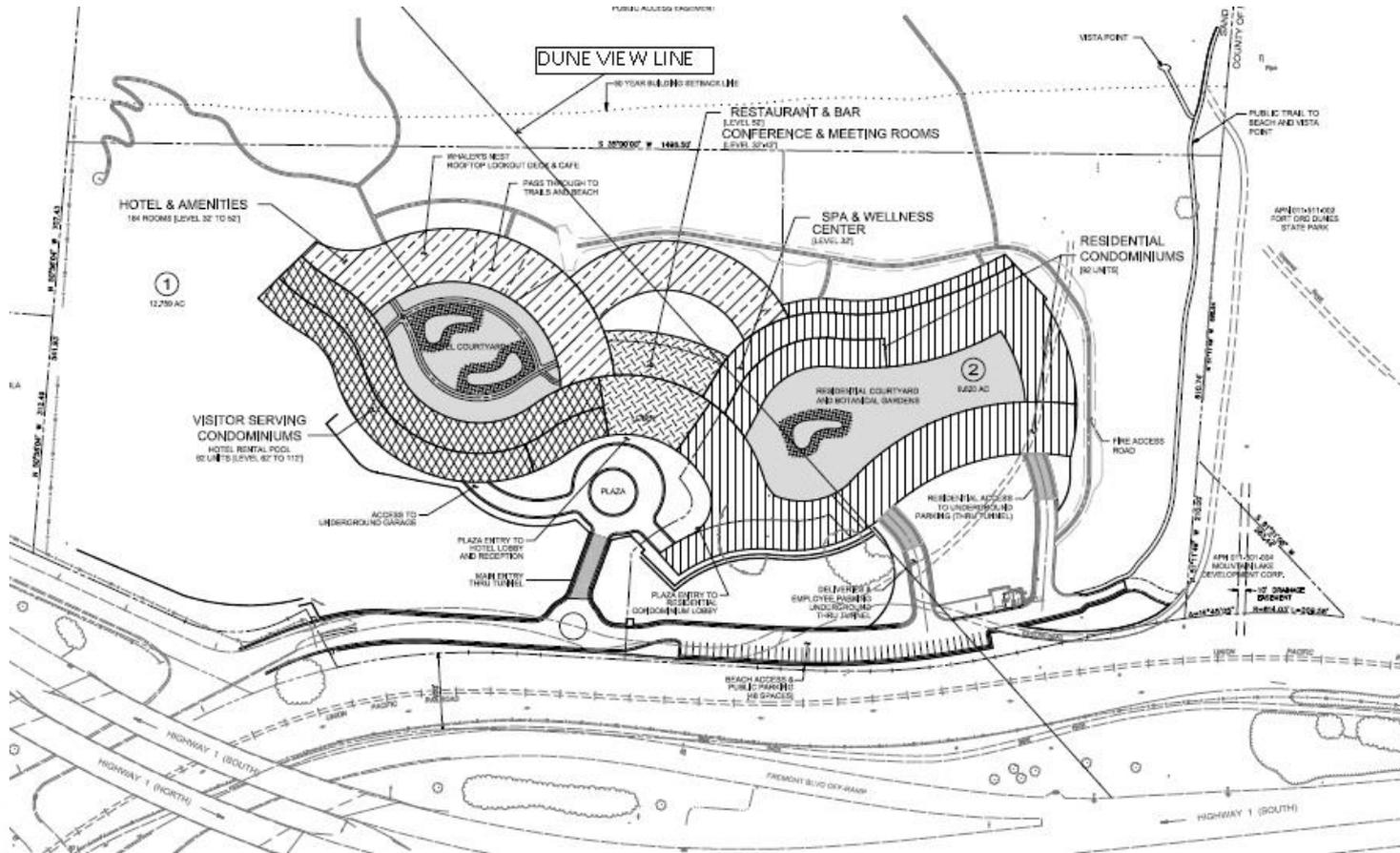
**LUP Policy 6.4.5:** Height limit of 36 as measured from existing grade with the following exceptions: . . . (b) Hotel uses shall not exceed 45 feet.

## **The MBS Project is LCP compliant:**

- Residential use does not exceed 36 feet above existing grade.
- Hotel uses (hotel and hotel condominiums) do not exceed 45 feet above existing grade (Conceptual Site Plan & VTM).
- The Commission's standard hotel condo restrictions (Condition 11) limit owner occupancy at MBS to 84 days maximum/year and require placement of the units otherwise in hotel rental pool – hotel condo units function purely as transient hotel use for 281 days, or 77% of year.
- Commission required audits of approved condo hotel projects demonstrate units are purchased for investment/income and most owners do not use units for 84 days or perhaps at all – hotel use is well in excess of 77%.



# BUILDING HEIGHTS & USES



Program Areas of the MBS

# HOTEL OCCUPANCY LIMITS

SNG does not agree to Staff's additional request to 14 days limit between Memorial Day and Labor Day and 29 days in a year because:

- LCP does not limit number of days allowed.
- That would be a de facto amendment of the LCP, which the Court of Appeal in SNG I held is not permissible.
- 14 days makes no sense as the typical "California Coastal Vacation."
- Makes no financial or operational sense.



# Use of Excess Sand

The VTM, Sheet TM-1 states the manner in which excess sand will be disposed:

16. SNG'S MANNER FOR DISPOSAL OF EXCAVATED SAND NOT NECESSARY FOR THE PROJECT WILL BE, IN ORDER OF PREFERENCE, OR COMBINATION THEREOF:

1. TEMPORARY STOCKPILING OF SAND (OFF-SITE OUTSIDE THE COASTAL ZONE, OR COMBINATION OF STOCKPILING IN AND/OR OUTSIDE THE COASTAL ZONE AND IN NORTHEAST CORNER OF SITE) FOR FUTURE BEACH NOURISHMENT PROJECTS CONSISTENT WITH THE 2008 SOUTHERN MONTEREY BAY COASTAL REGIONAL SEDIMENT MANAGEMENT PLAN (CRSMP) AND/OR SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM PLAN (SCOUP)
2. SALE FOR UPLAND USES OR TO PRIVATE CONTRACTORS AND AGGREGATE COMPANIES.
3. DISPOSAL AT THE MARINA LANDFILL OR OTHER UPLAND LOCATION.

- Stockpiling at Marina landfill for beach nourishment.
- Construction impacts, staging and traffic impacts for hauling 420,000 cu yds excess sand have been fully analyzed in the Addendum EIR (2008) with the conclusion that no new impacts will be generated. Lesser amount-385,000 cy-now proposed. All sand will be hauled outside the Coastal Zone – **No separate CDP is required.**
- Staging would be on site away from dune and habitat areas



# Further Agency Approval

## **No further agency approval required from:**

- California Department of Parks and Recreation
- California Department of Fish and Wildlife
- U.S. Fish and Wildlife Service
- Monterey Peninsula Water Management District  
(Water Distribution Permit Issued)
- City of Sand City (only ministerial)
- State Lands Commission
- Monterey Bay Marine Sanctuary



# MONTEREY BAY SHORES

## IN CONCLUSION:

THE PROPOSED MBS PROJECT IS COMPLIANT WITH THE LCP AND THE PUBLIC ACCESS AND RECREATION POLICIES OF THE COASTAL ACT. MBS PROJECT IS:

- AN ECOLOGICALLY FRIENDLY RESORT THAT SETS THE HIGHEST STANDARDS IN SUSTAINABLE DESIGN
- ENHANCES THE HUMAN EXPERIENCE
- VALUES COMMUNITY
- LEAVES ITS LEGACY AS A STEWARD OF THE ENVIRONMENT

***WE RESPECTFULLY REQUEST CDP APPROVAL OF THE PROJECT AS PROPOSED BY SNG WITH EXHIBIT B***

