

ROBERT R. RIGGS
7477 Lakeland Drive
Clearlake, CA 95422
e-mail: rriggs@katzoffriggs.com
mailing: 9779 Broadmoor Way
Kelseyville, CA 95451

--
Tel. 707 277-9200

October 21, 2007

VIA E-MAIL TO: planner@clearlake.ca.us

Nathalie Anthus
Assistant Planner
City of Clearlake Planning Department
14050 Olympic Drive
Clearlake, CA 95422

Re: Provinsalia Residential Golf Community, Draft Environmental Impact Report, SCH No. 20055042109, Prepared for the City of Clearlake Planning Department by PMC, 1440 Broadway, Suite 1008, Oakland, CA 94612, September 2007

Dear Ms. Anthus:

I am a resident of the City of Clearlake, with my home address being listed above. Additionally I am a member of the Clearlake Vision Task Force, as well as a board member of the Lake County Citizens' Coalition. I am submitting this letter to comment upon the above referenced draft environmental impact report for the Provinsalia project ("draft EIR").

1. Improvements in the Draft EIR

The current version of the draft EIR is improved over the prior version addressed in my letter on behalf of the Lake County Citizens' Coalition to Karen Mantele dated September 19, 2005, particularly with regard to the modification of the proposal to address more realistically the access requirements of the project (i.e., the proposal for "Provinsalia Avenue" and the related discussion of traffic impacts and requirements contained in section 4.6 of the Draft EIR). We compliment the preparer of the draft EIR on this improvement.

2. Continuing Inadequacies of Draft EIR

However, the draft EIR continues to be inadequate because of its failure to address the following

Letter to Nathalie Anthus
October 21, 2007
P. 2

subjects:

1. As an alternative, the construction of the Project but without the golf course component. In my view, the projected golf course is an element of the Project that does not necessarily add to its financial viability, but that definitely adds to the negative impacts of the Project on the environment. It is notable, in this regard, that Lake County already contains at least five other “golf course community” type developments [Buckingham, Riviera, Adams Springs, Cobb, Hidden Valley Lake]. At least two of these [Riviera and Cobb] have suffered from serious financial problems and insolvency within the past five years.

If the space devoted to the proposed golf course were instead devoted to a park type open space setting that could be accessed by Project residents as well as other members of the public, the Project would, in my view, be more attractive to buyers, would be more economically viable in the long term (due to the lack of a need to operate a money-losing golf facility) and would better minimize such serious impacts as increased water diversion from Cache Creek and loss of native trees.

I urge the City to request consideration of an alternative that includes a public open space component on site, rather than a golf course.

2. As another alternative, the City should in my view request consideration of mitigation for a variety of serious and unavoidable consequences of the Project in the form of the required dedication of a conservation easement to substantial lands under the ownership of the Project applicant that are to the east and south of the Project area. The creation of such a perpetual protective easement in favor of a recognized nonprofit such as the Lake County Land Trust would, in my view, mitigate the loss of wild habitat and oak woodlands that is acknowledged in the draft EIR to be a serious and unavoidable impact of the Project.
3. **All of the Mitigation Measures Proposed in the Draft EIR Should Be Quantified and Financially Secured Before the Project Receives Final Approval**

My major concern about this Project remains the need to analyze, quantify, and provide security for, the cost of very extensive infrastructure improvements that are needed as discussed to some degree in the draft EIR. Such infrastructure improvements, all of which should be paid by the applicant as an explicit precondition of subdivision approval, include but are not limited to:

1. Sewer capacity impacts [estimated in Appendix B to total \$1,758,000]

Letter to Nathalie Anthus
October 21, 2007
P. 3

2. The cost of constructing Provinsalia Avenue, as well as related street and traffic improvements discussed in the draft EIR [substantial costs, not quantified]
3. Water treatment and supply infrastructure and impacts [substantial costs, not quantified]
4. School system impacts [substantial costs, not quantified]
5. Fire and emergency services impacts [substantial costs, not quantified]

I remain extremely concerned that if the subdivision map is approved in any form before the costs of these essential infrastructure improvements are quantified and funded by the applicant, the improvements in fact will never be constructed or funded by the applicant and will only add to the financial infrastructure burdens that the City and its residents are presently attempting to surmount.

Additionally, I do not believe that financing tools which have been rumored to be proposed for this Project, such as the imposition of a levy of special taxes pursuant to the Mello-Roos Community Facilities Act, or other similar lien assessment, constitute an acceptable funding alternative for the infrastructure associated with this Project. These financing tools, which do not involve a substantial out-of-pocket expenditure by the developer, place the City and its taxpayers at an undue risk of bearing the costs. The developer would thereby receive an opportunity to extract its profit at or near the “front end” of the Project, i.e., prior to actual construction, leaving homeowners and the City to bear the infrastructure costs in the long run.

The City should assure that the full costs of the infrastructure improvements are either paid in advance, or are fully secured by satisfactory bonds and/or other credit instruments posted by the applicant, prior to any irrevocable approval of the subdivision associated with the Project.

CONCLUSION

I welcome the opportunity to discuss this matter further with the applicant or City officials and I anticipate attending further meetings of the City Council at which this Project may come under discretionary review. In that interest, I would appreciate receiving notice of any such hearings, preferably, by e-mail to the address listed at the beginning of this letter. If e-mail notice is not feasible then I would request notice by mail in care of my Lake County business address:

Robert R. Riggs
Katzoff & Riggs
9779 Broadmoor Way
Kelseyville, CA 95451
voice: 707 277-9200
fax: 707 277-9220

Letter to Nathalie Anthus
October 21, 2007
P. 4

Thank you very much for your continuing attention to these matters.

Sincerely,

Robert R. Riggs

cc: Adeline Brown, City of Clearlake (via e-mail)
Ben Ritchie, Project Manager, PMC