



Post Office Box 1876, Salinas, CA 93902

Email: LandWatch@mclw.org

Website: www.landwatch.org

Telephone: 831-759-2824

FAX: 831-759-2825

January 13, 2014

John Ford, Senior Planner
Monterey County Planning Department
168 West Alisal St, 2nd Floor
Salinas, CA 93901

SUBJECT: MND FOR CARMEL CANINE SPORTS CENTER

Dear Mr. Ford:

LandWatch Monterey County has reviewed the MND and has the following comments:

1. CEQA requires the applicant to have agreed to the mitigation measures or to have revised the project prior to release of a mitigated negative declaration:

Section 15070. Decision to Prepare a Negative or Mitigated Negative Declaration. A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

(b) The initial study identifies potentially significant effects, but:

(1) Revisions in the **project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review** would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur..." (Emphasis added).

Description of the proposed project states, "The applicant also proposes to make sensitive seasonal use of the riparian area of the property for picnics and walking along existing pathways and in existing disturbed areas." (p. 3) However, a proposed mitigation measure would exclude this use from the project (p. 23). If the applicant had agreed to the mitigation measure, the project description should have been revised accordingly. Further, at the site visit on January 6, 2014, staff stated the applicant had not agreed to the mitigation measure prohibiting use of the riparian corridor. Because the project does not meet CEQA requirements for a MND, preparation of an environmental impact report is required.

2. Reference is made to the historical use of the site, and it is noted that turf-grass was recently planted. The document should note on P. 2 that the planting is for the proposed use.
3. The Project Description states that 24 event days per year will be held. This is inconsistent with the zoning requirements for Low Density Residential. Specifically, Monterey County Zoning Ordinance, Title 21, Section 21.14.050 S. identifies the following uses that are allowed with a use permit:

“Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten days and not involving construction of permanent facilities (ZA).”

This comment is also applicable to the consistency finding on p. 8. The project is not consistent with this provision of the Zoning Ordinance, and the project should be revised accordingly.

4. The criteria for determining consistency with the Air Quality Management Plan was not followed. District CEQA Air Quality Guidelines state (p. 5-11):

“Consistency of indirect emissions associated with a commercial, industrial or institutional projects intended to meet the needs of the population as forecast in the AQMP is determined by comparing the estimated current population of the county in which the project is to be located with the applicable population forecast in the AQMP. If the estimated current population does not exceed the forecasts, indirect emissions associated with the project are deemed to be consistent with the AQMP”

The document should be revised to address consistency per the guidelines.

5. Air Quality (p. 20). The MND fails to estimate VOC and NO_x project emissions and compare emissions with the District’s Thresholds of Significance to determine if the project would have a project level impact on ozone pollution. The document also does not identify emissions from generators used by recreational vehicles during events. Finally, diesel exhaust emissions from construction activity should be quantified and evaluated for health impacts.
6. Greenhouse Gas Emissions (p. 25). The document states “...construction-related air quality impact thresholds are addressed in the MBUAPCD’s Air Quality Management Plan (AQMP). The short-term (construction-related) impacts of the proposed project are expected to be well under said threshold...”

The AQMP accommodates construction NO_x and VOC emissions from typical construction equipment. The MBUAPCD should be contacted to determine if project construction equipment meets this definition. Additionally, reference is made to a threshold for construction-related emissions. Those thresholds should be identified.

7. Noise (P. 37) and Traffic (P. 40). The document references studies prepared by the applicant. The document should identify County departments that independently evaluated the study for adequacy.
8. Traffic (P. 42). The document finds, “The project will generate traffic that impacts regional roadways, but will be required to pay fees to the Transportation Agency of Monterey County for the improvement of regional roadways. The payment of these fees will mitigate the impact for the proposed project and the impact will be Less than Significant.”

The regional roadways which would be significantly affected by the project should be identified in the document. The schedule and funding for related improvements should be determined prior to a finding that the project would not have a significant impact on regional traffic conditions. Many roadway projects such as improvements to Highway 1 between Carmel Valley Road and Ocean Avenue have no schedule for construction or funding, and therefore, the payment of fees would not reduce impacts to less than significant on roadway segment.

The document fails to disclose that existing traffic volume exceeds the CVMP threshold for ADT on segment 7 of Carmel Valley Road. This conflict with the Carmel Valley Master Plan should be identified and considered in a revised impact analysis.

9. Utilities (p. 45). Testing identified trace amounts of arsenic in water from on-site wells, but Monterey County Environmental Health Bureau determined that the arsenic level does not warrant treatment because the water system is of a “transient non-community” nature. The proposed condition does not indicate that the water for potable use should meet health standards. The condition should be clarified to address water safety for potable use by participants and animals.

Based on the preceding findings, the project should be revised and a new environmental document prepared. If the project is not revised, preparation of an environmental impact report should be undertaken.

Thank you for the opportunity to review the MND.

Sincerely,



Amy L. White
Executive Director