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SUBJECT: COMMENTS ON DEIR FOR RANCHO CANADA VILLAGE SPECIFIC PLAN

Dear Ms. Onciano:

LandWatch Monterey County has reviewed the DEIR for the proposed Rancho Canada Village, a large subdivision that would significantly impact Carmel Valley both during the construction phase and after completion. The approximately 300-unit subdivision would be built in the floodway and/or flood plain of the Carmel River; it entails the use of 200,000 cubic yards of fill in and around the Carmel River floodway; and it would be constructed immediately next door to Carmel Middle School (CMS). Given the extent of these impacts, it is critical that the DEIR accurately detail and analyze the various environmental impacts.

We are disappointed with the generally poor quality of this DEIR. For example, both flooding and air quality impacts on the school children at CMS – centrally important issues – are poorly addressed in the DEIR. In the absence of high quality analysis, neither Monterey County nor the citizens of Carmel Valley can truly make an informed decision on the merits of this project.

The following are our specific comments on the DEIR:

1. **Project Description (ES-3 and 2-2) identifies the following:** 281-mixed-use residential units (182 single family homes, 64 townhomes and 35 condos) with 140 deed-restricted for Affordable and Workforce housing; 2.5 acres of parks; 39 acres of permanent open space; construction of a levee; movement/placement of 200,000 cu. yd. of fill; and extension of Rio Road into the proposed project. The description does not include the following:
 - a. A potential of 28 carriage houses identified (pp. 4 & 9) of the Community Patterns Book. These units are excluded from all impact analyses.
 - b. Location of the 200,000 cu.yds. of fill to be imported and/or moved on site.
2. **Development in Floodway.** The DEIR states (p. ES-3) the project requires a use permit for building in the floodway. Later the DEIR states (p. ES-5) the project would be

within the 100-year floodplain (but not in the floodway). This discrepancy should be addressed.

3. **Water Rights.** The DEIR indicates (pp. ES-6 and 2-9) the applicant's water rights have been confirmed and the project would use less water than current demand. The text (p. 2-9) suggests the applicant would retain water rights not allocated for the project, i.e., "Water would be supplied to the homes either through the Cal-Am distribution system by assigning a portion of Rancho Canada's water rights to Cal-Am..." (Emphasis added). Thus, while the project itself may not require the same amount of water as existing uses, the "saved" water would remain available to be used by Rancho Canada at its discretion.
4. **Environmentally Superior Alternative.** The DEIR identifies the Environmentally Superior Alternative as the Medium-Density Alternative (p. ES-15) because it would have somewhat lessened aesthetic impact and substantially less indirect effect on traffic generation. Then the DEIR states for Carmel Valley as a whole, cumulatively the Medium-Density Alternative would not be environmentally superior. An alternative that mitigates project level and cumulative impacts and is, in fact, an Environmentally Superior Alternative, should be identified and analyzed pursuant to CEQA Guidelines.
5. **Urban Runoff.** P. 2-10 states that the MCWRA has an unwritten policy that requires post-project, 100-year flow rate not to exceed the pre-project, 10-year flow rate. The DEIR finds this policy impractical which apparently means that the policy would not be met. Policy 3.1.1.2 of the CVMP includes a provision "... for slow release of runoff water so that runoff rates after development do not exceed rates prevailing before development...". While the Consistency Analysis (Appendix C) finds the project consistent with this policy, it concludes, "As described in Chapter 3.2 of the draft EIR, the Project would not comply with specific runoff retention requirements of the County; however, due to the location of the Project in the lower part of the basin and the drainage design of the Project, discharge of runoff from the site would not result in increased peak discharge in the Carmel River." Further, the DEIR states (p. 3.3-29), "In addition, the increase in impervious surface upon completion of the proposed development could result in increased runoff into the Carmel River..." On p. 3.2-20, it estimates that 15% of stormwater runoff from Drainage Area 27 will not be contained onsite during storm events. The DEIR states (p. 3.2-27), "These assumptions lead to an estimated annual total runoff and recharge of 34.9 acre-feet for pre-project conditions, with much of this volume going to recharge. This value is only 1.7 acre-feet greater than the estimated recharge of 33.2 acre-feet for post-project conditions estimated by Balance Hydrologics." Based on these findings, the project should be found to be inconsistent with Policy 3.1.1.2. Further, it should be found that the project's impact on stormwater runoff is significant and unavoidable.
6. **NPDES Permit.** P. 3.2-14 indicates the project would require an individual NPDES permit for brine disposal. The FEIR should indicate the source of brine.
7. **Mitigation HYD-8 (p. 3.2-29)** would require protecting the eastern slope of the excavated basin with rock or some similar hard substrate. The impacts of the mitigation measure on aesthetics, riparian habitat, etc. should be identified.
8. **Mitigation HYD-9 (p. 3.2-29)** would replace the existing unconsolidated berm at the western edge of the project area with a floodwall or reinforce the berm to withstand erosion. The DEIR finds these measures would ensure that the existing structure's

current level of protection would be unaffected by any redirection of flow caused by the project. However, the measure notes that before any improvements are placed, hydraulic modeling would need to be done to ensure that improvements would not increase flooding. This study should be done prior to a finding that impacts on redirection of river flows would be reduced to less than significant.

9. **Project Impact Upstream.** Residents living upstream near Via Mallorca have contended that since the construction of the existing golf course, upstream flooding has increased. The DEIR should address the potential impact of the project on upstream residents in this area.
10. **Source of 100,000 cu. yds. of Fill.** The DEIR indicates that 100,000 cu. yds. of fill would be imported. We assume the remaining 100,000 cu. yds. would come from on-site. The Biological Resources Section should clearly identify the source of the on-site fill and impacts on biological resources in that area.
11. **Mitigation Measure BIO-12 (p.3.3-40)** would require the applicant to retain a qualified biologists. Mitigation Measures BIO-17 to 24 would require the County to retain a qualified biologist. The reason for change in responsibility from the applicant to the County should be addressed.
12. **Scenic Road Status of Carmel Valley Road.** The DEIR incorrectly refers to Carmel Valley Road as a "proposed" scenic route rather than a designated scenic route. The report finds the development would be partially visible from the road yet concludes this would be a less than significant impact. We disagree with this finding.
13. **Impact of Project on Viewshed.** The DEIR does not address whether or not the project would block or interfere with forested hills and ridges in the background. This analysis should be undertaken.
14. **Project Consistency with CVMP Land Use Designation.** The DEIR finds that the project's inconsistency with several policies in the CVMP is insignificant because the project would require a change in land use designations and zoning, thus making it consistent, i.e., "Thus, with the adoption of the appropriate land use designations and zoning, the Specific Plan is considered to have less than significant impacts related to land use" (p. 3.5-12). This finding is illogical and unsupported.
15. **Project Consistency with Ordinance 3310.** The DEIR finds (p. 3.5-13) the project is anticipated to result in an overall savings in water use consistent with Ordinance 3310. This finding cannot be made unless the unused water rights are returned to the State.
16. **Mitigation Measure TR-1** calls for contribution toward the cost of signalization at Laureles Grade and Carmel Valley Road. Although this project is included in the Carmel Valley Master Plan Traffic Study, the project has not been approved and is not scheduled for construction. Further, the CVMP does not provide for signalization at this intersection; rather, it calls for other improvements. Thus, the mitigation measure is inconsistent with the CVMP.
17. **Rio Road Connection.** The project includes construction of a road connecting the project to Rio Road. The DEIR does not address impacts of this project on the environment.

18. **Air Quality Data.** Data for ozone and PM10 violations should be updated to 2006 (p. 3.8-8).
19. **Current AQMP.** The most current Air Quality Management Plan is the 2004 AQMP, not the 2000 referenced in the report (p. 3.8-12). Project consistency with the most recent plan to attain PM10 standards should also be addressed. Reference is also made on this page to 150 lbs/day as the thresholds of significance for ROG and NOx emissions. The threshold for both pollutants is 137 lbs/day (MBUAPCD CEQA Air Quality Guidelines, 2004).
20. **CO2 Threshold.** Reference to 550 lbs/day of CO2 as the threshold of significance (pp. 3.8-14 and 3.8-17) should be qualified to indicate that this only applies to stationary sources and not mobile sources.
21. **Construction Emissions.** Emissions are described in Table 3.8-6. They were estimated using URBEMIS2007 which requires data on the duration of construction activity. Since the DEIR indicates (p. 3.8-19) that it is unknown how long construction activities would occur, the input assumes a "typical" construction period "not lasting more than several months in duration...". Because the data in Table 3.8-6 do not reflect construction emissions for this project, they cannot be relied upon for an evaluation of the impacts of the project on air quality. The air quality analysis should be revised based on an accurate and complete project description.
22. **Haul Truck Emissions.** Emission estimates for construction activity (Table 3.8-6) exclude emissions from the 7,200 trucks needed to haul 100,000 cu. yds. of fill and emissions from hauling or moving the other 100,000 cu. yds. of fill. The Traffic Report (Appendix D, p. 40) indicates that the grading schedule for importing 100,000 cu. yds. of fill would be done over 28 working days for a total of 257 trips per day and 58 trips/hour. Using a standard NOx emission factor (0.03 lbs/mile) and assuming a 20 mile round trip (the source of fill is no where identified in the DEIR), haul trucks alone would generate 154 lbs per day, 58 lbs in excess of the estimates for all construction activities identified in Table 3.8-6. Further, the URBEMIS 2007 input for construction emissions (Updated Air Quality Analysis Report) assumes 199.6 VMT for on-road truck travel, significantly below the travel for the 257 trips per day identified in the traffic report.

Estimates for ozone precursor emissions (ROG and NOx) should be provided for travel to and from the site, idling and movement on-site. These emissions should be added to other ozone precursor emissions that would occur simultaneously and compared to the thresholds of significance to determine their impacts. Mitigation Measure AIR-3 for ozone precursor emissions includes a provision to undertake the project during non-ozone season (May through October), but this measure would not be undertaken if it were found to be infeasible. Since November through April (the non-ozone season) is the rainy season, construction during this period could make the measure infeasible. Further, depending on a risk assessment discussed below, it may be necessary to undertake construction during summer months when students are not in attendance at the Carmel Middle School. Therefore, there is no assurance that the proposed mitigation measure would be implemented nor that impacts on regional ozone levels would be reduced to less than significant.

PM10 emissions related to filling and emptying the vehicles used to transport 100,000 cu.yds. of fill should be estimated along with emissions related to movement of the fill

on-site. These emissions should be added to other construction particulate emissions that would occur simultaneously. Dispersion modeling should be undertaken to address their impact on public health. Input into the dispersion model requires data on the distance of the activity from sensitive receptors; however, those data are currently unknown (p. 3.8-20). Before an adequate air quality analysis can be completed, a more detailed project description must be provided.

Diesel exhaust emissions should be calculated for haul truck travel, idling and movement on-site. Since the mitigation measures to address the impacts of diesel exhaust (AIR-3) may not be feasible as discussed below, a risk assessment should be completed for diesel particulates and acrolein emissions. The latter emissions are extremely harmful to adults and children with asthma. Particular focus should be given to exposure of children and adults at the Carmel Middle School and adjacent neighbors.

23. **On-site Construction Emissions.** Even though the DEIR states (p 3.8-19) construction duration and distance from sensitive receptors are unknown, it nevertheless concludes that Mitigation Measure AIR-3 would reduce impacts from diesel exhaust to less than significant. AIR-3 identifies a list of technological and other measures to address impacts of diesel exhaust from on-site construction activity on local residents and school children at the Carmel Middle School. The measure states, "The County shall require the construction contractor to implement all applicable and feasible control measures required by the MBUAPCD. This requirement shall be incorporated into the construction contract....".

First, MBUAPCD does not regulate construction equipment. Second, implementation depends on the applicability and feasibility of the various controls. This uncertainty does not assure that diesel exhaust emissions would remain at safe levels. Third, it is unclear which of the controls would be applied to which pieces of equipment. If all diesel powered equipment had particulate filters which reduce diesel particulates by at least 85% and acrolein emissions by 90% and used bio-diesel fuel, impacts would likely remain at safe levels. However, if only bio-diesel fuel were used, acrolein emissions would be reduced by only 45% which means that health risks could be significant depending on equipment used, duration of use and distance of use from sensitive receptors. Further, bio-diesel fuel is in short supply, and its availability cannot be assured. If the County recommends use of best available control technology for haul trucks to control diesel emissions, the mitigation measure should address the feasibility of enforcing the measure for a haul truck fleet that may have numerous owners and drivers.

In summary, the overall analysis of the impact of construction emissions on air quality is inadequate for the following reasons:

1. The duration of construction activity is unknown.
2. The distance of construction activity from sensitive receptors is unknown.
3. These data are needed to prepare a dispersion model for particulate emissions and risk assessments for diesel particulates and acrolein emissions.
4. Emissions from haul trucks to be used to transport 100,000 cu. yds of fill are excluded from the analysis.

24. **Water Demand.** Rancho Canada has water rights for 700AF (p. 3.10–7). The golf courses use between 309 and 684 AFY with the existing use on the project site at 138 AFY. The project water demand is estimated at 120.7 AFY representing a net reduction in water use of 12 to 17 AFY. The DEIR recommends that 131 AF be permanently dedicated to the proposed project leaving 7 AFY for other uses. Because the projected net water use is reduced to less than current use, the project is found to not have a significant impact on water supply. This finding fails to account for the “unused” water that could be used for other projects. Unless the unused water is returned to the State, the proposed finding should be revised accordingly.
25. **Cultural Resources.** Because the project would require a General Plan Amendment, under State law the County is required to consult with the applicable Native American Indian Tribe. The DEIR does not indicate such a consultation has occurred.
26. **Population.** The DEIR should identify the 2004 population forecast for Carmel Valley. AMBAG’s forecasts show a declining population for the Carmel Valley TAZ from 10,282 persons in 2005 to 9,849 persons in 2020. Inconsistency of the proposed project with these forecasts should be addressed particularly as it relates to AMBAG’s transportation model.
27. **Development Potential Under CVMP Cap.** All references to the development potential under the CVMP cap of 1,310 units should be revised to reflect the errata distributed by the County at the end of January.
28. **Greenhouse Gas Emissions.** The project would emit about 4,815 tons per year of Greenhouse Gases. Under AB32, Greenhouse Gas emissions are required to be reduced to 1990 levels by 2020. Because the project would reduce emissions to less than what they could be with another design and because controls to meet AB32 have yet to be implemented, the DEIR finds that the project is consistent with AB32 and presumably would not have a significant impact on global warming. While the DEIR extols the virtue of project design contending that certain design features would reduce vehicular use, the project is located over 1/2 mile from shopping and other services - a distance that exceeds typical pedestrian use. (Indeed, the distance from the midpoint of the project planning area is more than a mile from the nearest full-service grocery.) The project would make it even more difficult for the County to meet a 1990 target and should be found to have a significant impact on global warming.
29. **Cumulative Water Demand (p. 4-25).** This section bases its finding on the project’s decreased water use compared to existing use, failing to note that the unused water increment would be available for other uses.

Appendix C - CVMP POLICY CONSISTENCY ANALYSIS

A. 6.1.3 Beneficial uses of water and 6.1.4 Management of Carmel River water

The project is found consistent because it would result in a decrease in water demand. A consistency finding must depend on the applicant’s return of unused water rights to the State; otherwise, the water could be used for other projects.

B. 7.1.3 Project sited to protect riparian vegetation.

The project is found consistent. It is unclear if the proposed finding accounts for impacts on the area which would be the source of 100,000 cu. yds. of on-site fill.

C. 16.2.6.1 Flood control include restoration of river.

The DEIR does not address restoration of the river bank east of the project near the Hacienda homes.

D. 26.1.21 Maintain rural character

The project is found to be consistent with this policy. Two hundred and eighty-one units at the proposed density regardless of whether or not it is visible is not rural.

E. 26.1.23 Open spaces to be located to maintain distinction between more rural and more suburban areas of valley.

The proposed finding states that because of the habitat reserve and the existing golf course, this open space would create a buffer between the project and the remainder of the Valley. The finding ignores the existing buffer between development at the mouth of the Valley and the project. The reasoning provided in the proposed findings would allow suburban uses all the way down the Valley, i.e., urban sprawl.

F. 39.1.6 Construction of Hatton Canyon Freeway - "If the Freeway has not been built, the Board shall limit further development until the freeway is under construction."

The project is found to be consistent with this policy. It is not.

Thank you for the opportunity to review the document.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Chris Fitz".

Chris Fitz, Executive Director
LandWatch Monterey County

cc: interested parties