

January 17, 2017

Bob Schubert
Project Planner
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

SUBJECT: DEIR FOR CARMEL RIO ROAD PROJECT

Dear Mr. Schubert:

LandWatch Monterey County has reviewed the draft environmental impact report (DEIR) for the proposed Carmel Rio Road subdivision, which would convert approximately eight acres of farmland, currently used for row crops, into 31 residential units. The project would violate a variety of General Plan policies, including those related to air quality, aesthetics, hydrology and water quality, and traffic and circulation. Although some of these are well described in the DEIR, others are not, rendering the DEIR legally defective. Among its most obvious flaws, the DEIR:

- Ignores traffic and circulation Policy CV-2.17.
- Defers analysis of flood protection.
- Excludes analysis of air quality impacts from construction traffic.
- Excludes analysis of conflicts with County affordable housing policy.

Our specific comments follow.

1. **Air Quality**

- A. Diesel Exhaust. Short-term Construction Toxic Air Contaminants (TACs). The DEIR states that TACs were only qualitatively assessed. The DEIR finds:

The health risk associated with high concentrations of diesel exhaust PM10 from construction equipment has a carcinogenic and chronic effect. The project could potentially expose sensitive receptors to temporary health hazards associated with TACs due to the operation of construction equipment. However, concentrations of mobile source diesel particulate matter (DPM) would only be present during temporary construction activities. PM10 emissions associated with construction activity would be well below the 82 pounds per day threshold established by the **Monterey** Bay Unified Air Pollution Control District. Additionally, the lower density setting of the project site and lack of tall buildings to block air movement would allow emissions to disperse. (DEIR, P. 4.2-19)

Temporary emissions of TACs could have significant impacts on sensitive receptors. A quantitative assessment using an accepted model to specifically address diesel exhaust emissions should be undertaken to support the finding. Modeling should address impacts

at the Carmel Middle School, which is 500 feet east of the project as well as the Bialek Garden adjacent to the school.

Additionally, haul trips and related motor vehicle emissions appear to be significantly underestimated. Appendix C shows the number of grading trips at 10 for four vehicles and a hauling trip length of 20 miles. (DEIR Appendix C, P. 6) The assumptions regarding the number of haul trips is unclear. However, the Project Description states a total fill of 11,359 cu. yds. is needed for the project (DEIR P. 2-15). An average commercial dump truck holds 10 to 14 cu. yds. Assuming a range of 10 to 14 cu. yds. per trip, 811 to 1,136 trips would be needed to deliver the soil and an additional 811 to 1,136 trips would be return trips to the site. The number of haul trips assumed in the emission calculations should be clearly identified in DEIR Appendix C and a revised estimate prepared as needed.

- B. Project Consistency with the AQMP. The consistency analysis shows no “approved but not built DUs” in Monterey County (DEIR, Appendix C, P. 155). This conflicts with the traffic analysis, which includes trips for approved but unbuilt projects. The Traffic and Circulation section of the DEIR references a list of approved but unconstructed projects identified in DEIR Appendix G. However, Appendix G addresses hydrology and water, not traffic.

LandWatch’s data show the following approved but unconstructed projects in unincorporated Monterey County: East Garrison 1,142; Morisoli-Amaral 318; Rancho San Juan 1,147; September Ranch 95; Ferrini Ranch 185; Harper Canyon 17; Santa Lucia Preserve 178; Pebble Beach Inclusionary Housing 24; and Rancho Canada Village 130. The analysis should be updated to address these data.

2. **Aesthetics**

- A. The DEIR finds:

The proposed project would convert the existing rural character of the site to a more urban character. However, the project location makes it a natural extension of the existing urban landscape of lower Carmel Valley. By adhering to the CVMP policy CV-1.1, the development would maintain the rural character of the region and thus would not degrade the existing visual character or quality of the site. Impacts would be Class III, less than significant.

Please explain how replacing existing agriculture with the construction of four residential units per acre maintains the rural character of the area. Please also address consistency with the following surrounding land uses:

The properties directly to the north and south of the project site are consistent with the rural setting. The properties directly to the north consist of two roughly 2.6 acre lots, each with a single residence and the remaining property dedicated to equestrian uses or open space. To the south, properties are similarly dedicated to single family residences coupled with equestrian uses and woodland habitat. (DEIR P. 4.1-6)

3. Hydrology and Water Quality

A. The DEIR finds:

Construction of the proposed project could potentially result in an increase in pollutant discharges to waters of the State, but compliance with Monterey County 2010 General Plan and Carmel Valley Master Plan policies, as well as existing regulatory requirements, would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not violate water quality standards or waste discharge requirements or otherwise degrade water quality. This impact would be Class II, significant but mitigable.

Mitigation would include measures “to the maximum extent feasible.”

Please describe feasible mitigation measures and identify which measures or parts of measures were included in the impact analysis. If they are not defined, please explain how a finding of significant but mitigable impact was determined.

Additionally, neither the final design of the project nor the estimated off-site peak flows are known at this time. (DEIR, P. 4.8-21) Please explain how a finding of significant but mitigable impact was determined when data are not available to quantify impacts.

B. The DEIR finds:

Construction and operation of the proposed project would alter the on-site topography and increase the amount of on-site impervious surface, which could increase the rate and amount of on- and off-site runoff and result in erosion, flooding, and the need for expanded stormwater drainage facilities. Compliance with existing regulations and policies would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not result in on- or off-site erosion or flooding or the need for expanded stormwater drainage facilities. This impact would be Class II, significant but mitigable.

Mitigation would include measures “to the maximum extent feasible.”

Please describe feasible mitigation measures and identify which measures or parts of measures were included in the impact analysis. If they are not defined, please explain how a finding of significant but mitigable impact was determined.

Also, as noted, neither the final design of the project nor the estimated off-site peak flows are known at this time. (DEIR P. 4.8-21) Please explain how a finding of significant but mitigable impact was determined when data are not available to quantify impacts.

C. The DEIR finds:

Construction and operation of the proposed project would place housing within a 100-year flood hazard area which could result in the impedance or redirection of flood flows and the exposure of people and structures to a significant risk of loss, injury, or death involving flooding. Project design features would help to reduce

flood risk. Mitigation would further reduce the risk of loss, injury, or death involving flooding. This impact would be Class II, significant but mitigable.

Mitigation measures are deferred to a later date and include a wide variety of measures that may or may not be implemented. Specific measures to address on-site flooding should be included in a RDEIR. The impact of proposed measures on downstream land uses should also be identified.

- D. The DEIR identifies the construction of retaining walls up to six feet to allow the site to be raised above the flood plain. Please address the impact of the retaining walls on downstream flooding.
- E. Assessment of the availability of water is incomplete and needs further verification (Memorandum from MPWMD Larry Hampson to Molly Erickson, January 9, 2017). This information should be included in a Recirculated DEIR.

4. **Land Use and Project Consistency with the Carmel Valley Master Plan and 2010 County General Plan**

- A. Policy CV-1.10 applies to the proposed project:

The Val Verde Drive area is planned for residential use at a basic density of one (1) unit per acre. With suitable clustering, up to two (2) units per acre may be allowed. However, a density of up to four (4) units per acre may be allowed provided that at least 25% of the units are developed for individuals of low and moderate income or for workforce housing. This policy is intended to be independent from Policy CV-1.11, and not counted in conjunction with the density bonus identified in that policy.

Only 22.6% of the total 31 units would be built on-site. The remainder of the 25% would be met through payment of an in-lieu fee of \$206,544. While this would meet the County's inclusionary housing requirements, it is inconsistent with Policy CV-1.10 and should be found to be an unavoidable significant impact.

- B. The 2010 General Plan policy LU-1.19 applies to the project and was not addressed in the consistency analysis. It requires the following:

Residential development shall incorporate the following minimum requirements for developments in Rural Centers prior to the preparation of an Infrastructure and Financing Study, or outside of a Community Area or Rural Center: 1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units to be considered.”

The project, which includes 25% affordable housing but not the 10% Workforce housing, is inconsistent with the policy.

- C. Project is inconsistent with General Plan Policy LU-2.13, which states:

The County shall assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households. The Affordable Housing Ordinance shall include the following minimum requirements:

- a) 6% of the units affordable to very low-income households
- b) 6% of the units affordable to low-income households
- c) 8% of the units affordable to moderate-income households
- d) 5% of the units affordable Workforce I income households

The project does not include a mix of affordable housing as required.

- D. OS 10.9 applies to the proposed project, which states:

The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that ensure that health-based standards for diesel particulate emissions are met.

As noted in item 1A above, temporary emissions of TACs could have significant impacts on sensitive receptors and a quantitative assessment using an accepted model to specifically address diesel exhaust emissions should be undertaken to support the finding.

- E. County General Plan Policy C 1.1 applies to the project. It states:

The acceptable level of service for County roads and intersections shall be Level of Service (LOS) D, except as follows:

- a. Acceptable level of service for County roads in Community Areas may be reduced below LOS D through the Community Plan process.
- b. County roads operating at LOS D or below at the time of adopting this General Plan shall not be allowed to be degraded further except in Community Areas where a lower LOS may be approved through the Community Plan process.
- c. Area Plans prepared for County Planning Areas may establish an acceptable level of service for County roads other than LOS D. The benefits which justify less than LOS D shall be identified in the Area Plan. Where an Area Plan does not establish a separate LOS, the standard LOS D shall apply.

As noted in the DEIR, LOS D has been established as the minimum acceptable level of service for several segments along Carmel Valley Road. While the traffic impact analysis prepared for the proposed project utilizes these identified LOS standards, the project does not meet the LOS D standard and should be identified as inconsistent.

- F. Policy CV-2.17 was not addressed in the general plan consistency analysis. It requires:

- f) The traffic standards (LOS as measured by peak hour conditions) for the CVMP Area shall be as follows: ...3) Carmel Valley Road Segment Operations:
 - .b) LOS of "D" and ADT below its threshold specified in Policy CV-2.17 (a) for Segments 3,4,5,6 and 7 is an acceptable condition.

The project is inconsistent with this policy, and project impacts should be identified as significant and unavoidable.

Previously, in the Rancho Canada Village project, County staff claimed the project consistent with this Policy CV-2.17 because an EIR had been prepared. We encourage you to avoid making a similar finding for this project. The County's interpretation would permit land uses that are not supported by transportation systems and therefore violate state law that requires circulation policies be consistent with land use policies. It is impossible to imagine the California Environmental Quality Act would let the County deny small projects for which no EIR is prepared but approve large projects for which EIRs are prepared.

5. **Traffic and Circulation**

- A. This section does not address construction-related traffic that could be substantial (item 1A above). This information should be included in a Recirculated DEIR.
- B. The DEIR finds that project impacts to the following intersections and road segments would remain significant and unavoidable under the existing plus project conditions:

- Intersection #3
- Intersection #7
- Intersection #8
- Road segment #1 (northbound and southbound)
- Road segment #2
- Road segment #3 (northbound and southbound)
- Road segment #6
- Road segment #7

The project would violate Policy CV-2.17 which states: “f) The traffic standards (LOS as measured by peak hour conditions) for the CVMP Area shall be as follows: ...3) Carmel Valley Road Segment Operations: b) LOS of “D” and ADT below its threshold specified in Policy CV-2.17 (a) for Segments 3,4,5,6 and 7 is an acceptable condition.”

Inconsistency with this policy should be identified as significant and unavoidable.

Thank you for the opportunity to review the DEIR.

Sincerely,



Michael DeLapa
Executive Director