



May 5, 2015

Mr. John Ford
Monterey County Planning Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Subject: DEIR for Carmel Canine Sports Center

Dear Mr. Ford:

LandWatch Monterey County has reviewed the DEIR for the Carmel Canine Sport Center which includes; portable facilities for canine activities; up to 24 days of special events throughout the year with a maximum of 250 people (including vendors, caterers, and event staff); and up to 300 dogs on-site during the largest events. Our comments follow:

Cumulative List

1. The following projects are not included in the Cumulative List (pp. 3-2 to 3-7): unbuilt units on vacant parcels identified by County Planning staff in a report to the Carmel Valley Road Committee (August 28, 2014 minutes of the Carmel Valley Road Committee). The report identifies 580 vacant residential parcels in the Carmel Valley Master Plan (CVMP) and Santa Lucia Preserve and approximately 225 vacant residential parcels in the Cachagua Area Plan area. In addition, there are unbuilt residential parcels at Tehama. Construction on these parcels would add a minimum of 8,000 daily trips on Carmel Valley Road.

Please address whether or not these unbuilt residential units were included in the traffic impact analysis. If not, maps of the vacant parcels are available from County Planning staff, and a new traffic analysis is needed.

Aesthetics

2. The DEIR recommends the following mitigation measures (p. 4.1-170):

The Applicant shall prepare a Special Event Management Plan that would mitigate impacts associated with special event days, including those related to light sources from RVs. The Special Event Management Plan shall be submitted and approved by County staff prior to Project construction. The Special Event Management Plan

would prohibit the use of RV external lighting, including but not limited to RV porch lights, after 8:30 P.M. The event monitor would be responsible for monitoring the use of external RV lighting within the RV.

As a deferred mitigation measure it is inconsistent with CEQA requirements because it prevents the public from evaluating if it would address significant impacts on aesthetics. The Plan should be prepared and included in a recirculated DEIR.

Agricultural Land

3. One of the project objectives is the continuance of agricultural production on prime farmland in lower Carmel Valley consistent with historical on-site use in the face of increasing development pressures. (p. 1-3).

Please assess this objective in light of the following statement on p. 4.2-7:

While the Project development may not preclude future agriculture on the site, potential reduced water allocation for irrigation may limit water supplies to serve potential future agricultural operations below quantities historically required for agricultural production.

Air Quality

4. Tables 4.3-5 and 4.3-7 identify 550 lbs as the thresholds for construction and operational carbon monoxide emissions. This threshold is applicable only to stationary sources. Indirect sources such as vehicle emissions which would significantly affect levels of service (LOS) at intersections or road segments could cause or substantially contribute to violation of State or national Ambient Air Quality Standard (AAQS) for carbon monoxide. The following would represent a potentially significant impact to intersections or road segments after mitigation (references are to peak-hour LOS):
 - Intersections or road segments that operate at LOS D or better that would operate at LOS E or F with the project's traffic, or
 - Intersections or road segments that operate at LOS E or F where the volume-to-capacity (V/C) ratio would increase 0.05 or more with the project's traffic, or
 - Intersections that operate at LOS E or F where delay would increase by 10 seconds or more with the project's traffic, or
 - Un-signalized intersections which operate at LOS E or F where the reserve capacity would decrease by 50 or more with the project's traffic. This criterion is based on the turning movement with the worst reserve capacity or
 - Project would generate substantial heavy duty truck traffic or generate substantial traffic along urban street canyons or near a major stationary source of CO.

If any of these scenarios would occur, carbon monoxide modeling should be undertaken to determine if indirect source emissions would cause an exceedance of State or national AAQS at existing or reasonably foreseeable receptors. If modeling demonstrates that the

project would not cause an exceedance of CO AAQS, the project would not have a significant impact on local air quality. (District CEQA Guidelines, p. 5-8).

Biological Resources

5. The DEIR recommends the following mitigation measures:

The CCSC shall coordinate with Monterey County, CA Department of Fish and Wildlife (CDFW), and Monterey Peninsula Water Management District (MPWMD) to develop an annual Habitat Management Plan and monitoring program that assesses riparian vegetation cover and density as well as bird, amphibian, and reptile occurrences and density within the five acre riparian area included within the Project site. The monitoring program shall include a control site along the Carmel River with which to compare the impacted Project site. CCSC shall coordinate with Monterey County, CDFW, and MPWMD to define object triggers to reduce or restrict the number of dogs permitted within the riparian area. (p. 4.4-28)

While the mitigation measure is deferred, it relies on project approval for implementation. Under this measure it is possible that the project would have a significant impact on riparian habitat which could only be corrected at a later date. The mitigated negative declaration prepared earlier for the project recommended that access to the riparian area be excluded from the project. This exclusion rather than the proposed mitigation measure should be considered in a revised project and a recirculated DEIR.

Land Use and Planning

6. The parcel for the project is zoned Low Density Residential (LDR/2.5 -D-S-RAZ). The following uses are allowed with a use permit (Chapter 2 21.74):

- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities or corporation yards;
- C. Country clubs;
- D. Golf courses;
- E. Commercial kennel (ZA);
- S. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten days and not involving construction of permanent facilities (ZA);
- X. Other uses of a similar character, density and intensity to those uses listed in this Section;

The DEIR fails to address limitation of assemblages of people to not exceed ten days per year. The proposed project includes up to 24 days of special events throughout the year and is, therefore, inconsistent with existing zoning. This inconsistency is significant and unavoidable.

Hydrology and Water Quality

7. Chapter 4.8 **Hydrology and Water Quality** includes the following findings:
 - A. The project site has a riparian water right. (p. 4.8-10) Water associated with riparian rights is restricted in its use in that it cannot be stored in a reservoir for later use. (p. 4.8-9)
 - B. The applicant has a reservation for appropriative rights of 96 AFY; however this right cannot be used until the State Water Resources Control Board (SWRCB) “perfects” the right by issuing an appropriative right permit for the use of this water. The project site was previously found to have an appropriative right of 37.4 AFY. The property owner is seeking a revised water right of 96 AFY due to incorrect water readings used for the existing determination. The application is still outstanding. (p. 4.8-11). If the appropriate right of 96 AFY is denied, the project would not include the irrigation pond. (P. 4.8-22)
 - C. The proposed project would withdraw an estimated 63.35 AFY from the Carmel Valley Alluvial Aquifer (CVAA). (p. 4.8-21)
 - D. A Water Distribution System Permit from the MPWMD is required. The District is waiting resolution of the CEQA process prior to finalizing the permit, and the permit is reliant on the property owner’s right to use water pumped from the CVAA. (P. 4.8-21) The MPWMD preliminary recommendation is to approve 62.91 AFY which is the average of the most recent 10 years of well production. (P. 4.8-23)
 - E. The baseline water use is critical in determining whether or not the proposed project water use would potentially impact groundwater supplies and surface flows. For the last four years of available water data (2008 to 2012) the site has been fallow. (p. 4.8-22) However, the baseline analysis does not use the last four years of data but instead relies on MPWMD’s methodology to calculate historic use and SWRCB’s protocols (p. 4.8-22)
 - F. No mitigation measures are required (p. 4.8-22).
8. Chapter 8 **Biological Resources** includes the following finding regarding water supply:
 - A. Water diversions associated with the proposed project are subject to SWRCB required maintenance of minimum mean daily in-stream flows as specified in Table 4.4-3. No water would be diverted if the in-stream flows were reduced by such diversion below the minimum mean daily flows specified in Table 4.4-3. In-stream flow requirements would significantly restrict the amount of water that could be available. (p. 4.4-24)
9. Comments on findings:
 - A. As noted in the DEIR (p. 4.8-22) baseline water use is critical in determining if the proposed project water use would potentially impact groundwater supplies and surface flows. However, the water analysis does not include a baseline that reflects water use at the time the Notice of Preparation was distributed. Instead the analysis relies on methods for determining water rights and water permits. This does not address CEQA requirements that impacts be addressed in relationship to the existing environment including a river under drought conditions. An analysis

using CEQA baseline conditions should be prepared, and a revised DEIR should be recirculated.

- B. The impact of in-stream flow requirements on the viability of the project should be identified and a revised DEIR should be recirculated.
- C. A revised DEIR should be prepared after SWRCB and MPWMD have completed their analyses. If water is unavailable to meet total project demands, the project description would require revision.

Traffic and Circulation

- 10. Reference is made to consultation with City staff regarding the methodology for the transportation impact analysis (p. 4.12-1). The reference should be changed to “County” staff.
- 11. The DEIR identifies some policies related to traffic and circulation in the CVMP but fails to reference all of CV-2.17 in this chapter. (pp. 4.12-13) The omitted portion of this policy follows:

During review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in Policy CV 2.17(f), after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project, which will include evaluation of traffic impacts based on the ADT methodology. Such additional roadway improvements must be sufficient, when combined with the projects programmed for completion prior to the project-generated traffic in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements. Any EIR required by this policy shall assess cumulative traffic impacts outside the CVMP area arising from development within the CVMP area.

This policy does not apply to the first single family residence on a legal lot of record. The use of the ADT methodology as set forth in this Policy CV-2.17 shall be limited to the purposes described in the Policy, and the County may utilize any traffic evaluation methodology it deems appropriate for other purposes, including but not limited to, road and intersection design. This policy shall also not apply to commercial development in any Light Commercial Zoning (“LC”) district within the CVMP area where the Director of Planning has determined that the requirement for a General Development Plan, or amendment to a General Development Plan, may be waived pursuant to Monterey County Code section 21.18.030 (E).

The DEIR identifies Segment 7 (Carmel Valley Rd. - Schulte Rd. to Rancho San Carlos Rd.) as exceeding the thresholds described above in Policy CV 2.17(f) (pp. 4.12-9). The DEIR finds the cumulative impact on Segment 7 to be significant and unavoidable (p. 4.12-33). However, the DEIR fails to address mitigation requirements identified in policy CV-2.17.

While Chapter 5 **Consistency with Plans and Policies** identifies all of policy CV-2.17, its findings do not address the policy's requirements. Chapter 5 findings follow:

Consistent. Intersections and roadways within the CVMP Area would operate at an acceptable level of service with implementation of mitigations. The Existing Plus Project conditions analysis found that two of the three study intersections would be expected to operate at an acceptable LOS; however, Carmel Valley Road and Valley Greens Drive would experience a decrease in LOS during the Weekday PM, Friday PM, and Sunday Midday peak hours. Acceptable operations could be achieved at the Carmel Valley Road and Valley greens Drive with the installation of proposed mitigations including implementation of a roundabout. Until completion of intersection improvements, Project traffic destined to the west would be routed to the signalized Carmel Valley Road and Rancho San Carlos Road intersection which would continue to operate at LOS B with the shifted traffic.(p. 5.23)

Noise

12. The DEIR finds that RV generators would exceed noise standards and recommends the following mitigation measure:

The Plan [Special Events Management Plan] shall also establish procedures for overnight parking for up to 70 RVs including, but not limited to, prohibiting in-and-out privileges once parked, coordination for patron arrival and departure timing, onsite monitor responsibilities and noise response protocols, prohibiting the use of external lighting after 9:00 P.M., and prohibiting the use of RV generators outside the hours of 8:00 A.M. to 7:00 P.M.

This is a deferred mitigation measure which prevents meaningful public review. In particular, enforcement of the referenced mitigation measure is questionable since generators are used for operation of RV electrical equipment including lighting and televisions which would generally be used after 7:00 p.m.

Alternatives

13. **Alternative 1 - No Overnight RV Parking/Camping:** The DEIR finds that traffic and noise impacts could be greater than the project since RV, event trailers, etc. would enter and exit the site at the beginning and end of each event day. It finds that there would be reduced impacts related to nighttime noise and lighting. It finds this alternative would achieve most of the Project objectives except "...this alternative would not achieve the

Project objectives of providing amenities that are typical of canine sport facilities that include overnight stays for participants and staff.” (P. 7-11)

This objective is not identified as one of the project objectives on page 7-2.

14. **Alternative 2 - No Special Events Alternative:** The DEIR finds this alternative to be the environmentally superior alternative. It finds the alternative would not reduce cumulatively significant transportation impacts to less than significant but impacts would be lessened for most resources areas. It finds “...this alternative would not achieve the Project objectives of providing amenities that are typical of canine sport facilities that include overnight stays for participants and staff.” (P. 7-15)

This objective is not identified as one of the project objectives (p.7-2) and should not be considered as a reason to reject the alternative.

Thank you for the opportunity to review the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy L. White', written in a cursive style.

Amy L. White
Executive Director