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Subject: RDEIR for Rancho Canada Village

Dear Mr. Connolly:

LandWatch Monterey County has reviewed the RDEIR and submits the following comments for your consideration.

GENERAL COMMENT

The RDEIR is confusing and unnecessarily complex for the following reasons:

1. It is unclear what the proposed project is. While the RDEIR identifies the 281-unit project as the proposed project, at the Carmel Valley Land Use Advisory Committee hearing the applicant publicly identified the 130-unit alternative as the proposed project. Additionally, the 130-unit project is addressed separately from the other project alternatives and detailed environmental analyses are focused on this alternative alone. As noted on RDEIR p. 5-5, the 130-Unit Alternative is described in Chapter 2 and analyzed in Chapter 3 at a level of detail equal to that for the Proposed Project.
2. Both projects are inconsistent with the 2010 General Plan. Unlike the DEIR for the 218-unit project, the RDEIR does not include general plan amendments to address the inconsistencies for either project. California planning law requires that projects be consistent with substantive sections of general plans. As noted in the RDEIR, the 218-unit project is inconsistent with the cap on new development and the 130-unit project is inconsistent with the requirement that 50% of the housing be affordable. Additionally, as identified in the specific comments below, both projects are inconsistent with traffic requirements of the Carmel Valley Master Plan and the Circulation Element of the 2010 General Plan. Moreover, the 130 unit project does not meet requirements of the County's Inclusionary Housing Ordinance.

3. Further, the RDEIR includes discussion of the 281-unit project for consistency with the 1982 plans and policies even though they are no longer applicable (p. ES-1). This serves to confuse the environmental analysis and adds hundreds of pages to the document. It fails to meet the basic CEQA requirement that “documents prepared pursuant to this division be organized and written in a manner that will be meaningful and useful to decision makers and to the public.” (Section 21003 [b]) Additionally it is inconsistent with the requirement that “Environmental impact reports omit unnecessary descriptions of projects and emphasize feasible mitigation measures and feasible alternatives to project.” (Section 21003 [c]).
4. Finally, the environmental analyses for the 130-unit project are frequently compared to the impacts of the 281-unit project with findings regarding its superiority to the 281-unit project. While this is appropriate as part of an alternatives analysis, it confuses the analyses by focusing on the larger project rather than directly addressing the impacts of the smaller project on the existing environment as required by CEQA.

Our specific comments follow:

5. The RDEIR indicates the 130-unit alternative would create 118 single-family homes and 12 condominiums (p. ES-4). The RDEIR should clearly state that the project is the sale of lots for 118 single-family homes and not the construction of single-family units.
6. One of the project objectives is to “Create a mixed-income community with a range of housing opportunities across the economic spectrum.” (p. ES-2) Please explain how this objective would be achieved when lots could be sold or re-sold at market-rates.
7. The document states, “The new residence would have a demand for potable water. However, the project would shift use of water from golf course irrigation to residential use, which will result in a reduced withdrawal of water from the Carmel River aquifer.” (p. ES-6) Please clarify this statement in relationship to the recent transaction by the Trust for Public Land to preserve a portion of the golf course in open space and return several hundreds of acre-feet of water to the Carmel River.
8. Please explain why the 130-unit alternative is not identified among the Alternatives described on pp. ES-8 to ES-12.
9. The low-density alternative would satisfy all of the Project’s environmental goals (p. ES-11). However, the document finds it would not satisfy all of the Project’s Economic Goals or any of the Project’s Social Goals. Please identify the economic and social goals this alternative would not meet.
10. The document states, “The No-Project Alternative would have the same CVMP build-out as the 130-unit alternative (190 units), but in a more dispersed pattern of residential development that would require more land.” (p.ES-13). The proposed Casitas project would concentrate development at the mouth of the Valley rather than being dispersed. Please clarify the statement in the RDEIR in relationship to the Casitas project.
11. The RDEIR states, “However, even though the Project’s application was deemed complete before the new General Plan/CVMP were adopted, the County has determined that the project is subject to the current 2010 General Plan and 2013 CVMP since its

approval requires an amendment to the General Plan/CVMP.” (p. 2-1) Please provide the rationale for that determination and address the Subdivision Map Act requirement that a project be found consistent with the General Plan applicable at the time a project is found complete.

12. Please explain why the applicant was not required to file a new application for the 130-unit project. A DEIR focused on the 130-unit project would make for a more concise and clear environmental analysis.
13. Since the RDEIR clearly states (p. 2-1) that both projects would require general plan amendments, please explain why the required amendments are not part of the project description and addressed in the environmental document.
14. Does the project location and surrounding land uses for both projects require revision in consideration of the purchase of a portion of the golf course for park and open space by the Trust for Public Land?
15. Please address the compatibility of the 130-unit project with the open space use related to the recent purchase of adjacent parcels by the Trust for Public Land and others.
16. The document finds that the 130-unit project is inconsistent with the 50% affordable housing requirements of the 2010 General Plan and that the impact is significant and unavoidable (p. 3.5-19). Since the project is inconsistent with the general plan and general plan amendment is not proposed as part of the project, please explain how the project could be approved.
17. The document finds, “**With the Proposed Project, Carmel Valley Road segments 6 and 7 would continue to operate at LOS E**, (emphasis added) and Carmel Rancho Boulevard segment 11 and Rio Road segments 12 and 13 would continue to operate at LOS C. Because the addition of traffic at these segments would not lower the LOS from the existing E or D to a LOS F, it would not exceed the significance threshold, and the Proposed Project impact on segments 6, 7, 11, 12 and 13 would be less than significant.” (P. 3.7-26)

Policy CV-2.17 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 conditions.” Since Segments 6 and 7 would be at LOS E under existing conditions plus the 281-unit project, the project would be inconsistent with this policy. The RDEIR makes similar findings for the 130-unit project even though that project would be at LOS E under existing conditions plus the 130-unit project. (Table 3.7-12). **The CVMP thresholds are not based on whether or not the project would add traffic at identified segments as stated above but whether or not projected traffic would exceed thresholds.**

18. Table 3.7-12 does not include **Bold** text indicating where project thresholds have been exceeded as noted under “Notes”.

19. The Air Quality Consistency Analysis (p. 3.8-19) does not follow the Air District's recommended approach for determining consistency. See http://mbard.org/programs-resources/planning/ceqa/consistency_determination for the appropriate methodology.
20. Mitigation Measure AIR-1: Prohibit Wood-Burning Fireplaces requires that the applicant assure that no wood-burning fireplaces be permitted in any proposed residential units. Please address how this measure would be enforced since the applicant would not build the residential units.
21. The discussion of SWRCB's Cease and Desist Orders should be updated to identify the requirements of the revised order. (p. 3.10-9)
22. The discussion of water supply impacts should address the National Marine Fisheries Service in-stream flow requirements/recommendations for the Carmel River.
23. The RDEIR states the 130-unit project will meet the inclusionary housing ordinance by providing 20% moderate inclusionary housing units. (p. 3.12-10) Per the following section of Monterey County's Inclusionary Housing Ordinance, the project must provide meet a range of incomes:

18.40.110 - Occupancy and continuing availability of units.

The occupancy and continuing availability of inclusionary units shall be provided for in the following manner:

- A. Rental Inclusionary Units. For rental inclusionary units, eight percent of the total units in the residential development shall be set aside for moderate income households, six percent of the total units in the development shall be set aside for low income households and an additional six percent of the total units in the development shall be set aside for very low income households.

The project should be found to be inconsistent with the County's Inclusionary Housing ordinance.

24. The Cumulative Project List excludes projects that have been approved but unbuilt (e.g., September Ranch, all units in The Preserve, etc. and lots of record. (Figure 4-1) Additionally, baseline assumptions are not provided. The list should identify past, present, and probable future projects within the 190 units cap producing related or cumulative impacts per CEQA Guidelines Section 15130.
25. Table 4-3 shows that thresholds for Carmel Valley Road Segments 1 to 7 and 11 and 12 would cumulatively be exceeded for both the 281-unit and 130-unit projects, and the RDEIR finds that both projects would have significant and unavoidable cumulative traffic impacts.

For comparison purposes, Monterey County Public Works staff presented to the Carmel Valley Land Use Advisory Committee on June 6, 2016 a cumulative analysis based on existing plus approved and unbuilt projects which shows that without any new projects, Segments 3 to 7 would exceed thresholds in Policy CV-2.17. (Attachment 1).

26. Table D-1 2013 Carmel Valley Master Plan Policy Consistency Analysis (p. 15) finds, “This policy [CV-2.17] requires that if a project has a significant impact on Carmel Valley Road or other roadways that an EIR be prepared, which has been done. The Project’s traffic study identifies that cumulative LOS and cumulative AADT thresholds are likely to be exceeded by 2030. Thus per Policy CV-2.17, the County is required to consider adjustments to the cap on new residential units established in Policy CV-1.15 or other measures that may reduce the impacts, including, but not limited to, deferral of development that would seriously impact traffic conditions. As a result, the County may consider whether or not to approve the Proposed Project of the 130-unit Alternative. While the County is required to evaluate overall conditions, the project has complied with all the requirements of this policy.”

Policy CV-2.17 follows:

If the examination indicates that LOS are likely to fall to a lower letter grade than predicted for 2030, then the County shall consider adjustments to the cap on new residential units established in Policy CV-1.6 and/or the cap on new visitor-serving units established in Policy CV-1.15 or other measures that may reduce the impacts, including, but not limited to, deferral of development that would seriously impact traffic conditions...

During review of development applications that require a discretionary permit, if a 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.

The RDEIR claims that CV Policy 2.17 permits the County to approved projects that violate the level of service standards in CV Policy 2.17 just as long as it prepares an EIR for the project. In effect, this strained interpretation of the policy intended to manage Carmel Valley traffic would permit the County to deny approval of small projects for which no EIR is prepared but permit approval of the large projects for which EIRs are prepared. Such an interpretation is absurd as a matter of policy. Furthermore, such an interpretation violates the requirement that circulation policies be consistent with land use policies because it permits land uses that are not supported by transportation systems.

Monterey County General Plan Circulation policy C-1.4 states:

C-1.4 Notwithstanding Policy C-1.3, projects that are found to result in reducing a County road below the acceptable LOS standard shall not be allowed to proceed unless the construction of the development and its associated improvements are phased in a manner that will maintain the acceptable LOS for all affected County roads. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is listed on the CIFP as a high priority, Policy C-1.3 shall apply. **Where the LOS of a County road impacted by a specific project currently operates below LOS D and is not listed on the CIFP as a high priority, development shall mitigate project impacts concurrently...**(emphasis added).

The RDEIR does not identify mitigation measures other than a fair share contribution to the Carmel Valley Road Traffic Mitigation Fee. It does not evaluate if the project-generated traffic would require additional roadway improvements beyond those identified in the CV Traffic Improvement Program. Finally, the RDEIR does not propose concurrent mitigation of impacts to Carmel Valley Road Segments 1 to 7 and 11 and 12.

Thank you for the opportunity to review the RDEIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael DeLapa". The signature is fluid and cursive, with the first name "Michael" and last name "DeLapa" clearly distinguishable.

Michael DeLapa
Interim Executive Director