

Final

Carmel Canine Sports Center Project Environmental Impact Report (PLN13052)



Prepared by:

Monterey County
RMA – Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California, 93901

Prepared with the assistance of:

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August 2015

amecfw.com

This Final Environmental Impact Report (FEIR) is an informational document prepared by the Monterey County Resource Management Agency (RMA) – Planning Department to evaluate the potential environmental impacts of the proposed Carmel Canine Sports Complex. The primary objectives of the EIR process under the California Environmental Quality Act (CEQA) are to inform decision-makers and the public about a project’s potential significant environmental effects, identify possible ways to minimize significant effects, and consider reasonable alternatives to the project. This EIR has been prepared with assistance from Monterey County’s planning and environmental consultant, AMEC Foster Wheeler Environmental & Infrastructure, Inc., with additional input from the project applicant’s team. The FEIR has been reviewed by County staff for completeness and adequacy in accordance with Public Resources Code (PRC) Sections 21000–21177 and the State CEQA Guidelines.

As prescribed by the State CEQA Guidelines Sections 15088 and 15132, the lead agency, the County of Monterey, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. This document, together with the DEIR (incorporated by reference in accordance with State CEQA Guidelines Section 15150) will comprise the Final Environmental Impact Report (FEIR) for this project. Pursuant to the requirements of CEQA, the County of Monterey must certify the FEIR as complete and adequate prior to approval of the project or a project alternative.

This FEIR contains individual responses to each written letter received during the public review period for the DEIR. In accordance with State CEQA Guidelines Section 15088(b), the written responses describe the disposition of significant environmental issues raised. The Monterey County RMA - Planning Department and its consultants have provided a good faith effort to respond in detail to all significant environmental issues raised by the comments.

Responses to Comments

This FEIR is organized as follows:

J.1 Introduction

J.2 Format of the Responses to Comments: This section describes the format and organization of the comments received on the Draft Environmental Impact Report (EIR) and the responses to those comments.

J.3 Responses to Comments Received: This section provides a list of the comments received on the DEIR by an agency, organization, company, or member of the public, and lists the unique number for each comment letter. Immediately following the list of individual comments received is a list of master responses, which apply to comments received from multiple commenters. Following the list of master responses, individual comment responses are provided for each unique comment letter.

J.4 Master Comment Response: Master comment response regarding water rights and water use.

J.5 References: This section provides references used in Section J.3, *Responses to Comments Received*.

J.6 Attachments: This section provides attachments referred in Section J.3, *Responses to Comments Received*.

J.1 Introduction

Comments received during the 45-day public comment period for the DEIR, ending 19 May 2015, included written comments from 7 agencies, 2 organizations, 4 attorneys, and 59 members of the public.

J.2 Format of the Responses to Comments

Comments received on the DEIR are organized by the type of commenter, with agencies listed first, then organizations, companies, and individuals. Within each group commenters are listed chronologically. Each comment letter or e-mail is assigned a unique number with each comment individually numbered as well. Individual comments and issues within each comment letter or e-mail are numbered individually along the margins in Section J.3. For example, comment 2-1 is the first substantive comment in Comment Letter 2; “2” represents the commenter; the “1” refers to the first comment in that letter. All comment letters are available in the Administrative Record for the Project.

J.3 Responses to Comments Received

Table J-1 lists all agencies, organizations, companies, and individuals that provided written and oral comments on the DEIR. As described above, each comment letter was assigned a unique number.

Table J-1. Index of Comments Received on the DEIR

Commenter Number	Name of Commenter	Date of Comment Receipt	Response to Comment Location
Agency			
1	Mr. John J. Olejnik, Associate Transportation Planner <i>California Department of Transportation</i>	20 Apr 15	J-9
2	Ms. Amy Clymo, Supervising Air Quality Planner <i>Monterey Bay Unified Air Pollution Control District</i>	8 May 15	J-11
3	Ms. Katherine Mrowka, Manager Enforcement Section Water Rights <i>State Water Resources Control Board</i>	13 May 15	J-17
4	Mr. Phillip Hammer, for Kenneth A. Harris Jr., Executive Officer <i>Central Coast Regional Water Quality Control Board</i>	15 May 15	J-22
5	Ms. Alecia Van Atta, Acting Assistant Regional Administrator California Coastal Office <i>National Oceanic and Atmospheric Administration National Marine Fisheries Service</i>	15 May 15	J-28
6	Mr. David J. Stoldt, General Manager <i>Monterey Peninsula Water Management District</i>	18 May 15	J-46
7	Ms. Julie Vance, Acting Regional Manager <i>California Department of Fish and Wildlife Central Region</i>	18 May 15	J-65
Organization			
8	Ms. Amy L. White, Executive Director <i>Land Watch Monterey County</i>	5 May 15	J-73
9	Ms. Priscilla Walton, President <i>Carmel Valley Association</i>	8 May 15	J-79
Attorneys			
10	Mr. John H. Farrow, representing the Carmel Valley Association <i>M.R. Wolfe & Associates, P.C.</i>	14 May 15	J-101
11	Ms. Rachael Mcfarren, for Michael W. Stamp and Molly Erickson, representing Friends of Quail <i>Stamp / Erickson Attorneys at Law</i>	15 May 15	J-153

Table J-1. Index of Comments Received on the DEIR (Continued)

Commenter Number	Name of Commenter	Date of Comment Receipt	Response to Comment Location
12	Ms. Rachael Mcfarren, for Michael W. Stamp and Molly Erickson, representing Friends of Quail <i>Stamp Erickson Attorneys at Law</i>	15 May 15	J-175
13	Mr. Anthony L. Lombardo <i>Anthony Lombardo & Associates</i>	18 May 15	J-199
14	Matthew W. Ottone, representing the Project Applicant <i>Ottone Leach & Ray LLP</i>	18 May 15	J-345
15	Ms. Rachael Mcfarren, for Michael W. Stamp and Molly Erickson, representing Friends of Quail <i>Stamp Erickson Attorneys at Law</i>	18 May 15	J-380
Company			
16	Ms. Catherine Colwell <i>The Tinker's Daughter Landscape & Design</i>	20 Apr 15	J-383
17	Mr. Bob Eaton <i>Eaton Ranch</i>	14 May 15	J-386
18	Ms. Nicole Nedeff <i>Consulting Ecologist</i>	15 May 15	J-395
19	Mr. Eric Sabolsice <i>California American Water</i>	18 May 15	J-399
Individual			
20	Ms. Jain L. Farnsworth	29 Dec 14	J-402
21	Mr. Charles Betlach II	8 Apr 15	J-405
22	Ms. Virginia Aldridge	10 Apr 15	J-409
23	Ms. Judith Rowley	14 Apr 15	J-411
24	Mr. R. Stephen Bloch	15 Apr 15	J-413
25	Ms. Suzi Bluford	15 Apr 15	J-417
26	Ms. Dawn Poston	15 Apr 15	J-419
27	Ms. Samantha Scanlan	15 Apr 15	J-421
28	Ms. Ingrid L. Sotoodeh	15 Apr 15	J-423
29	Mr. John Heyl	16 Apr 15	J-425
30	Ms. Heather Lichtenegger	17 Apr 15	J-427
31	Mr. Tom Fitzpatrick	19 Apr 15	J-430

Table J-1. Index of Comments Received on the DEIR (Continued)

Commenter Number	Name of Commenter	Date of Comment Receipt	Response to Comment Location
32	Ms. Mary Boyken	22 Apr 15	J-433
33	Ms. Edith Lord-Wolff	22 Apr 15	J-436
34	Ms. Jane Lundy	22 Apr 15	J-438
35	Mr. Chris and Robin Sawyer	23 Apr 15	J-441
36	Ms. Wendy Johnston	25 Apr 15	J-443
37	Mr. Nicholas and Carline Willis	25 Apr 15	J-446
38	Mr. John Parks	26 Apr 15	J-448
39	Mr. Charles Davis	27 Apr 15	J-452
40	Mr. Keith and Margaret Domnick	27 Apr 15	J-454
41	Ms. Leslie Holt	27 Apr 15	J-457
42	Ms. Lisa and T.J. Protsman	27 Apr 15	J-460
43	Ms. Rosalind and Robert Davis	28 Apr 15	J-462
44	Mr. Wayne Moon	30 Apr 15	J-464
45	Ms. Julie A. Cason	1 May 15	J-466
46	Mr. Alex N. Lilley	1 May 15	J-470
47	Ms. Kathy Zinman	1 May 15	J-474
48	Ms. Lisa Crawley	4 May 15	J-476
49	Mr. Alan J. Goldman and Sandra Goldman	6 May 15	J-478
50	Mr. Bruce Meyer and Valda Cotsworth	7 May 15	J-480
51	Ms. Jane Lundy	12 May 15	J-482
52	Ms. Roberta Troxell	12 May 15	J-485
53	Mr. Joel and Dena Gambord	13 May 15	J-487
54	Mr. Daniel Matuszewski	13 May 15	J-491
55	Ms. Mary Severson	13 May 15	J-493
56	Ms. Jain L. Farnsworth	14 May 15	J-507
57	Ms. Penelope A. Jones	14 May 15	J-510
58	Mr. Craig and Carol Vetter	14 May 15	J-515
59	Mr. Tom Broman and Brooke Knight	15 May 15	J-518
60	Ms. Julianne and Thomas Craig	15 May 15	J-520
61	Mr. Richard Stott	15 May 15	J-523
62	Mr. Henry Sutliff, III	15 May 15	J-526

Table J-1. Index of Comments Received on the DEIR (Continued)

Commenter Number	Name of Commenter	Date of Comment Receipt	Response to Comment Location
63	Dr. Gerald A. Tarsitano	15 May 15	J-528
64	Ms. Gabrielle Walters	15 May 15	J-531
65	Ms. Deborah Larson	16 May 15	J-536
66	Ms. Summer Emmons	17 May 15	J-539
67	Mr. Jack Hardy and Donna Hardy	17 May 15	J-543
68	Mr. Larry R. Somerton	17 May 15	J-550
69	Ms. Pam Durkee	18 May 15	J-556
70	Mr. Jeff Hawkins	18 May 15	J-558
71	Mr. Harry H. Hendon	18 May 15	J-560
72	Ms. Ann and John Mahoney	18 May 15	J-567
73	Mr. Thomas and Frances Mill	18 May 15	J-570
74	Mr. William J. Milton, Jr.	18 May 15	J-572
75	Mr. Craig S. Morris	18 May 15	J-574
76	Ms. Kathy Quiroz	18 May 15	J-576
77	Mr. Timothy D. Sanders	18 May 15	J-608
78	Ms. Colleen J. Sweet	18 May 15	J-616
79	Mr. Randall T. Sweet	18 May 15	J-618

J.4 Master Comment Response

The Master Comment Response below addresses a number of thematic comments on the DEIR, which were provided by a number of commenters. These comments are addressed holistically and the master comment response is cross referenced for individual comments.

Master Response 1: Water Use

Commenters have raised a number of questions with respect to water usage including a) whether the Project possesses the right to use water; b) the appropriate baseline for water use; and c) the use of the pond for irrigation and water storage.

Water Right

The DEIR analyzed water usage under both a riparian right and an appropriative right. The appropriative right is based on a reservation of 96 acre feet per year (AFY) from the State Water

Resources Control Board (SWRCB) Decision 1632 and could not be used until an appropriate right permit has been obtained from SWRCB. An application for an appropriate right permit has been on file with SWRCB preceding preparation of the DEIR. For purposes of this EIR, the Project's water supply will rely solely on the existing riparian right.

There is substantial evidence that the property has a riparian right (see July 7, 2015 letter from Aengus L. Jeffers to David Mack, and enclosures, attached as Appendix J.) The evidence includes a memo prepared by Fran Farina, Counsel to the Monterey Peninsula Water Management District, dated February 21, 2014. The memo from Fran Farina concludes: *"Our preliminary assessment concludes that subordinated water rights to Carmel River surface water for APN 169-431-007, and -008 are intact as they abut the Carmel River. In addition, all parcels overlie the CVAA and retain subsurface riparian rights."*

Commenters have expressed they do not believe the riparian rights continue to exist for this property. As noted in the letter from Aengus Jeffers and Fran Farina, the County affirms that riparian rights on the property are intact for the Carmel Valley Alluvial Aquifer.

Reservoir

The reservoir was proposed in order to provide irrigation water and allow canine events. The use of the riparian right does not allow the storage of water; therefore, the Project Description has been revised to remove the reservoir and restore this area of the site.

Baseline

Some comments stated that the 96 AFY reservation from Decision 1632 should serve as the baseline for purposes of determining water impacts. Other comments focused on the fact that the agricultural fields had been fallow for approximately 5 years prior to the issuance of the NOP and the baseline should account for no water use. Neither of these extremes is adequate for the use of water on the property.

The CEQA Guidelines 15125 states: *"An EIR must include a description of the physical environmental conditions in the vicinity of the Project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."* While issuance of the NOP is "normally" the time of the baseline, the baseline may be different if a different baseline more accurately depicts the existing conditions and thus results in a more accurate assessment of the impact of the project against baseline. In this particular case, the baseline that is the most accurate measure of existing physical conditions for purposes of assessing the impact of the project is the average historic water demand used to historically conduct the agricultural activities on the site.

The CEQA baseline for water use in this case is based upon the methodology employed by the Monterey Peninsula Water Management District averaging the last 10 years of metered use. This would result in a baseline of 62.91 AFY and does not include fallow years with no metered use. Currently, there is no restriction on water use by the property owner or applicant for irrigating agriculture on site.

Commenters expressed concern with the irrigation occurring at the site before and after the issuance of the NOP questioning whether this water use would be included in the baseline. The baseline is static

using the last ten years of metered water use prior to initiation of this Project. No current water use is included in the calculations.

Impact of Water Use

The Project applicant proposed to use 63.35 acre feet of water, which is slightly more than the Baseline resulting from the methodology provided by MPWMD. Any water use above the 62.91 AFY would constitute an adverse impact. Therefore the applicant will need to modify their water use in order to keep the water use under this baseline. The reservoir resulted in the evaporation of approximately 2.44 AFY of water. In removing this from the water demand for the Project, the total water use would be 60.91 AFY of water use which is less than the 62.91 AFY baseline. Table 2-4 is modified as follows:

Water Application	Proposed Water Use (AFY)
Domestic	1.97
Reservoir	2.44
Irrigation /Agriculture	58.03
Additional Landscaping	0.30
Livestock	0.50
Dog Rinse Stations	0.11
Total Water Use	63.35 60.91

Many comments addressed the use of water in relation to the impact on sensitive species, the river, and the riparian corridor. It is common for the river to go dry during the dry periods of the year. Impact to other species associated with water use must be related to the degree to which water use would exceed baseline. In this particular case the Project will be conditioned to not exceed baseline so the use of water will have a less than significant impact on sensitive species, the river, and the riparian corridor.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

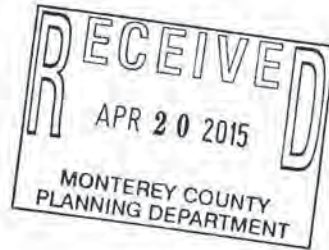
DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
 SAN LUIS OBISPO, CA 93401-5415
 PHONE (805) 549-3101
 FAX (805) 549-3329
 TTY 711
<http://www.dot.ca.gov/dist05/>



*Serious drought
 Help save water!*

April 17, 2015



SCH# 2013121077
 MON-1-72.72

David Mack
 Monterey County Planning Department
 168 West Alisal, 2nd Floor
 Salinas, CA 93924

Dear Mr. Mack:

COMMENTS TO CARMEL CANINE SPORTS COMPLEX

Thank you for including the California Department of Transportation (Caltrans), District 5, in the process of reviewing the Carmel Canine Sports Complex. The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system that helps enhance California's economy and livability. We review developments such as these to ensure consistency with state planning priorities, and offer the following comments.

- In our review of the traffic study it was noticed that Highway 1 from Ocean Avenue to Carmel Valley Road was analyzed as a multi-lane highway. However, Highway Capacity Manual (HCM) methodology considers segments with "traffic signals or interrupting STOP or YIELD signs no farther than two miles apart" as an urban street. (HCM 2010, 9-21) Only when traffic signals/signs are spaced more than two miles apart would a multi-lane analysis be applicable. (HCM 2010, V3-iii)
- Since this segment between Ocean Avenue and Carmel Valley Road fall into the urban street category, the traffic study should be reanalyzed in this segment to ensure accurate results.

1-1

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,

JOHN J. OLEJNIK
 Associate Transportation Planner
 District 5 Development Review Coordinator
john.olejnik@dot.ca.gov

*"Provide a safe, sustainable, integrated and efficient transportation system
 to enhance California's economy and livability"*

**Comment 1, Mr. John J. Olejnik, Associate Transportation Planner
California Department of Transportation**

Comment Response 1-1: Highway 1 from Ocean Avenue to Carmel Valley Road was analyzed as a multi-lane highway because this categorization most accurately reflects on the ground traffic conditions for the segment. Using the urban roadway street categorization, the segment operates at LOS B/C, which is not reflective of actual segment operations. (Refer to Memorandum from County Traffic Engineer dated 17 July 2015). This approach is was also used for the Villas de Carmelo EIR (County of Monterey 2011).



24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

May 8, 2015

David J.R. Mack, Associate Planner
County of Monterey
Resource Management Agency – Planning
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Email: CEQAcomments@co.monterey.ca.us

SUBJECT: Wolter Properties LP (Carmel Canine Sports Complex) (PLN130352; SCH# 2013121077)
Draft Environmental Impact Report

Dear Mr. Mack:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments:

- Although parking areas will be covered with wood chips, the project proponent should consider additional dust control measures such as paving, applying water or using other surface treatments for daily operations and during events to minimize fugitive dust. 2-1
- The Air District recommends providing electricity hook-ups for the RVs to reduce potential emissions from the RV generators. 2-2

Please let me know if you have questions, I can be reached at aclymo@mbuapcd.org.

Best regards,

Amy Clymo
Supervising Air Quality Planner
(831) 647-9411

cc: David Frisbey, MBUAPCD Air Quality Planner

Richard A. Stedman, Air Pollution Control Officer

**Comment 2, Ms. Amy Clymo, Supervising Air Quality Planner
Monterey Bay Unified Air Pollution Control District**

Comment Response 2-1: Comment noted. The County would continue to enforce any and all applicable standard best management practices during construction and daily operation.

Comment Response 2-2: Comment noted. As described Section 4.10, *Noise* and Section 4.13, *Public Services and Utilities*, generator use may be avoided pending electrical power permitting.

Meisinger, Nick

From: Mrowka, Kathy@Waterboards <Kathy.Mrowka@waterboards.ca.gov>
Sent: Wednesday, May 13, 2015 4:23 PM
To: Mack, David x5096
Cc: McCarthy, Matthew@Waterboards; erickson@stamlaw.us; Tony Lombardo; joyce.ambrosius@noaa.gov
Subject: Carmel Canine Sports Center, Carmel River, Monterey County
Attachments: SWRCB.Water.Rights.MND on A030511 of Wolter.pdf

Division of Water Rights staff has been contacted and asked to provide Monterey County with copy of a prior letter which we sent for the Carmel Canine Sports Center Project, when the CEQA document was a Mitigated Negative Declaration. The letter is attached. The comments remain applicable to this project, which is now the subject of an EIR. Division staff notes that the project is comprised of 8 parcels of land. The EIR does not indicate whether all parcels are contiguous to the Carmel River and Carmel River alluvial basin. This information is needed in order to determine whether there is a riparian right for the project. Only the smallest parcels contiguous to the source would have riparian rights. Parcels which have been severed lose their riparian status.

3-1

3-2

On May 13, 2015, Division staff was contacted by Anthony Lombardo regarding whether riparian rights exist for this parcel. Mr. Lombardo informed me that the deed includes a restriction which subordinates the riparian right to use by California-American Water Company's predecessor. I have not confirmed this information. Division staff notes that once a riparian right is severed or otherwise altered through deed conveyance, it cannot be restored to its prior state or status.

3-3

On May 12, 2015, Division staff was contacted by project proponent Angus Jeffers regarding whether the pond on the project site could be operated in a regulatory manner. Division staff has not received any supporting documentation for this proposal. Insofar as the pond retains water during the winter months when irrigation is not occurring, it would not be operated in a regulatory manner. An appropriative water right is needed.

3-4

Division staff does not concur with the EIR statement on page 4.4-25 that use of 96 afa would not result in a net deficit in aquifer volume, a lowering of the local groundwater table, or a reduction of streamflow in the Carmel River. The EIR relies upon a 1995 finding by the State Water Resources Control Board in Decision 1632 regarding then-current use of 96 afa. As noted in the attached letter, it is unlikely that a permit would be issued for 96 afa with a year-round diversion season. The lands were fallow from 2008 through January 2014 when the attached comment letter was written. Thus, the enhanced priority assured through Decision 1632 has likely been lost. Absent the enhanced priority, a four-month diversion season is applicable. It does not appear that the summer irrigation proposed in the EIR could occur with a restricted four-month winter diversion season. The appropriate CEQA baseline is the conditions on the ground on the date when the CEQA document was initiated, which is the fallowed land condition.

3-5

I received pictures last year of an attempt to use water by spraying water through a water cannon on vacant fields. This appeared to be an effort to reset the CEQA baseline conditions. I informed Monterey County of this issue, and indicated that this did not appear to be irrigation of a crop or other valid, beneficial use of water.

3-6

Under Impact BIO-2, the EIR concludes that using less than 96 afa may result in increased flows and attributes fishery benefits to the increased flows. Since the land was fallow for six years, there would be no increase in flows. Diversions would decrease flows, with associated impacts to fisheries.

3-7

Division staff appreciates that the EIR includes the proposed bypass flows listed in the attached letter.

Katherine Mrowka, Manager
 Enforcement Section

Water Rights
P.O. Box 2000
Sacramento, CA 95814

916-341-5363





State Water Resources Control Board

JAN 29 2014

In Reply Refer to:
KDM:A030511

Mr. John Ford
Monterey County Planning & Building
Inspection Department
168 West Alisal, 2nd Floor
Salinas, CA 93901

Dear Mr. Ford:

MITIGATED NEGATIVE DECLARATION (MND) – CARMEL CANINE SPORTS CENTER PROJECT – RELATED TO APPLICATION 30511 OF WOLTER PROPERTIES LIMITED PARTNERSHIP, CARMEL RIVER SUBTERRANEAN STREAM IN MONTEREY COUNTY

Division of Water Rights (Division) staff has reviewed the MND prepared by Monterey County for the Carmel Canine Sports Center Project (Project). The MND refers to a reservoir on the property. However, no descriptive material was provided regarding the size or location of the reservoir. The MND states that a 1.2 acre pond will be excavated. This is not the same as stating the proposed size of the pond. Please clarify the size. The MND states that the Project may rely on riparian or appropriative rights. Seasonal water storage for irrigation purpose of use cannot be accomplished under riparian rights. An appropriative right is required.

The Project is being developed on the lands covered by water right Application 30511 of Wolter Properties. The application does not include a storage element. Application 30511 seeks a right to directly divert 0.42 cubic foot per second. There is no evaluation in the MND whether this would be adequate for the proposed Project. The environmental document should include an evaluation of the adequacy of the proposed flow rate.

On January 27, 2012, the Division informed Wolter Properties that it intended to condition any permit on Application 30511. The following information was provided to Wolter Properties:

The State Water Resources Control Board (State Water Board) has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audobon Society v. Superior Court* (1983) 33 Cal.3d 419 [Cal.Rptr. 346].) Division staff has been working with the National Marine Fisheries Service (NMFS) and the Monterey Peninsula Water Management District (District) to determine appropriate Carmel River diversion conditions to address public trust resource needs. The following condition is being utilized in current permits issued, and is based on the NMFS 2002 Carmel River fishery report. It appears that the condition resolves the remaining public trust protests and the project could be permitted with inclusion of the condition. If you are not amenable to the condition, you will need to document a valid methodology for protecting public trust resources. (Wat. Code § 1275(b).)

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Mr. John Ford

- 2 -

JAN 29 2014

Permit Condition:

For the protection of fisheries, wildlife, and other instream uses in the Carmel River, diversions under this permit shall be subject to maintenance of minimum mean daily instream flows as specified in Table A, Minimum Mean Daily Instream Flow Requirements. No water shall be diverted under this permit if the instream flows would be reduced by such diversion below the minimum mean daily flows specified in Table A. To ensure compliance with these conditions, by September 30 of each year, Permittees shall file a report with the Deputy Director for Water Rights, Department of Fish and Wildlife and NMFS containing the following information:

- a. Dates during the previous diversion season when water was diverted under this permit; and
- b. Mean daily flows recorded at the monitoring location specified in this condition during the same period.

TABLE A		
MINIMUM MEAN DAILY INSTREAM FLOW REQUIREMENTS		
December 1-April 15	April 16-May 31	June 1- November 30
<p>Prior to Carmel River lagoon opening to the ocean ¹: May divert with minimum bypass of 40 cfs at the Carmel River at Highway 1 Bridge gage².</p> <p>Following Carmel River lagoon opening to the ocean: May divert with minimum bypass of 120 cfs at the Carmel River at Highway 1 Bridge gage.</p>	<p>May divert with minimum bypass of 80 cfs at the Carmel River at Highway 1 Bridge gage</p>	<p>May divert with minimum bypass of 5 cfs at the Carmel River at Highway 1 Bridge gage.</p>

¹ On December 1, if water in the lagoon is flowing to the ocean, the lagoon shall be deemed to be open to the ocean. If on December 1 water in the lagoon is not flowing to the ocean, the lagoon shall be deemed to be open to the ocean when the lagoon level drops rapidly from a stable elevation to a lower elevation as evidenced by the water surface elevation gage located at the Carmel Area Wastewater District effluent pipeline across the south arm of the lagoon. This elevation gage is operated by the District.

Mr. John Ford

- 3 -

JAN 29 2014

²The District operates a stream gage at Highway 1 and reports flows at this location on its website. Reported flows are not provided on a real-time basis and reported flows are subject to revision due to frequent changes in the riverbed at this location. In addition, updates of flow information at this location are carried out when the District has sufficient staff and resources and it should be noted that the District is under no obligation to provide this information on its website.

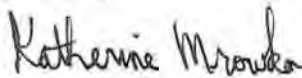
Although the Project developer has long been aware of the bypass flow condition, the MND does not include a discussion of the flows needed to protect salmonids. The bypass flows listed above have been included in all Table 13 water right permits issued since NMFS developed the flow regime. Division staff requests that the environmental document include the mitigation listed above. This will provide consistency between the two permitting agencies.

Regarding the issue of whether the Division would issue a permit in the quantity of 96 af, the following information should be taken into consideration. In Decision 1632, the State Water Board provided a method for inbasin water users with existing projects to receive a permit with a modified water right priority. Such persons were listed in Table 13 of the decision. After modification, the Wolter Properties quantity was set at 96 af. The MND states that the Wolter Properties lands have been fallow since 2008. Division staff was unaware of the non-use issue until the MND was issued. Decision 1632 does not provide for protection in cases where there is no ongoing use of water. Based on the decision, persons listed in Table 13 may seek a year-round diversion season. However, all others are limited to a four month winter diversion period. In the opinion of Division staff, the Project will likely be limited to a reduced diversion season since there is no longer a basis for protecting ongoing water use. The MND should identify this problem and determine what source of water the Project would use, should the diversion season be limited to four months.

Thank you for the opportunity to comment on the MND. The Division intends to use the final environmental document for permit issuance purposes.

If you require further assistance, I can be contacted at (916) 341-5363. Written correspondence should be addressed to: State Water Resources Control Board, Division of Water Rights, Attn: Katherine Mrowka, P.O. Box 2000, Sacramento, CA 95812.

Sincerely,



Katherine Mrowka, Senior
Inland Streams Unit

cc: Monterey Peninsula Water
Management District
Mr. Larry Hampson
5 Harris Court, Building G
Monterey, CA 93940
Larry@mpwmd.net

**Comment 3, Ms. Katherine Mrowka, Manager Enforcement Section Water Rights
State Water Resources Control Board**

Comment Response 3-1: See Master Comment Response 1 – Water Use.

Comment Response 3-2: See Master Comment Response 1 – Water Use.

Comment Response 3-3: See Master Comment Response 1 – Water Use.

Comment Response 3-4: Comment Noted. See Master Comment Response 1 – Water Use.

Comment Response 3-5: The comment mischaracterizes the statements made on page 4.4-25 “that use of 96 afa would not result in a net deficit in aquifer volume, a lowering of the local groundwater table, or a reduction of streamflow in the Carmel River. The actual language from page 4.4-25 states, “[f]urther, a reduction in water diversion below that the documented riparian water right as well as the documented reservation for appropriative rights to 96 AFY (SWRCB Order WRO 2003-0014) may result in increased flows that could contribute to improved steelhead migratory access, larger areas of rearing habitat, improved riparian vegetation, and/or improved water quality (dissolved oxygen, temperature, etc.) in the river and in the Carmel lagoon.” This statement contemplated the comments from the SWRCB indicating that any future permits would not be for 96 afa. See Master Comment Response 1 – Water Use.

Comment Response 3-6: Comment noted. The picture of the water cannon was used for irrigation. See Master Comment Response 1 – Water Use.

Comment Response 3-7: See Master Comment Response 1 – Water Use.



Central Coast Regional Water Quality Control Board

May 15, 2015

David J. R. Mack, Associate Planner
 Monterey County Planning Department
 Email: mackd@co.monterey.ca.us

VIA ELECTRONIC MAIL

Dear Mr. Mack:

RESPONSIBLE AGENCY COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CARMEL CANINE SPORTS CENTER (WOLTER PROPERTIES LP) PLN130352

As you may be aware, the Central Coast Regional Water Quality Control Board (Water Board) is a public agency charged with the protection of the Waters of the State of California in the Central Coast Region. Through the Water Board’s June 2011 *Water Quality Control Plan Central Coast Region* (Basin Plan), the Water Board administers regulations established by the Federal Clean Water Act and the California Water Code. Water Board staff reviewed the subject draft EIR and determined that the proposed project includes aspects that can be subject to the Water Board’s discretionary approval. Accordingly, for the subject project, the Water Board is a *Responsible Agency* as defined in CEQA. As a CEQA *Responsible Agency*, we offer the following comments concerning the subject draft EIR.

1. The draft EIR’s Project Overview states that approximately seven acres of irrigated grass fields and pastures would be installed specifically for dog training and exercise activities. It is notoriously difficult to maintain healthy grass at a dog park. Also, irrigation of dog-exposed grasses will drive pollutants from the grasses to underlying soils and water. The draft EIR should not assume that the project can maintain healthy grass and that the grass area is not a potential source of pollutants. A project with eight acres of grass will produce different environmental impacts compared to a project with eight acres without grass. The project should be reevaluated with more probable grass conditions and impacts at the site. 4-1

2. The draft EIR states (see draft EIR section 4.8.2.3), “...precipitation that falls on the site primarily infiltrates into the ground.” Generally speaking, precipitation falling on dry ground primarily infiltrates into the ground until the ground becomes saturated. After that, precipitation runs off as surface flow. Water Board staff does not believe that the project site has infinite capability for precipitation infiltration. It is highly likely that, at times, the project will produce runoff. Runoff can carry pollutants, such as nutrients from dog waste, to receiving waters. Changes in nutrient levels in aquatic environments can alter the type and growth of vegetation and the ability of wildlife to continue to use the area for habitat (e.g., fish nurseries). Dog waste from the project can increase nutrient levels in the Carmel River. The draft EIR should acknowledge and analyze the project’s potential environmental impacts resulting from precipitation-induced pollutant transport to surface waters. 4-2

3. The draft EIR declares that MM BIO-3 would mitigate Impact BIO-3 to a less-than-significant impact. The entire ecology of an area starts with the type and nutrient level of soil. If enough 4-3

DR. JEAN-PIERRE WOLFF, CHAIR | KENNETH A. HARRIS JR., EXECUTIVE OFFICER

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Monterey County Planning Department

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dog waste is left in place, it can begin to change soil characteristics over a noticeable geographic area. A change in soil chemistry often translates into a change in vegetation, wildlife habitat, and wildlife species. Water Board staff believes that the proposed Manure Management Plan would be insufficient to mitigate Impact BIO-3. Picking up dog wastes at the end of each day and depositing that waste into receptacles is unlikely to remove all dog wastes. Dog wastes include urine, diarrhea, vomit, diseases, parasites, and hair. It is likely that mechanical attempts at dog waste removal will not be completely effective. There will be residual dog wastes available for percolation to groundwaters and runoff to surface waters that could potentially result in adverse impacts to water quality that could adversely affect aquatic habitat within the Project area. The draft EIR should provide a more detailed analysis of Impact BIO-3 and identify mitigation measures that will reduce the impact to less than significant levels.

4-3
cont.

4. The draft EIR declares that MM BIO-4a would mitigate Impact BIO-4 to a less-than-significant impact. Water Board staff believes that MM BIO-4a is insufficient. Dog use of an area could disrupt that area's use by wildlife and degrade the habitat, resulting in a multitude of possible negative consequences for wildlife population viability. The adverse effects of intensive dog use; such as chasing and flushing wildlife or disrupting nesting and foraging sites; can include direct and indirect disturbances. Disturbances can include trampling of habitat, degradation of water quality, and scent intrusion into predator territory. Off-leash dogs can potentially injure or even kill other wildlife. Considering that dogs are predator species, increased dog presence - even if dogs keep to trails - may cause prey species to alter their habitation of the area. MM BIO-4a does not seem adequate to halt an exodus of prey species and maintain pre-project biological condition because prey species may vacate the area due to an increase of predator species. An exodus of prey species will alter the biological make-up of the environment, which could impact beneficial uses of waters such as aquatic habitat, terrestrial habitat, and recreation. The draft EIR should identify sufficient mitigation to reduce this impact to less than significant levels.
5. Domestic dogs can potentially introduce diseases (canine distemper, canine parvovirus, and rabies) and transport parasites into wildlife habitats. Dogs or dog waste can infect wildlife and vice versa. Dog-related viruses may be transmitted through dog feces to terrestrial mammals. Canine distemper affects wildlife including canids (wolves, foxes, coyotes), raccoons, and mustelids (otters, badgers, and skunks). Subsequent infection of other species may spread the pathogen throughout a population and into its habitat. The draft EIR should provide a more detailed analysis of Impact BIO-3.
6. Dogs can be carriers of exotic plant seeds. Dogs can spread non-native plant seeds brought in from outside the park or spread plant seeds from one area of the park to another through shedding and waste elimination. In addition, nutrients from dog waste can alter soil characteristics to favor non-native species over native vegetation. The draft EIR should provide a more detailed analysis of Impact BIO-3.
7. The draft EIR declares that MM BIO-4a would mitigate Impact BIO-4 to a less-than-significant impact. Water Board staff believes that MM BIO-4a is insufficient and violations of MM BIO-4a will occur. Signs and pamphlets are unlikely to stop some dog owners from unleashing their dogs on private property and dog-friendly facility operators are unlikely to penalize violators (i.e., customers). Dogs, particularly those off-leash and without adequate voice-control, can potentially trample and denude vegetation and interfere with native plant species. Through intensive and prolonged use of park sites, dogs may reduce the abundance and diversity of native plant communities, resulting in the loss of rare or unusual

4-4

4-5

4-6

4-7

DR. JEAN-PIERRE WOLFF, CHAIR | KENNETH A. HARRIS JR., EXECUTIVE OFFICER

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plants. Disturbance of soils may influence native plant propagation, establishment, and viability and promote colonization by non-native, invasive species. Plant species may suffer direct impacts from trampling and off-trail use fragile habitats. Understory is an important wildlife habitat component of many tree and shrub-dominated plant communities (such as riparian coastal scrub). Unleashed dogs running into the understory to retrieve balls or simply to explore the scentscape may adversely affect the structure of the plant community and reduce its value as wildlife habitat, including habitat of the Carmel River. The draft EIR should include adequate mitigation to reduce these impacts to less than significant levels.

4-7
cont.

- 8. The draft EIR declares that MM BIO-4b would mitigate Impact BIO-4 to a less-than-significant impact. The draft EIR did not present the scientific and factual underpinnings supporting MM BIO-4b's limits of 30 dogs per day, and no more than 5 dogs at any one time. Without scientific and factual underpinnings, MM BIO-4b's dog capacity limits seem arbitrary. The claim of a less than significant impact should be better supported.

4-8

MM BIO-4b requires the Project Applicant to log the number of people and dogs visiting the area outside of the fence as a component of the reservation/registration process. Water Board staff assumes that reservations and registration will take place at the project's office, not at the access point to the area outside of the fence. Without control personnel stationed at the access point to the area outside of the fence, MM BIO-4b does not provide assurances that access to the area outside of the fence will be limited to MM BIO-4b's caps.

4-9

MM BIO-4b's approach to protecting the riparian area outside of the fence seems to rely on an honor system that arbitrarily limits access to the riparian area, and then retroactively reviews what happened. That approach constitutes a study rather than mitigation. An EIR is primarily supposed to reliably predict and mitigate environmental impacts based on scientific and factual information. The mitigation needs to be improved to ensure a less than significant impact.

- 9. The draft EIR declares that MM HYD-2 would mitigate Impact HYD-2 to a less-than-significant impact. Water Board staff believes that the proposed Manure Management Plan would be insufficient to mitigate Impact HYD-2. Picking up dog wastes at the end of each day and depositing that waste into receptacles is unlikely to remove all dog wastes. Dog wastes can include urine, diarrhea, vomit, diseases, parasites, and hair. It is likely that mechanical attempts at dog waste removal will not be completely effective. There will be residual dog wastes available for off-site migration. If pet waste is left on the ground, runoff from rain events may transport these microorganisms (including fecal coliform) to adjacent water bodies, thereby affecting water quality. Wild birds, small mammals, and dogs can also introduce microorganisms into a water supply, such as the nearby Tehama Water Company reservoir. The draft EIR should provide a more detailed analysis of Impact HYD-2.

4-10

- 10. Impact HYD-2 did not address the potential water quality impacts associated with runoff and percolate from the proposed 89,680 square-foot woodchip-base parking area. Woodchip runoff, especially dog park wood chip runoff, can affect water quality. The draft EIR should provide a more detailed analysis of Impact HYD-2 and propose sufficient mitigation.

4-11

- 11. It appears that the project's irrigation reservoir was pre-emptively created in preparation for the project. The draft EIR did not provide sufficient details about the project's irrigation reservoir to assess potential impacts. If the irrigation reservoir is surrounded by a berm, then it could reduce the Carmel River's 100-year flood storage capacity. That could have a

4-12

Monterey County Planning Department

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May 15, 2015

cumulative impact for flood storage volumes. The draft EIR should assess impacts associated with the reservoir and propose sufficient mitigation.

4-12
cont.

12. Dog and human use of areas may result in trampled vegetation and soil erosion. Dogs have the potential to increase existing erosion through digging. The draft EIR should provide permanent erosion control for post-construction activities.

4-13

13. Dogs playing in waterbodies, even a short time, can greatly increase turbidity levels; smaller sediments can stay suspended for several hours and can disrupt fish feeding, particularly for visual feeders like trout and salmon (salmonids). The draft EIR should assess and mitigate this impact.

4-14

We appreciate the opportunity to comment on the draft EIR and lessen the project's impacts on the environment. If you have any questions, please contact **Tom Kukol** at 805/549-3689 or tom.kukol@waterboards.ca.gov.

Sincerely,



Phillip Hammer

2015.05.15 12:19:50 -07'00'

for
Kenneth A. Harris Jr.
Executive Officer

TJK
126-01

**Comment 4, Mr. Phillip Hammer, for Kenneth A. Harris Jr., Executive Officer
Central Coast Regional Water Quality Control Board**

Comment Response 4-1: The comment expresses concern with the water quality impacts of dogs on grass. The comment correctly points out that the lawn training area would be approximately 7 acres. The DEIR points out that it is expected that there will be approximately 100 members a day visiting the site. A manure management plan that would be implemented as part of the proposed Project requiring manure to be picked up each day, so there would not be an accumulation of manure on the lawn area. The intensity of use of this lawn area is very low and is not the equivalent of other dog parks where there is a large concentration of people and pets in a small area. This intensity of use is not expected to have any adverse effect on the ability to maintain the lawn in a healthy condition. In terms of runoff from the lawn and infiltration into the ground, again the amount of manure, urine of other waste would be minimal. The concentration of residual manure, urine, or other waste in relation to the size of the lawn area is very small.

Comment Response 4-2: See Comment Response 4-1.

Comment Response 4-3: See Comment Response 4-1.

Comment Response 4-4: The comment addresses concerns with intensive dog use in the Riparian Area, chasing and flushing wildlife, disrupting nesting and foraging sites, trampling of habitat, and scaring prey species away. The very concerns expressed in this letter are addressed in MM BIO-4a, -4b, and -4c which place a limit on the total number of dogs per day (30) and at any one time (5), the dogs are required to stay on leash, stay on the trails, and are not allowed to enter the Carmel River when flowing. In addition MM BIO-4c would require that the area be monitored through an annual Habitat Management Plan to ensure that the proposed Project would not substantially affect the riparian corridor. In the event that there are unforeseen impacts to the riparian corridor the County reserves the right to further restrict access or impose management measures to ensure the protection of the habitat area.

Comment Response 4-5: Comment expresses concern with dogs being carriers of disease that would be transmitted to wildlife. There is the potential for that, but in this situation the potential is very low and is mitigated by the reality that the dog owners who have the ability to participate in a membership based dog training center take care of their dogs, including providing adequate vaccinations.

Comment Response 4-6: Concern with dogs carrying exotic plant seeds into the riparian corridor. Plant seeds get transported by many different vectors including wind, water runoff, birds, and wild animals. The County does not view dogs exercising on grass and then accessing the area outside of the food safety fence as having a high potential to transport large amounts of exotic seeds into the riparian environment.

Comment Response 4-7: Concern that people would not follow the mitigation requiring that dogs stay on leash and on trails. This would be enforced through the HMP and through the Use Permit. In the event that the annual report identifies that the area is being degraded changes to the number of visitors would be made (refer to Comment Response 4-4). In the event that corrections are not made following direction by the County, the mitigation measure is a condition of the Use Permit and violation of that condition could result in the terms of the Use Permit being modified (No Riparian Access) or even revocation of the Use Permit. The key portion of the mitigation here is that there is an adaptive element to the mitigation to ensure that the monitoring protects the existing environment.

Comment Response 4-8: The comment questions the limitation of 30 dogs per day and 5 dogs at any one time being adequate to protect the resource. See Comment Response 4-4.

Comment Response 4-9: Comment that the approach to protecting the riparian corridor seems more like a study than mitigation because an EIR is supposed to reliably predict and mitigate environmental impacts based on scientific and factual information. Information has been cited that over use of an area results in loss of vegetative cover (Brand 2008). The mitigation has been designed to limit the usage of the area to prevent this from occurring. There is a second element to the monitoring which requires annual reporting on the condition of the riparian area. If there are impacts then adaptive actions would be taken such as further limiting the number of people and dogs allowed outside the food safety fence. This is not a study, there is a clearly stated limitation with ongoing monitoring to insure that standard is achieving the intended objectives.

Comment Response 4-10: See Comment Response 4-1.

Comment Response 4-11: The wood chip parking area is for parking and subject to the same clean up requirements as the rest of the facility. See Comment Response 4-1.

Comment Response 4-12: See Master Comment Response 1 – Water Use.

Comment Response 4-13: See Comment Response 4-4.

Comment Response 4-14: Dogs would not be allowed in the Carmel River under the proposed Project. Please see MM BIO-4a.

05/15/15 14:27 FAX 7075783435

NMFS SANTA ROSA

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

May 15, 2015

Mike Novo
Director of Planning
Monterey County Resource Management Agency
168 West Alisal Street, 2nd Floor
Salinas, California 93901

Re: Wolter Properties LP (Carmel Canine Sports Center); File Number PLN130352

Dear Mr. Novo:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) pursuant to the California Environmental Quality Act (CEQA) issued for a Combined Development permit, for the Wolter Properties LP (Carmel Canine Sports Center), File Number PLN130352. NOAA's National Marine Fisheries Service (NMFS) is very interested in this project. NMFS has previously reviewed and provided comments to the Mitigated Negative Declaration (MND) for this project on February 6, 2014. The proposed project is for the development of a canine training/sports facility and event center on approximately 43 acres located at 8100 Valley Greens Drive, Carmel Valley, California. The development Project is to include fenced pastures and fields, four modular structures, permeable parking areas with 200 parking spaces, walking paths, irrigation systems, excavation of a 1.2 acre pond, and 8.2 acres of turf grass. The project will also include presence of livestock and livestock housing, accommodation of up to 70 recreational vehicles (RVs) for short term basis events, up to 24 special events each year, as well as regular access daily for member usage (approximately 100 members per day). Site grading will occur and consists of 90 cubic yards of cut and fill. The project property abuts the Carmel River along its southernmost edge, and a portion of the site is within the 100-year floodplain.

NMFS is responsible for the administration of the Federal Endangered Species Act (ESA) as it applies to threatened and endangered anadromous salmonids. South-Central California Coast (S-CCC) steelhead Distinct Population Segment (DPS) are listed as threatened under the ESA and are present in the Carmel River. Populations of steelhead within the S-CCC DPS are at critically low levels. NMFS's primary concerns are impacts that may affect S-CCC steelhead DPS and their designated critical habitat within the project area that abuts the Carmel River, including potential impacts to surface waters, riparian vegetation, river banks, instream substrate, and the surrounding aquifer. Any adverse impacts must be minimized to assure this species does not become extinct. Decreasing flows in the river can delay the migration of upstream adults and downstream juveniles within the system. Decreased flows can contribute to increased water temperatures and a decrease in water quality, both detrimental to salmonids.



NMFS disagrees with the DEIR's conclusion that the proposed project's impacts on biological resources are less than significant as stated in section "4.4.5.3 Project Impacts and Mitigation Measures", specifically *Impact BIO-2 (page 4.4-23): Water use associated with the proposed project would potentially result in impacts to aquatic and riparian habitats that would adversely affect wildlife, including sensitive species, during project operation (less than significant, Class III).*

The DEIR needs to provide documentation as to what water sources would supply water for irrigation, agricultural use and domestic use. The DEIR states the property has riparian rights on one section of the property. However, riparian rights do not allow storage of water over 30 days. It also states that through Table 13, an appropriative right could be applied for through the State Water Resources Control Board (SWRCB) for 96 acre-feet per year (AFY). In the letter to the applicant dated January 29, 2014, the SWRCB stated as follows:

5-1

The MND states that the Wolter Properties lands have been fallow since 2008. SWRCB staff was unaware of the non-use issue until the MND was issued. Decision 1632 does not provide for protection in cases where there is no ongoing use of water. Based on the decision, persons listed in Table 13 may seek a year-round diversion season. However, all others are limited to a four month winter diversion period. In the opinion of SWRCB staff, the project will likely be limited to a reduced diversion season since there is no longer a basis for protecting ongoing water use. The MND should identify this problem and determine what source of water the project would use, should the diversion season be limited to four months.

The DEIR should identify the water source for the project for the other eight months of the year. NMFS does not agree that there is adequate water available for the proposed project based on the required Minimum Mean Daily In-Stream Flow Requirements (Table 4.4-3 on page 4.4-24).

5-2

Also, the pumping restrictions and reduced allowable use will significantly impair the applicant's ability to fill the 1.2 AF reservoir on the property which has already been excavated and partially graded (page 2-6). The location of the pond is on the closest edge of the property to the Carmel River on Assessor's Parcel Number 169-431-007-000. This parcel does not currently have an appropriative right, which is required for seasonal water storage for irrigation purposes and storage of water over 30 days. Page 2-10 states that this reservoir will not store water for more than 30 days, in order to circumvent riparian water rights restrictions to off-site storage for irrigation. However, the DEIR goes on to state on page 4.8-22 "If the project applicant's appropriative right to 96 AFY is not obtained, the project may need to rely on the Owners' riparian right, which would prohibit the storage of water on-site and potentially make the proposed irrigation pond infeasible. If this is the case, then the project would not develop the irrigation pond." The DEIR needs to clarify whether the pond will be used under the riparian right or not.

5-3

NMFS is also concerned that if the pond is used under the riparian right, the filling and draining of the reservoir will cause erratic changes to the hydrology of the Carmel River. Rapid depletion could result in juvenile S-CCC steelhead stranding and mortality as well as potentially drying redds. Subsequently, rapid inflow of water to the river from the draining of the reservoir could also affect steelhead habitat as the river flow increases and then decreases once the reservoir is drained.

5-4

It is unclear in the document whether the irrigation pond on the property was already excavated prior to this project proposal, or if the pond was excavated recently but before finalization of the CEQA document and/or if permits have already been obtained for this excavation as a separate stand-alone project.

5-5

NMFS is concerned the water withdrawals from the Carmel River for the project will cause adverse effects to S-CCC steelhead DPS and their critical habitat from decreased instream flows. Under Impact BIO-2, the DEIR concludes that using less than 96 AFY, *i.e.*, 63.35 AFY, may result in increased flows and attributes fishery benefits to the increased flows. NMFS disagrees with this statement; since the land has been fallow since 2008, the additional pumping of 63.35 AFY will decrease flows in the river, not increase in flows.

5-6

The DEIR describes that dogs will be allowed inside the riparian corridor (page 4.4-27), 30 dogs per day will be the maximum in the first year in order to establish an impact monitoring baseline. Postponing the analysis of dog impacts to this habitat is not adequate. It is not clear in the DEIR if dogs will be allowed to enter the Carmel River. Dogs should not be allowed in the river at any time as they can affect steelhead habitat, disturb redds, crush eggs, cause spawning females to abandon their nest and stop spawning activities altogether. NMFS strongly recommends no river access for dogs. We have previously expressed our concern with potential effects to surface waters and the aquifer associated with wastewater, stormwater discharge and animal wastes, and our concerns about potential impacts associated with seasonal use of the riparian area or picnic area activities near the river have not been thoroughly addressed in the DEIR.

5-7

In addition to the excavation of the pond, according to the DEIR (page 4.2-2) 8.2 acres of turf grass has been laid down at the project site, without indicating on which parcel, and is being watered regularly without explaining where the water for the irrigation is coming from to sustain this acreage of grass. NMFS received photo documentation last year of water being sprayed through a water cannon on vacant fields. This was during the worst drought in history. NMFS believes this is an irresponsible use of water from the already depleted Carmel River. From inquiries in the area, this appeared to be an effort to show use of water on the property to reset the current water usage with the SWRCB. Clarification is necessary to determine if this acreage is being regularly watered under the riparian right. The DEIR is not clear as to why both the pond excavation and the turf grass planting was completed before the CEQA EIR was finalized.

5-8

NMFS believes that the current water demands of the Carmel River Watershed are already having adverse impacts on S-CCC steelhead and critical habitat through diminished stream flows resulting from the current pumping levels. An increase in water demand from the proposed project would further deplete water supplies necessary to maintain suitable instream surface water flow and could potentially cause substantial long-term impacts to surface water availability

5-9

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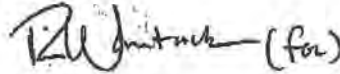
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for S-CCC steelhead. NMFS recommends the project applicant conduct a more accurate water budget analysis as part of a water resource capacity study for the project, including direct and cumulative impacts to Carmel River surface flow and the Carmel Valley Aquifer, to insure no adverse impacts occur to riverine resources, S-CCC steelhead or their habitat.

5-9
cont.

The DEIR is deficient in analyzing the impacts to S-CCC steelhead and designated critical habitat, and NMFS recommends revisions to the CEQA analysis be completed that suitably address the above concerns. This project should not be approved until an appropriate water source has been identified so impacts to S-CCC steelhead and their habitat are avoided or minimized to the greatest extent feasible. Please contact Ms. Mary Nicholl at (707) 480-0557, or via email at mary.nicholl@noaa.gov should you have any questions regarding this letter.

Sincerely,



Alecia Van Atta
Acting Assistant Regional Administrator
California Coastal Office

cc: Tony Lombardo, Anthony Lombardo and Associates, Salinas
Molly Erickson, Stamp/Erickson, Monterey
Chron File

**Comment 5, Ms. Alecia Van Atta, Acting Assistant Regional Administrator California Coastal Office
National Oceanic and Atmospheric Administration National Marine Fisheries Service**

Comment Response 5-1: See Master Comment Response 1 – Water Use.

Comment Response 5-2: See Master Comment Response 1 – Water Use.

Comment Response 5-3: See Master Comment Response 1 – Water Use.

Comment Response 5-4: See Master Comment Response 1 – Water Use.

Comment Response 5-5: See Master Comment Response 1 – Water Use.

Comment Response 5-6: See Master Comment Response 1 – Water Use.

Comment Response 5-7: Under the proposed Project, limited numbers of dogs and their owners would be allowed outside the food safety fence; however, no dogs (or owners) would be allowed within the Carmel River. See responses to Comment Letter 4.

Comment Response 5-8: See Master Comment Response 1 – Water Use.

Comment Response 5-9: See Master Comment Response 1 – Water Use.



May 18, 2015

provided by e-mail and US Mail

David J.R. Mack
 Monterey County RMA Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, CA 93901

**SUBJECT: MPWMD COMMENTS ON DRAFT EIR FOR CARMEL CANINE
 SPORTS CENTER [served by Wolter Properties WDS; APN 169-431-007 (well lot);
 7200 Carmel Valley Road, Carmel Valley]
 COUNTY ID# PLN130352; SCH# 2013121077**

Dear Mr. Mack:

This letter from the Monterey Peninsula Water Management District (MPWMD or District) is in response to the Notice of Completion of a Draft Environmental Impact Report (DEIR) circulated by Monterey County for the proposed Carmel Canine Sports Center (CCSC). The District serves as a Responsible Agency under CEQA for this project as a MPWMD Water Distribution System (WDS) Permit is needed for the amended water system. The District areas of authority include hydrology/water quality, water/utilities, and the MPWMD Mitigation Program for the Carmel River aquatic habitat, dependent species, and riparian corridor. The District appreciates the many mitigation measures that address concerns raised previously about the riparian corridor and aquatic resources.

Water Rights

Several sections in the DEIR state that the project has riparian rights, which are not generally limited to a season of diversion or to meeting instream flow requirements; however, some sections cite potential appropriate rights restrictions (e.g., streamflow triggers in Table 4.4-3 that limit diversions) as a rationale for finding that there would be less than significant biological or hydrologic impacts from Carmel River diversions. While it is accurate to conclude that impacts would likely be less than significant from diversions that occur only when streamflow triggers are met, this may not be the case if water is supplied to the project under a riparian right when streamflow triggers are not met. The DEIR is not clear about which right the water supply for the project is based on, so it is unclear whether the DEIR has adequately evaluated potential impacts to the Carmel River environment. The conditions, season of diversion, and annual diversion amount in an appropriate permit from the State Water Resources Control Board (SWRCB) should be clarified.

6-1

Regarding riparian rights, the SWRCB has not recognized riparian rights for the affected project parcels, and the courts have not established a riparian right for this project. SWRCB Decision 1632 in 1995 determined that adequate documentation of riparian rights was lacking at that time. However, in 2014 MPWMD Counsel reviewed water rights materials submitted by the applicant and concluded that adequate documentation of riparian rights was demonstrated, but only for the

6-2

David J.R. Mack, County Planning
 May 18, 2015
 Page 2 of 9

purposes of issuing a MPWMD Water Distribution System Permit. MPWMD does not have authority to grant riparian rights and MPWMD's review and conclusion does not prohibit the SWRCB or the courts from making a different finding.

6-2
 cont.

Regarding appropriative rights, the DEIR text describes the reservation of 96 acre-feet per year (AFY) identified in SWRCB Decision 1632, as amended by Order WRO 2003-0014. However, a January 29, 2014 SWRCB letter to the Monterey County Planning Department (**Enclosure 1**) questions the validity of the 96 AFY reservation for year-round use because the land was fallow for several years (2009-2012). In addition, the SWRCB questioned using a riparian right to supply the proposed 1.2-acre irrigation pond as seasonal diversion and storage under a riparian right is not allowed. Thus, the SWRCB asked for clarification on the role of the irrigation pond. This concern was reiterated in a May 27, 2014 letter from SWRCB to the property owner's attorney (**Enclosure 2**). The text on page 4.8-22 (lines 9-11) indicates that the irrigation pond would be removed from the project description if a future appropriative water rights permit was not adequate and the project had to rely solely on riparian rights. The role of the irrigation pond in providing adequate supply is unclear and should be clarified.

6-3

6-4

MPWMD notes that diverting flow to storage in an irrigation pond during winter and using the water to irrigate in the summer could benefit the river by reducing summer pumping.

6-5

The DEIR describes the reservation by SWRCB as "historical use" and sets this as the CEQA baseline as described on page 4.8-22 (lines 27-36). For reference, the actual maximum annual production was 99.16 AF in year 2002 (**Enclosure 3**). The SWRCB reservation is a maximum diversion amount and will likely be subject to meeting instream flow requirements. This does not appear to meet the CEQA requirement for an existing environmental condition as the reservation dates to 2003 and no permit was in place at the time the Notice of Preparation (NOP) of the EIR was released. If the SWRCB reservation is characterized as a future condition with the project in place, then the limitations of the instream flows on water availability need to be taken into account and impacts associated with diverting water when the instream flows are not met need to be evaluated (e.g., if water is supplied under a riparian right).

6-6

MPWMD agrees that for the purposes of determining water rights or a future water system production limit, historical use rather than use in the year the NOP is issued is an appropriate baseline. A representative recent 10-year period of production was used by MPWMD to establish the proposed production limit of 62.91 AFY. MPWMD believes this level of production would not result in a cumulative increase of adverse impacts and would be an appropriate environmental baseline to assess impacts to Carmel River streamflow and aquifer levels from project water use.

6-7

6-8

Throughout the text, potential impacts from riparian and appropriative diversions are often combined. These need to be separated. Adverse impacts from riparian diversions during dry periods are likely to occur, but will not exceed the current level of impact if the MPWMD production limit is used. On the other hand, diversions under an appropriative right that includes instream flow requirements are presumed to be protective of public trust resources and should have no significant impacts.

6-9



David J.R. Mack, County Planning
 May 18, 2015
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Chapter 2, Project Overview. The District has comments on the project description, irrigation and plumbing, and water use as follows:

Section 2.4.1.3, Natural Areas, page 2-9, lines 1-5. The District appreciates the cooperation given in the past by the Wolter family and the project proponent to allow MPWMD to conduct routine riparian corridor management activities. To ensure the future safety of MPWMD staff, CCSC patrons and their dogs while MPWMD crews work near the picnic area, MPWMD would like to work with the project proponent to develop a written protocol for the periods when MPWMD staff members are on site in the Carmel River. Thomas Christensen, Riparian Projects Coordinator, would be the District's contact person at (831-238-2547).

6-10

Section 2.4.2.3, Irrigation and Plumbing, page 2-10, lines 23-30. The District defers the determination of whether the water supply is potable and safe to serve the public to the Monterey County Environmental Health Bureau (MCEHB).

6-11

Section 2.4.2.3, Irrigation and Plumbing, page 2-10, lines 31-32. The District recommends that the property owner consider a future connection the Carmel Area Wastewater District (CAWD) sanitary sewer at such time when the CAWD service area is expanded to the project area.

6-12

Section 2.4.3.4, Water Use, page 2-15, line 24. The correct name is the Carmel *Valley* Alluvial Aquifer.

6-13

Section 2.4.3.4, Water Use, page 2-15, lines 27-29. See global Water Rights comments above. The statements about MPWMD are not accurate. MPWMD reviewed water rights information for the property and concluded that adequate documentation of riparian rights was demonstrated *for the purposes of issuing a MPWMD Water Distribution System Permit for water use that relies on a riparian right*. Generally, only the courts can confirm riparian rights. Concerning an appropriative right, only the SWRCB can permit appropriations of the Carmel River. Please revise this section to make this information clear.

6-14

Section 4.4, Biological Resources: The District appreciates that its concerns about impacts to the riparian corridor were addressed in the DEIR and generally concurs with the mitigation measures described in Section 4.4, as clarified below. These measures should be part of the required Mitigation Monitoring Plan adopted by the County as part of the certification of the Final EIR. Our specific comments are as follows:

6-15

Page 4.4-21, Local Regulations. This section should add a paragraph describing MPWMD Rules and Regulations that relate to the Carmel River Riparian Corridor. These include MPWMD Rules 20-D, 124, 126, 127 and Rule 11 (Definitions), which are provided on the MPWMD website at: <http://www.mpwmd.net/> (click on "Rules and Regulations").

6-16

Page 4.4-24, Impact BIO-2, lines 5-7. The correct section number for Hydrology is Section 4.8. As stated in the District's July 17, 2013 letter to Monterey County RMA, approval of an annual production limit of 62.91 AFY was considered "reasonable to assume" at that time, but a final approved amount would be subject to a public hearing before the MPWMD Board of Directors and completion of the WDS Permit process. It is noted that 62.91 AFY is slightly less

6-17

6-18



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than the projected water use of 63.4 AFY. The project proponents should confirm that water use can be reduced by 0.44 AFY to 62.91 AFY and change all references in the document to proposed water use consistent with this amount.

6-18
 cont.

Page 4.4-24, Impact BIO-2, lines 20-25 (and table). See global Water Rights comments above. The type(s) of water right(s) supporting water diversions from the CVAA need to be distinguished, and how they will be exercised needs to be described as they are regulated in different ways by different entities.

6-19

Page 4.4-25, Impact BIO-2, lines 1-5. As noted in the global Water Rights comments above, applying the proposed MPWMD production limit should be considered as the environmental baseline for effects to the Carmel River (see **Enclosure 3**). However, statements such as “the proposed project would not result in a net deficit in aquifer volume” are confusing. The project will result in a net reduction of aquifer volume and streamflow; however, the project is likely to not result in cumulative increase in adverse impacts.

6-20

Page 4.4-25, Impact BIO-2, lines 10-11. As noted in the global Water Rights comments above, a riparian right has not been confirmed. Also, this again mixes potential impacts from riparian and appropriative diversions. These need to be described separately.

6-21

Page 4.4-25, Impact BIO-2, lines 6-18. As noted in the two comments directly above, the logic supporting the conclusion of less than significant impact may be flawed, and a more supportable rationale is needed. As noted for page 4.4-24, lines 20-25 above, there would be no “implementation of standard permit conditions required by the SWRCB” if water is extracted under a riparian right. The assertion that the project may result in improvements to the Carmel River is not supported by any evidence and should be removed. Also, the statement that water use would not result in direct adverse impacts to surface flows needs to be removed. By definition (i.e., SWRCB WRO 95-10), removing water by pumping next to the river reduces surface flow; however, if instream flows are met while diversions for the project occur, then streamflow will be adequate to support steelhead passage and spawning.

6-22

Page 4.4-26, Impact BIO-3, lines 1-4. There is an inconsistency between page 26 and the text on pages 27 and 28 regarding the number of dogs per day. The line 2 text (“a maximum of 30 dogs at any given time in the first year”) appears to be in error as the text on pages 4.4-27 (line 30) and 4.4-28 (line 10) state “30 dogs per day” The District concurs with the limitation of 30 dogs per day and “no more than 5 dogs at any one time” as stated on page 4.4-28. The text on page 4.4-26 should be corrected to state “a maximum of 30 dogs *per day*.” The District concurs with a reservation system for the picnic area. The District requests that MPWMD be identified as part of the review team after the first year to determine whether there should be a change to the number of dogs per day in the picnic area or other logistical refinements.

6-23

6-24

Page 4.4-26, MM BIO-3, lines 16-19. The District concurs with this mitigation measure regarding a Manure Management Plan.

6-25

Page 4.4-26, Impact BIO-4, lines 9-12. The District concurs with a reservation system for CCSC members and closure of the riparian picnic area during CCSC events.

6-26



David J.R. Mack, County Planning
 May 18, 2015
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Page 4.4-27, lines 29-32. The District concurs with a maximum of 30 dogs per day and associated monitoring. 6-27

Page 4.4-27, MM BIO-4a, lines 36-38. The District concurs with the listed measures to protect the riparian corridor, such as all dogs to be kept on leashes outside the food safety fence, dogs and owners are required to stay on trails in the riparian picnic area, and prohibit canine use of the Carmel River. The District recommends that the project proponents consider advising clients to avoid water contact in the river at very low flows due to the potential for poor water quality that can occasionally lead to sickness. 6-28

Page 4.4-28, MM BIO 4-a, lines 1-9. The District concurs with measures such as signage and an informational pamphlet with riparian area rules and why they are important to follow. The District also requests the opportunity to review the pamphlet before it is printed. 6-29

Page 4.4-28, MM BIO 4-b, lines 10-20. The District concurs with a maximum of 30 dogs per day and no more than 5 dogs at any one time, along with tracking statistics. The District requests a copy of the tracking report described in lines 17-20. 6-30

Page 4.4-28, MM BIO 4-c, lines 21-35 and page 4.4-29, lines 1-6. The District concurs with the development of an annual Habitat Management Plan and monitoring program as described. As noted above, MPWMD conducts routine maintenance activities in the riparian corridor. MPWMD would like to work with CCSC to develop a protocol to ensure the safety of MPWMD staff as well as CCSC patrons and their dogs. As noted in our letter of January 22, 2014, the District also requests addition of a mitigation measure to close the riparian picnic area when MPWMD crews are rescuing threatened steelhead fish in the river adjacent to the picnic area. Fish rescues would typically occur for five days over a three-week period, and weekend work is possible for an emergency rescue. The District can provide advance notice to CCSC based on streamflow trends. 6-31
 6-32

Page 4.4-29, Impact and MM BIO-5-a, lines 7-39. The District concurs with the discussion of predatory bullfrogs and the establishment of a low impermeable fence to prevent bullfrog movement. An expert should be retained to determine the best height for the fence. The fence should extend below grade to address tunneling by gophers, which can create low spots (where tunnels collapse) and/or direct movement of the bullfrogs. The CCSC should periodically inspect the integrity and effectiveness of the fence. 6-33

Page 4.4-30, Impact and MM BIO-5-b, lines 5-13. The District concurs with the plan to annually remove bullfrog adults and drain the irrigation pond once in the fall to remove tadpoles. 6-34

Page 4.4-31, Cumulative Impacts, line 11. The text erroneously states “Impact HYD-5;” the correct number is “HYD-3.” 6-35

Page 4.4-31, Cumulative Impacts, line 15. The District acronym is “MPWMD” (not “MPWMA”). 6-36



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Page 4.4-31, Cumulative Impacts, line 18. It is suggested that the reference “by the MPWMD” be changed to “by agencies with regulatory authority over water development and potential impacts to the alluvial aquifer, including the County of Monterey, SWRCB, the California Department of Fish and Wildlife, U.S. Fish and Wildlife, and MPWMD”.

6-37

Page 4.4-31, Cumulative Impacts, lines 19-21. Please refer to comments on Impact BIO-2 and HYD-3.

6-38

Section 4.8, Hydrology and Water Quality: The District generally concurs with the impact discussion and mitigation measures, with the clarifications and corrections noted below. We suggest that the DEIR better clarify the project water rights, given concerns expressed about water rights by the SWRCB. See global Water Rights comments above.

6-39

Page 4.8-2, Photo Caption at Bottom, third line. The text states, “photo by Cachagua.” Please note the correct spelling is “Cachagua” with a “g”. Also, Cachagua is a place name, not a person’s name. The photographer should be identified for the photo on the left if different from the photo on the right. The term “spillway” should be one word rather than two words.

6-40

Page 4.8-4, lines 3 and 4. The statement that both reservoirs “are no longer relied upon for municipal water supply” is incorrect. As noted in lines 9-11, releases from Los Padres Reservoir in summer contribute to municipal water supply by recharging a portion of the Carmel Valley Alluvial Aquifer, from which municipal wells extract water. Natural inflow is often lower than reservoir releases for much of the summer, especially in drought years.

6-41

Page 4.8-4, lines 25-27. The text as written is not correct or complete. The two primary groundwater basins used by municipal, small water system and individual well owners on the Monterey Peninsula are the Seaside Groundwater Basin and the Carmel River Basin. Other smaller groundwater basins are used by individuals or small water companies. The Carmel River Basin is viewed by MPWMD as having two major components: (1) the Carmel Valley Alluvial Aquifer (CVAA), and (2) the non-alluvial aquifers that MPWMD calls the “Carmel Valley Upland (CVU) formations” for record-keeping purposes. **Enclosure 4** provides a map of these areas. The reference to the “Carmel Valley Groundwater Basin” is incorrect. A June 1984 report by the USGS described the “Carmel Valley *Alluvial* Groundwater Basin” but this term has not been used for decades. The DEIR should only refer to the CVAA to avoid confusion.

6-42

Page 4.8-5, lines 21 and 22, and footnote 1 at bottom, second line. The text is incorrect as it combines the alluvial, upland and other area well data, and should be revised. The Water Year 2014 well production report table (**Enclosure 5**) states that 317 wells draw from the four CVAA aquifer subunits (designated as “AS1, AS2, AS3 and AS4” in the table), including 10 owned by Cal-Am. Another 315 wells are drilled in the Carmel Valley Upland area (CVU). The total number of active wells is 837 for the Peninsula as a whole. The majority of wells are located in the Seaside or Carmel River Basins, but more than 140 wells are located in other areas. For more detailed information, please refer to the District website at:

6-43

<http://www.mpwmd.net/asd/board/boardpacket/2015/PDF/April%2020%20Pkt.pdf>

Page 4.8-10, line 4. The District suggests that the word “underflow” be replaced by the phrase “*subterranean stream of the Carmel River with defined bed and banks, as mapped by the*

6-44



David J.R. Mack, County Planning
 May 18, 2015
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SWRCB” in the sentence. Parcels in the mapped CVAA are viewed as having potential riparian rights even if the parcel is not immediately adjacent to the river bank.

6-44
 cont.

Page 4.8-10, lines 19-29. See global Water Rights comments above concerning how a riparian right is confirmed. For line 21, please remove the text after the word “CVAA” (i.e., delete “~~this right has been confirmed by MPWMD’s legal counsel (see Appendix F).~~” For line 22, replace the words “they are” with “*it is.*” In Line 28, the text should be amended to read “.... Property owner has *provided adequate documentation of a riparian right.*....”

6-45

For reference, for the purposes of the MPWMD WDS Permit, District Counsel, in a February 21, 2014 memo, concluded that “subordinated riparian water rights to Carmel River surface water for APN 169-431-007 and -008 are intact as they abut the Carmel River. In addition, all parcels overlie the CVAA and retain subsurface riparian rights.” A subordinated right means that there are other diverters with a higher priority right along the stream. Counsel also noted the pending SWRCB Application for an appropriative permit, which does not include a storage component at present, despite the fact that a 1.2-acre storage reservoir is part of the Project description.

6-46

Page 4.8-10, lines 30-40. See global Water Rights comments above. In line 37, replace the words “an appropriative right” with “*a reservation amount*” of 37.4 AFY.

6-47

Page 4.8-11, lines 4-7. See global Water Rights comments above. In Line 4, replace the words “water right” with “*reservation.*” The text in lines 5 and 6 about year-round use of water under an appropriative water right is incorrect, and contradicts the text describing water use restrictions in Impact BIO-2 (page 4.4-24) and the SWRCB letters noted above (**Enclosures 1 and 2**). In line 7, the last word “outstanding” should be replaced by “*pending.*”

6-48

Page 4.8-16, Regional and Local Regulations. It is noted that the MPWMD Water Distribution System permit is described on page 4.8-23 as part of Impact HYD-3. It is suggested that MPWMD also be listed as a new subheading under the “Regional and Local Regulations” (Section 4.8.3.3), with some brief text about District authority and policies as it relates to hydrology and well extractions from the CVAA. The text could refer the reader to Impact HYD-3 for more detailed information. The key District rules governing WDS are Rules 20, 21 and 22, 40 and others. A series of rules also govern well registration, metering and reporting. The Rules are found on the MPWMD website at: <http://www.mpwmd.net/> (click on “Rules and Regulations”). A detailed overview of District well rules, policies and implementation is found at: <http://www.mpwmd.dst.ca.us/pae/wds/wds.htm>.

6-49

Page 4.8-20, lines 20-21. As noted in the comment for Page 4.4-26, Impact BIO-3, lines 1-4, the correct text is 30 dogs *per day* (not “at any one time”).

6-50

Page 4.8-21, lines 19-20. For clarification, a WDS Permit is required because the project does not meet criteria for an exemption due to: (a) wells being inactive for more than three years, (b) a substantive change from non-potable irrigation to a potable Transient Non-Community System, and (c) amended WDS Expansion Capacity Limits for new water connections for bathrooms, offices etc.

6-51



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- Page 4.8-21, lines 22-23.** It is suggested to just use the acronyms “CEQA” and “EIR.” | 6-52
- Page 4.8-21, lines 27-28, and Page 4.8-22, lines 1-4.** See global Water Rights comments above and the previous comments about the statement that the property owner “has a riparian right.” | 6-53
- Page 4.8-22, lines 9-11.** If the irrigation pond were removed, this would affect other impact discussions associated with the pond (e.g., bullfrogs in Section 4.4, Impact BIO-5). | 6-54
- Page 4.8-22, lines 33-36.** See global Water Rights comments above regarding the water production baseline, including **Enclosure 3**. | 6-55
- Page 4.8-23, line 1.** It is suggested that the first sentence be revised to add the clarifying words “... The Applicant has *provided MPWMD with adequate documentation of a riparian right...*” | 6-56
- Page 4.8-23, line 13.** The project proponents should confirm that water use can be reduced by 0.44 AFY, a reduction of less than one percent (0.69%). | 6-57
- Page 4.8-24, line 30 and 33.** The correct acronym is “*MPWMD*” not “MPWMA.” | 6-58
- Page 4.8-24, lines 33-34.** Please see comment on **Page 4.4-31, Cumulative Impacts, line 18**. | 6-59
- Page 4.8-25, lines 13-15.** For reference, the means to ensure that water use would be less than the production limit is via required annual reporting of well production and certain enforcement powers if actual use exceeds the production limit, with the exceptions noted in the comment above. | 6-60

Thank you for your consideration of these comments. My staff and I are available to meet if further coordination is needed. I can be reached at dstoldt@mpwmd.net or 831/658-5650 if you have questions. The Riparian Projects Coordinator is Thomas Christensen at 831/659-2543 (Carmel Valley Field Office) or Thomas@mpwmd.net. The District Engineer is Larry Hampson at 831/658-5620 or Larry@mpwmd.net. The staff contact for WDS Permits is Henrietta Stern, Project Manager, at Henrietta@mpwmd.net or 831/658-5621.

Sincerely,


 David J. Stoldt
 General Manager

Enclosures:

- 1— SWRCB comment letter to County RMA on Mit. Neg. Dec. dated January 29, 2014
- 2-- SWRCB letter to property owner attorney dated May 27, 2014
- 3— Well production records for Wolter property through WY 2014
- 4— Map of groundwater areas tracked by MPWMD



David J.R. Mack, County Planning
May 18, 2015
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5-- Table of water well production within MPWMD (WY 2014)

Cc: Ernie Mill, CCSC
David Laredo, MPWMD Counsel
Henrietta Stern, MPWMD Project Manager
Larry Hampson, MPWMD District Engineer
Thomas Christensen, MPWMD Riparian Projects Coordinator

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Prepared by Henrietta Stern on 5/15/2015—incorporates LH, SL edits



EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1

State Water Resources Control Board

JAN 29 2014

In Reply Refer to:
KDM:A030511

Mr. John Ford
Monterey County Planning & Building
Inspection Department
168 West Alisal, 2nd Floor
Salinas, CA 93901

Dear Mr. Ford:

MITIGATED NEGATIVE DECLARATION (MND) – CARMEL CANINE SPORTS CENTER PROJECT – RELATED TO APPLICATION 30511 OF WOLTER PROPERTIES LIMITED PARTNERSHIP, CARMEL RIVER SUBTERRANEAN STREAM IN MONTEREY COUNTY

Division of Water Rights (Division) staff has reviewed the MND prepared by Monterey County for the Carmel Canine Sports Center Project (Project). The MND refers to a reservoir on the property. However, no descriptive material was provided regarding the size or location of the reservoir. The MND states that a 1.2 acre pond will be excavated. This is not the same as stating the proposed size of the pond. Please clarify the size. The MND states that the Project may rely on riparian or appropriative rights. Seasonal water storage for irrigation purpose of use cannot be accomplished under riparian rights. An appropriative right is required.

The Project is being developed on the lands covered by water right Application 30511 of Wolter Properties. The application does not include a storage element. Application 30511 seeks a right to directly divert 0.42 cubic foot per second. There is no evaluation in the MND whether this would be adequate for the proposed Project. The environmental document should include an evaluation of the adequacy of the proposed flow rate.

On January 27, 2012, the Division informed Wolter Properties that it intended to condition any permit on Application 30511. The following information was provided to Wolter Properties:

The State Water Resources Control Board (State Water Board) has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audobon Society v. Superior Court* (1983) 33 Cal.3d 419 [Cal.Rptr. 346].) Division staff has been working with the National Marine Fisheries Service (NMFS) and the Monterey Peninsula Water Management District (District) to determine appropriate Carmel River diversion conditions to address public trust resource needs. The following condition is being utilized in current permits issued, and is based on the NMFS 2002 Carmel River fishery report. It appears that the condition resolves the remaining public trust protests and the project could be permitted with inclusion of the condition. If you are not amenable to the condition, you will need to document a valid methodology for protecting public trust resources. (Wat. Code § 1275(b).)

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Mr. John Ford

- 2 -

JAN 29 2014

Permit Condition:

For the protection of fisheries, wildlife, and other instream uses in the Carmel River, diversions under this permit shall be subject to maintenance of minimum mean daily instream flows as specified in Table A, Minimum Mean Daily Instream Flow Requirements. No water shall be diverted under this permit if the instream flows would be reduced by such diversion below the minimum mean daily flows specified in Table A. To ensure compliance with these conditions, by September 30 of each year, Permittees shall file a report with the Deputy Director for Water Rights, Department of Fish and Wildlife and NMFS containing the following information:

- a. Dates during the previous diversion season when water was diverted under this permit; and
- b. Mean daily flows recorded at the monitoring location specified in this condition during the same period.

TABLE A		
MINIMUM MEAN DAILY INSTREAM FLOW REQUIREMENTS		
December 1-April 15	April 16-May 31	June 1- November 30
<p>Prior to Carmel River lagoon opening to the ocean ¹: May divert with minimum bypass of 40 cfs at the Carmel River at Highway 1 Bridge gage².</p> <p>Following Carmel River lagoon opening to the ocean:</p> <p>May divert with minimum bypass of 120 cfs at the Carmel River at Highway 1 Bridge gage.</p>	<p>May divert with minimum bypass of 80 cfs at the Carmel River at Highway 1 Bridge gage</p>	<p>May divert with minimum bypass of 5 cfs at the Carmel River at Highway 1 Bridge gage.</p>

¹ On December 1, if water in the lagoon is flowing to the ocean, the lagoon shall be deemed to be open to the ocean. If on December 1 water in the lagoon is not flowing to the ocean, the lagoon shall be deemed to be open to the ocean when the lagoon level drops rapidly from a stable elevation to a lower elevation as evidenced by the water surface elevation gage located at the Carmel Area Wastewater District effluent pipeline across the south arm of the lagoon. This elevation gage is operated by the District.

Mr. John Ford

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JAN 29 2014

² The District operates a stream gage at Highway 1 and reports flows at this location on its website. Reported flows are not provided on a real-time basis and reported flows are subject to revision due to frequent changes in the riverbed at this location. In addition, updates of flow information at this location are carried out when the District has sufficient staff and resources and it should be noted that the District is under no obligation to provide this information on its website.


Although the Project developer has long been aware of the bypass flow condition, the MND does not include a discussion of the flows needed to protect salmonids. The bypass flows listed above have been included in all Table 13 water right permits issued since NMFS developed the flow regime. Division staff requests that the environmental document include the mitigation listed above. This will provide consistency between the two permitting agencies.

Regarding the issue of whether the Division would issue a permit in the quantity of 96 af, the following information should be taken into consideration. In Decision 1632, the State Water Board provided a method for inbasin water users with existing projects to receive a permit with a modified water right priority. Such persons were listed in Table 13 of the decision. After modification, the Wolter Properties quantity was set at 96 af. The MND states that the Wolter Properties lands have been fallow since 2008. Division staff was unaware of the non-use issue until the MND was issued. Decision 1632 does not provide for protection in cases where there is no ongoing use of water. Based on the decision, persons listed in Table 13 may seek a year-round diversion season. However, all others are limited to a four month winter diversion period. In the opinion of Division staff, the Project will likely be limited to a reduced diversion season since there is no longer a basis for protecting ongoing water use. The MND should identify this problem and determine what source of water the Project would use, should the diversion season be limited to four months.

Thank you for the opportunity to comment on the MND. The Division intends to use the final environmental document for permit issuance purposes.

If you require further assistance, I can be contacted at (916) 341-5363. Written correspondence should be addressed to: State Water Resources Control Board, Division of Water Rights, Attn: Katherine Mrowka, P.O. Box 2000, Sacramento, CA 95812.

Sincerely,



Katherine Mrowka, Senior
Inland Streams Unit

cc: Monterey Peninsula Water
Management District
Mr. Larry Hampson
5 Harris Court, Building G
Monterey, CA 93940
Larry@mpwmd.net

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EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

MAY 27 2014

In Reply Refer to:
KDM:A030511

Mr. Alexander F. Hubbard
Hubbard & Hubbard LLP
400 Camino Aguajito
Monterey, CA 93940

Dear Mr. Hubbard:

MITIGATED NEGATIVE DECLARATION (MND) – CARMEL CANINE SPORTS CENTER PROJECT – RELATED TO APPLICATION 30511 OF WOLTER PROPERTIES LIMITED PARTNERSHIP, CARMEL RIVER SUBTERRANEAN STREAM IN MONTEREY COUNTY

On January 29, 2014, Division of Water Rights (Division) staff commented on the MND prepared by Monterey County for the Carmel Canine Sports Center Project (Project). On April 23, 2014, you asked for clarification of some of the Division remarks. In particular, you request clarification of the Division remarks that, due to non-use of water, Application 30511 may have lost its Table 13 status. As noted in Decision 1632, Table 13 provided a mechanism for persons using established quantities of water within the Carmel River watershed to have an opportunity to obtain a water right permit with a priority superior to the Monterey Peninsula Water Management District permit on Application 27614. The decision states: "This condition is to protect only persons using established quantities of water who may have questionable rights to the use of water or who wish to make a use of water which cannot be provided under existing water rights." (D1632, pp. 49, 50.)

The decision set forth the time period for review in establishing whether persons had established uses of water. The decision is silent regarding persons who, having established a use of water, subsequently discontinued using water. However, in the opinion of Division staff, Table 13 did not provide a mechanism for obtaining an enhanced water right priority for persons that have ceased using water for a prolonged period of time.

You ask that Division staff clarify the remarks on the MND regarding Table 13. The remarks are listed below:

Regarding the issue of whether the Division would issue a permit in the quantity of 96 af, the following information should be taken into consideration. In Decision 1632, the State Water Board provided a method for inbasin water users with existing projects to receive a permit with a modified water right priority. Such persons were listed in Table 13 of the decision. After modification, the Wolter Properties quantity was set at 96 af. The MND states that the Wolter Properties lands have been fallow since 2008. Division staff was unaware of the non-use issue until the MND was issued. Decision 1632 does not

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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RECYCLED PAPER

Mr. Alexander Hubbard

- 2 -

MAY 27 2004

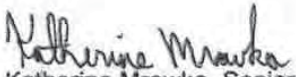
provide for protection in cases where there is no ongoing use of water. Based on the decision, persons listed in Table 13 may seek a year-round diversion season. However, all others are limited to a four month winter diversion period. In the opinion of Division staff, the Project will likely be limited to a reduced diversion season since there is no longer a basis for protecting ongoing water use. The MND should identify this problem and determine what source of water the Project would use, should the diversion season be limited to four months.

Division staff does not wish to modify these remarks.

You also ask that staff clarify whether tenants, or successors, to Table 13 applicants will enjoy the same appropriate rights as their Table 13 landlords or predecessors. When an application is re-assigned to another party, there is no change in the processing procedures. Protests, protest resolution documents, instream flow requirements and other matters related to application processing remain intact.

If you require further assistance, I can be contacted at (916) 341-5363 or by email at kmrowka@waterboards.ca.gov. Written correspondence should be addressed to: State Water Resources Control Board, Division of Water Rights, Attn: Katherine Mrowka, P.O. Box 2000, Sacramento, CA 95812.

Sincerely,


Katherine Mrowka, Senior
Inland Streams Unit
Division of Water Rights

cc: Monterey Peninsula Water
Management District
Mr. Larry Hampson
5 Harris Court, Building G
Monterey, CA 93940
Larry@mpwmd.net

Mr. John Ford
Monterey County Planning & Building
Inspection Department
168 West Alisal, 2nd Floor
Salinas, CA 93901

3

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
Production History for Wolter Well, APN 169-431-007

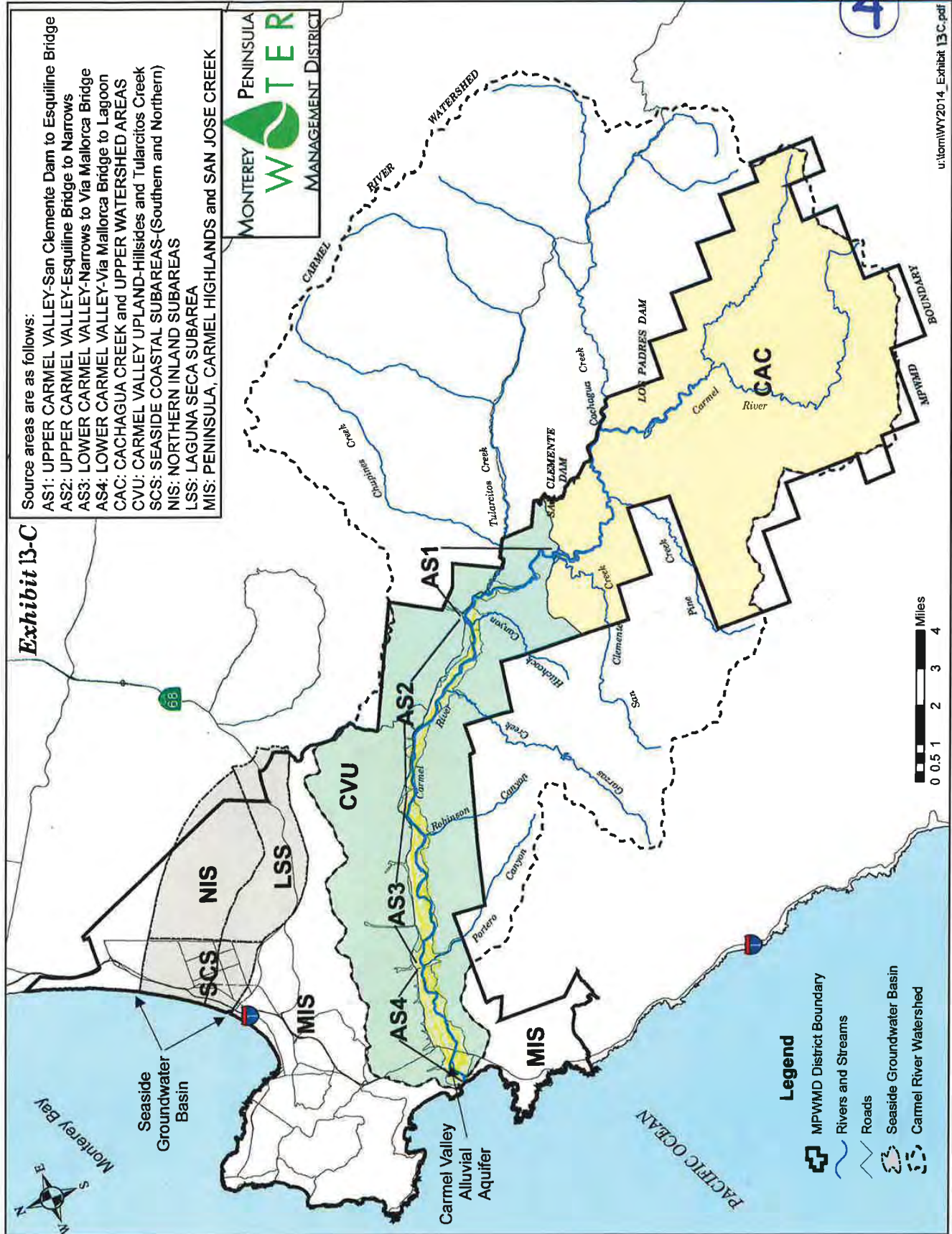
<i>Report Period</i>	<i>AF RECORDED</i>
RY 1995	26.54
RY 1996	43.69
RY 1997	97.08
RY1998	63.21
RY1999	66.36
RY2000	53.59
WY2001	12.38
WY2002	99.16
WY2003	68.69
WY2004	87.76
WY2005	67.05
WY2006	72.98
WY2007	70.36
WY2008	30.77
WY2009	0.00
WY2010	0.00
WY2011	0.00
WY2012	0.00
WY2013	15.57
WY2014	34.69

Notes:

- 1 RY = Reporting Year, runs July 1 through June 30
- 2 WY = Water Year, runs October 1 through September 30
- 3 The meter was not working in June 1995.
- 4 Production between June 30, 2000 and October 30, 2001 is not available due to a malfunctioning meter, although the well was on during this period.
- 5 From January to February 2001 the well was not producing water. The meter was changed in November 2001.
- 6 Prior to WY2013, all reported water produced was from the East Well.
- 7 No water was been produced between June 2008 and WY 2013. WY2013 total includes 14.86 from East Well, 0.11 from West Well and 0.59 gallons that was trucked in before the well and meter were working.
- 8 WY2014 total includes 29.11 from East Well and 5.58 from West Well.

U:\mpwmd\WDS\WDSPermits\169431007_CanineSports\WolterWellProdHistory2013.xlsx

4



u:\tom\WY2014_ Exhibit 13-C.pdf



EXHIBIT 13-A

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
DRAFT WATER PRODUCTION SUMMARY FOR WATER YEAR 2014**

SOURCE AREAS 1,2	NON CAW (NON CAL-AM) WELLS						CAW (CAL-AM) WELLS			AQUIFER SUBUNIT TOTALS				
	WATER METER			LAND USE			SUB-TOTAL			WATER METER				
	NO. OF WELLS	PRODUCTION (AF)	3	NO. OF WELLS	PRODUCTION (AF)	4	NO. OF WELLS	PRODUCTION (AF)	5	NO. OF WELLS	PRODUCTION (AF)	6	NO. OF WELLS	PRODUCTION (AF)
AS1	9	103.9		1	0.1		10	103.9	0	0.0		10	103.9	
AS2	51	161.4		34	33.8		85	195.2	3	83.1		88	278.3	
AS3	131	1,299.9		46	34.7		177	1,334.6	6	6,021.8		183	7,356.4	
AS4	29	817.2		6	3.1		35	820.3	1	1,638.7		36	2,459.0	
SCS	5	252.2		2	1.8		7	254.0	6	2,870.5		13	3,124.5	
LSS	6	535.0		2	2.7		8	537.7	5	361.6		13	899.3	
CAC	9	37.7		8	12.9		17	50.6	0	0.0		17	50.6	
CVU	307	666.9		44	45.6		351	712.5	0	0.0		351	712.5	
MIS	116	403.9		10	5.6		126	409.4	0	0.0		126	409.4	
ACTIVE	663	4,278.0		153	140.4		816	4,418.3	21	10,975.6		837	15,394.0	
INACTIVE	323			33			356		12			368		
NOT REPORTING	16			9			25		0			25		
SAND CITY DESAL									0	178.5				
METHOD TOTALS:	1,002	4,278.0		195	140.4		1,197	4,418.3	33	11,154.1		1,230	15,572.5	adjusted

DISTRICT-WIDE PRODUCTION	
SURFACE WATER DIVERSIONS:	
CAW WELLS:	
CAW Diversions (San Clemente Dam):	0.0
Non Cal-Am Diversions Within MPWRS:	20.1
6 SEASIDE:	3,232.1
CARMEL VALLEY:	7,743.5
Within the Water Resources System:	10,975.6
Outside the Water Resources System:	0.0
CAW TOTAL, Wells and Diversions:	178.5
	11,154.1
NON CAW WELLS:	
Within the Water Resources System:	3,245.8
Outside the Water Resources System:	1,172.6
Non Cal-Am Diversions Outside the MPWRS:	4.5
NON CAW TOTAL, Wells and Diversions:	4,442.8
GRAND TOTAL:	15,597.0

NOTES:
 1. Shaded areas indicate production within the Monterey Peninsula Water Resources System.
 The LSS was added to the Monterey Peninsula Water Resources System in September 2008.
 2. CAW - California American Water
 3. Source areas are as follows:
 AS1 - UPPER CARMEL VALLEY - San Clemente Dam to Esquiline Bridge
 AS2 - MID CARMEL VALLEY - Esquiline Bridge to Narrows
 AS3 - LOWER CARMEL VALLEY - Narrows to Via Mallorca Bridge
 AS4 - LOWER CARMEL VALLEY - Via Mallorca Bridge to Lagoon
 SCS - SEASIDE COASTAL SUBAREAS
 LSS - LAGUNA SECA SUBAREA (Ryan Ranch Area is within LSS)
 CAC - CACHAGUA CREEK and UPPER WATERSHED AREAS
 CVU - CARMEL VALLEY UPLAND - Hilsides and Tulareños Creek Area
 MIS - PENINSULA, CARMEL HIGHLANDS AND SAN JOSE CREEK AREAS
 4. Any minor numerical discrepancies in addition are due to rounding.
 5. No amount of production was subtracted from CAW production in AS3 to account for water provided to ASR Water Projects (ASR Wells #1, 2 and 3) in WY 2014.
 6. This total includes 2,870.5 AF of Native Groundwater from the Seaside Coastal Basins and 361.6 AF of Native Groundwater from the Laguna Seca Subarea. No ASR water was delivered to CAW's main system in WY 2014.
 7. No water was provided to Seaside (Municipal) from CAW SCS.

**Comment 6, Mr. David J. Stoldt, General Manager
Monterey Peninsula Water Management District**

Comment Response 6-1: See Master Comment Response 1 – Water Use.

Comment Response 6-2: See Master Comment Response 1 – Water Use.

Comment Response 6-3: See Master Comment Response 1 – Water Use.

Comment Response 6-4: See Master Comment Response 1 – Water Use.

Comment Response 6-5: See Master Comment Response 1 – Water Use.

Comment Response 6-6: See Master Comment Response 1 – Water Use.

Comment Response 6-7: See Master Comment Response 1 – Water Use.

Comment Response 6-8: Comment Noted. See Master Comment Response 1 – Water Use.

Comment Response 6-9: See Master Comment Response 1 – Water Use.

Comment Response 6-10: Comment noted. This will be added as a condition of approval. Not a CEQA Issue.

Comment Response 6-11: Comment noted.

Comment Response 6-12: Comment noted.

Comment Response 6-13: Comment noted.

Comment Response 6-14: Modification made. See changes to DEIR.

Comment Response 6-15: Comment noted.

Comment Response 6-16: Text added to DEIR.

Comment Response 6-17: Comment noted.

Comment Response 6-18: Comment noted.

Comment Response 6-19: See Master Comment Response 1 – Water Use.

Comment Response 6-20: See Master Comment Response 1 – Water Use.

Comment Response 6-21: Comment noted.

Comment Response 6-22: See Master Comment Response 1 – Water Use.

Comment Response 6-23: Comment Noted. Text in DEIR has been modified to reflect a maximum of 30 owners and dogs per day and not more than 5 at any one time.

Comment Response 6-24: Comment noted.

Comment Response 6-25: Comment noted.

Comment Response 6-26: Comment noted.

Comment Response 6-27: Comment noted.

Comment Response 6-28: Comment noted.

Comment Response 6-29: Comment noted.

Comment Response 6-30: Comment noted.

Comment Response 6-31: Comment noted.

Comment Response 6-32: New mitigation measure MM BIO-4d added.

Comment Response 6-33: Comment on bull frog fence around reservoir. The reservoir has been removed from the proposed Project.

Comment Response 6-34: Comment noted.

Comment Response 6-35: Change made in DEIR.

Comment Response 6-36: See Master Comment Response 1 – Water Use.

Comment Response 6-37: Changes made to DEIR.

Comment Response 6-38: Comment noted. See Response to Comment 6-32.

Comment Response 6-39: See Master Comment Response 1 – Water Use.

Comment Response 6-40: Comment noted. Name of photographer unknown.

Comment Response 6-41: Comment takes issue with the statement that the Los Padres and San Clemente reservoir are no longer relied upon for municipal water because there are summer releases from Los Padres. The DEIR goes on to explain that water is released during the dry periods to meet in stream flow requirements which contributes the CVAA.

Comment Response 6-42: Comment noted. Comment that the DEIR should only rely on the CVAA.

Comment Response 6-43: Change made to the DEIR text.

Comment Response 6-44: Language change made in the DEIR text.

Comment Response 6-45: See Master Comment Response 1 – Water Use. Language change made in the DEIR text.

Comment Response 6-46: See Master Comment Response 1 – Water Use.

Comment Response 6-47: See Master Comment Response 1 – Water Use. Language change made in the DEIR text.

Comment Response 6-48: See Master Comment Response 1 – Water Use. Language change made in DEIR text.

Comment Response 6-49: Language change made in the DEIR text.

Comment Response 6-50: Language change made in the DEIR text.

Comment Response 6-51: Comment noted.

Comment Response 6-52: Comment noted relative to using the acronyms for CEQA and EIR.

Comment Response 6-53: Comment noted as to global water rights comments.

Comment Response 6-54: Comment noted. The removal and reclamation of the pond will have beneficial impacts to water use.

Comment Response 6-55: Comment noted

Comment Response 6-56: Comment noted. Change made to text of DEIR.

Comment Response 6-57: Comment noted. See Master Comment Response 1 for reduction in water use.

Comment Response 6-58: Comment noted that the correct acronym is MPWMD not MPWMA.

Comment Response 6-59: Comment noted.

Comment Response 6-60: Comment noted. Comment that annual reporting is needed to ensure that water use is less than production limit. Without the reservoir the proposed Project would be in compliance with the water use baseline.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 18, 2015

David Mack
County of Monterey
Resources Management Agency – Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901
mackd@co.monterey.ca.us

**Subject: Draft Environmental Impact Report (DEIR) for the Wolter Properties LP
Carmel Canine Sports Center PLN130352, SCH No. 2013121077**

Dear Mr. Mack:

The California Department of Fish and Wildlife (CDFW) is in receipt of the Draft Environmental Impact Report (DEIR) for the Wolter Properties LP Carmel Canine Sports Center (Project) located at 8100 Valley Greens Drive, Carmel Valley, California. The proposed Project is for the lease of approximately 48 acres for the operation of a membership-based canine sports and event center, as well as continuing to cultivate and harvest crops and raise livestock. The Project is to include the development of four modular structures, fenced pastures and fields, permeable parking area, walking paths, an irrigation system and reservoir, livestock housing (sheep, goats, and ducks), on-site septic system and accommodation of up to seventy recreational vehicles during special events. The Project also proposes to utilize the natural areas of the Project site along the Carmel River outside the existing fence, which would provide picnic areas and walking pathways. The Project abuts the Carmel River Riparian Corridor to the south.

The DEIR indicates that four special-status wildlife species have been documented on the Project site which include the State Species of Special Concern (SSC) and federally threatened California red legged frog (*Rana draytonii*), the SSC western pond turtle (*Emys marmorata*), the SSC and federally threatened steelhead – south central California coast DPS (*Oncorhynchus mykiss*) and the SSC Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*). An additional 10 special-status wildlife species have the potential to occur on the Project site due to the presence of potential suitable habitat in and along the Carmel River and uplands including the State and federally threatened California tiger salamander (*Ambystoma californiense*, CTS) which is known to occur in the vicinity of the Project, along with riparian nesting bird species.

7-1

7-2

CDFW has concerns about the potential Project-related impacts to the surface waters, riparian and upland habitats that are adjacent to or within the Project site, as well as the

7-3

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David Mack
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 Page 2

associated impacts to species that utilize these habitat types. Please note that CDFW provided comments on the original Mitigated Negative Declaration dated January 24, 2014 (attached), and our previous comments are enclosed and incorporated by reference. CDFW would like to redirect your attention to that letter in reference as many of our comments and concerns are still relevant in review of the DEIR, especially regarding potential impacts to State-listed species and Carmel River hydrology.

7-3
 cont.

California Tiger Salamander (CTS): As previously stated in our January 2014 letter, CTS are known to occur within the Planning Area and may occur within the Project site. The DEIR states that there is a low potential (known in the vicinity) for CTS to occur on-site. Due to the potential for CTS to occur on-site and the potential for "take" of the species to occur as a result of Project implementation, acquisition of a State Incidental Take Permit (ITP) from CDFW may be warranted. With the known occurrences of CTS in the general location of the Project, as well as identified aquatic features adjacent to the Project site, CDFW recommends that a site assessment and protocol level surveys be conducted for CTS. Surveys for this species should follow current United States Fish and Wildlife Service (USFWS) protocol methods. Survey guidance can be found at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83915>.

7-4

If the Project will result in take of this species, take authorization from CDFW in the form of an ITP, pursuant to Fish and Game Code Section 2081(b), would be required prior to Project implementation. In the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an ITP. For information regarding ITPs please see the following link: <http://www.dfg.ca.gov/habcon/cesa/>. Included in the ITP would be measures required to avoid and/or minimize direct take of CTS on the Project site, as well as measures to fully mitigate the impact of the take. All impacts related to the permitted taking of CTS must be minimized and fully mitigated.

7-5

Hydrology: Certain fish and wildlife resources are reliant upon aquatic ecosystems, which in turn are reliant upon adequate flows of water. The DEIR states that water for the proposed use will come from the Carmel Valley Alluvial Aquifer (Aquifer). As stated, the Aquifer is in an over-appropriated condition; therefore, any use of water from the aquifer (not just additional use over the baseline, the standard utilized in the DEIR) may have significant impacts to the critical habitat for the SSC and federally listed California red-legged frog and SSC and federally listed steelhead trout. The DEIR is advised to identify as a standard of significance any Project element which would substantially decrease the amount of streamflow such that there would be a potential for impacts to public trust resources.

7-6

It's CDFW's understanding that a Water Distribution System Permit obtained from the Monterey Peninsula Water Management District (MPWMD) and a perfected appropriative water right from the State Water Resources Control Board (SWRCB) is required including compliance with restrictions to the volume of water that could be

7-7

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extracted under the permit. This includes maintenance of minimum mean daily in-stream flows as specified in Table 4.4-3 of the DEIR required by the SWRCB. The MPWMD confirmed the likely approval of 62.91 acre-feet per year (AFY) quantity in their letter of comment on the IS/MND for this Project which is slightly below what is proposed for the Project. However, this estimate did not consider the existing water use baseline of the property which has been documented as zero over the past six years as the agricultural fields have been in a fallow state.

7-7
 cont.

CDFW has concerns regarding the baseline utilized in the DEIR. California Environmental Quality Act (CEQA) impacts related to water usage for the Project is based on the difference between projected use and a historic baseline of the site; the DEIR utilizes as baseline a period of time in which the primary use was active irrigated agriculture. As previously noted the site has been left fallow for over five years; therefore, CDFW does not concur that the baseline period chosen by the County is appropriate, especially in view of the fact that the beneficial use of the water as proposed is recreational, not agricultural. We recommend a more appropriate baseline for water use would be the period of time immediately preceding the release of the DEIR, during which the agricultural fields were fallow.

7-8

The DEIR indicates that the applicant has not clearly identified a water right which supports impoundment of water for the Project, and that the Project proponent has to perfect an appropriative water right. Until such time as a water right has been identified and perfected, and the amount of that right has been determined as consistent with the potential beneficial use proposed, it is not possible to analyze the effect of the project, either in terms of the absolute effect of the project on public trust resources or in terms of the effect attributable to the difference between proposed use and the CEQA baseline.

7-9

Impact BIO-2: *“Water use associated with the proposed Project would potentially result in impacts to aquatic and riparian habitats that would adversely affect wildlife, including sensitive species, during Project operation (Less than significant, Class III).”* It is unclear to CDFW how the County assigned a Less Than Significant, Class III designation to this impact with no mitigation required when sensitive wildlife species including state and federally listed and state species of special concern may be impacted. The DEIR states that the groundwater pumping from the Carmel Valley Alluvial Aquifer to support the Projects water use could result in an associated reduction of streamflow within the Carmel River for which the groundwater basin is already in overdraft. Please see comments provided above under **“Hydrology.”**

7-10

Impact BIO-4: *“Increased access to the Carmel River riparian corridor associated with the proposed Project would potentially result in indirect impacts to wildlife, including sensitive species, during Project operation (Less than significant with mitigation, Class II).”* The DEIR explicitly states that, “The increased presence of humans and dogs within the riparian habitat area associated with the proposed Project...could result in

7-11

David Mack
May 18, 2015
Page 4

indirect harassment and/or predation or injury to special status species, including but not limited to steelhead trout, California red-legged frog, western pond turtle, and dusky-footed woodrat, which have been documented on the Project site." Mitigation measures have been proposed to reduce this impact to less than significant including development of a Habitat Management Plan and monitoring program through coordination with Monterey County, CDFW, and MPWMD. As California red-legged frog and steelhead are federally threatened species, CDFW advises the applicant consult with the United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) as they work to ensure compliance with both the State and Federal Endangered Species Acts. This advisement goes with all other mitigation measures that suggest coordination with local agencies and CDFW.

7-11
cont.

USFWS and NOAA Consultation: As stated previously, CDFW recommends consultation with the USFWS prior to any ground disturbance related to this Project due to potential impacts to federally listed species. Take under the Federal Endangered Species Act (FESA) is more stringently defined than under CESA; take under FESA may also include significant habitat modification or degradation that could result in death or injury to a listed species, by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS and NOAA in order to comply with FESA is advised well in advance of Project implementation.

7-12

Thank you for the opportunity to comment on the DEIR for the Carmel Canine Sports Center. If you have any questions regarding these comments, please contact Brandon Sanderson, Environmental Scientist, at 3196 Higuera Street, Suite A, San Luis Obispo, California 93401, by telephone at (805) 594-6141, or by email at brandon.sanderson@wildlife.ca.gov. You may also contact Craig Bailey, Supervisor Environmental Scientist, by telephone at (559) 243-4014, or by e-mail at craig.bailey@wildlife.ca.gov.

Sincerely,



for Julie Vance
Acting Regional Manager

Attachment

ec: See Page Five

David Mack
May 18, 2015
Page 5

ec: State Clearinghouse
Office of Research and Planning
state.clearinghouse@opr.ca.gov

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January 24, 2014

Mike Novo
 County of Monterey
 Resources Management Agency – Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, California 93901
novom@co.monterey.ca.us

**Subject: Mitigated Negative Declaration (MND) for the Wolter Properties LP
 Carmel Canine Sports Center PLN130352, SCH No. 2013121077**

Dear Mr. Novo:

The Department of Fish and Wildlife (Department) is in receipt of the Mitigated Negative Declaration (MND) for the Wolter Properties LP Carmel Canine Sports Center (Project). The proposed Project is for the development of a canine training/sports facility and event center on 43 acres. The Project is to include the development of four modular structures, fenced pastures and fields, permeable parking area, walking paths, an irrigation system and reservoir, livestock housing (sheep, goats, and ducks) and accommodation of up to seventy recreational vehicles during special events. Site grading to include 90 cubic yards of cut and fill. The Project abuts the Carmel River Riparian Corridor to the south.

Please be advised that the Project area may include potential habitat for the State and federally threatened California tiger salamander (*Ambystoma californiense*, CTS), the State Species of Special Concern (SSC) and federally threatened California red legged frog (*Rana draytonii*), the SSC western pond turtle (*Emys marmorata*), and may have associated impacts to the SSC and federally threatened steelhead – south central California coast DPS (*Oncorhynchus mykiss*) and riparian nesting bird species.

The Department has concerns about the Project-related impacts to the surface waters, riparian and upland habitats that are adjacent to or within the Project site, as well as the associated impacts to species that utilize these habitat types. Project-related impacts to these special status biological resources should be evaluated and addressed prior to Project implementation, in order to comply with State laws described below. It is not clear what evidence the County utilized to make findings that all potential impacts to biological resources (which have yet to be fully identified) would be mitigated to a level of less than significant without accurate identification of the type and extent of sensitive resources, as well as potential effects on those resources. Therefore, the Department recommends that biological surveys be conducted by a qualified wildlife biologist and

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Page 2

botanist during the appropriate season(s) and that the results of these surveys are used to inform the analysis of impacts to resources and to provision suitable avoidance, minimization, and mitigation measures to reduce impacts to less than significant levels.

Moreover, revisions to the MND should be made that include an accurate description of proposed Project development activities, a discussion regarding pre-existing grading and structural development in connection with Project design plans (including but not limited to irrigation pond construction and turf development), and an appropriate discussion of biological resources located within the Project area identified through biological surveys as discussed above. The California Environmental Quality Act (CEQA) document should include a Project description sufficient to accurately identify impacts to wildlife species and habitat, and measures which would mitigate impacts to such species to a level of less than significant including a discussion of potential impacts to sensitive species that may have already occurred as a result of previous unpermitted land disturbance activities in association with the Project. Therefore, the Department recommends a new CEQA document be prepared and re-circulated for review once adequate surveys and impact analyses have been completed to determine what measures would mitigate potential effects of the Project.

Department Jurisdiction

Trustee Agency Role: The Department is a Trustee Agency with the responsibility under the CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Responsible Agency Role: The Department is a Responsible Agency when a subsequent permit or other type of discretionary approval is required from the Department, such as an Incidental Take Permit (ITP), pursuant to the California Endangered Species Act (CESA), or a Lake and Streambed Alteration Agreement (LSAA) issued under Fish and Game Code Sections 1600 *et seq.*

The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, or designated as a candidate for listing, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species pursuant to CESA, the Department may need to issue an ITP for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Significant impacts must be avoided or "fully mitigated" in order for "take" authorization to be issued by the Department, and while the CEQA Lead Agency may make a supported Statement of

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Monterey County Planning
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Page 3

Overriding Considerations (SOC), the Department cannot issue a "take" authorization unless all impacts have been "minimized and fully mitigated" (Fish and Game Code Section 2081).

The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with CESA. In other words, compliance with CESA does not automatically occur based on local agency project approvals or CEQA compliance; consultation with the Department is warranted to ensure that Project implementation does not result in unauthorized "take" of a State-listed species.

Incidental "take" authority is required prior to engaging in lawful "take" of any plant or animal species listed under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act. No direct or indirect disturbance, including translocation, may legally occur to State-listed species prior to the applicant obtaining incidental "take" authority in the form of an ITP.

Permit Streamlining: Issuance of an LSAA and/or an ITP by the Department is considered a "project" (CEQA Guidelines Section 15378) and is subject to CEQA. The Department typically relies on the Lead Agency's CEQA compliance to make our own findings. For the Lead Agency's CEQA document to suffice for permit/agreement issuance, it must commit to fully describing the potential Project-related impacts to stream/riparian resources and listed species, as well as measures to avoid, minimize, and mitigate impacts to these resources. Impacts to State-listed species must be "fully mitigated" in order to comply with CESA (California Fish and Game Code Section 2081(b)(2)). If the CEQA document issued by the County for this Project does not adequately analyze impacts to resources that require permits issued by the Department, the Department may need to act as a Lead CEQA Agency and complete a subsequent CEQA document. This could significantly delay permit issuance and, subsequently, Project implementation. For that reason, it is very important that the revised MND reflect suitable and feasible avoidance, minimization, and compensatory mitigation, such that we are able to make findings per CEQA necessary for ITP issuance. In addition, CEQA grants Responsible Agencies authority to require changes in a Project to lessen or avoid effects of that part of the Project which the Responsible Agency will be called on to approve (CEQA Guidelines Section 15041).

Bird Protection: The Department has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include sections 3503 (regarding unlawful "take", possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take", possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird).

Water Rights: The MND indicates that the applicant has not clearly identified a water right which supports use of water for the Project, and that the Project proponent has to

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perfect a water right, either by receiving a Riparian Rights determination from the Monterey Peninsula Water Management District (MPWMD) or obtain an appropriative right from the State Water Resources Control Board (SWRCB). Additionally, because the previous water right is based on an agricultural use, and the proposed use is not agricultural in nature, an existing water right may have to be reconsidered to transfer the right, and the amount predicated on a different basis related to the new reasonable and beneficial use.

Additionally, MPWMD and the SWRCB both have an independent obligation to address public trust resources, as required by the 1983 Supreme Court decision in *National Audubon Society v. Superior Court of Alpine County*; this decision requires these agencies to balance potential value of the project against the impact on trust resources. The Department, as Trustee and Responsible Agency, is consulted by the SWRCB during the water rights application process to provide terms and conditions designed to protect fish and wildlife public trust resources prior to appropriation of the State's water resources. Certain fish and wildlife resources are reliant upon aquatic ecosystems, which in turn are reliant upon adequate flows of water. The Department therefore has a material interest in assuring that adequate water flows are maintained within streams for the protection, maintenance and proper stewardship of those resources. The Department recommends that water allocated for this Project be done in a manner which protects a bypass flow, the amount of which is determined to avoid impacts to public trust resources. The bypass flow requirements for the Carmel River should require the cessation of pumping whenever river flow drops below a specified rate(s) as measured at an appropriate river gage. The Department provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

Biological Information: It is not clear how the County concluded that impacts to biological resources are less than significant with mitigation incorporated when the initial study does not address question 4.(a) as to whether the Project would have adverse effects on any candidate, sensitive, or special status species. There is no discussion regarding the potential for the above mentioned species to occupy the site including CTS and CRLF. Based on the information provided in the MND it appears that biological surveys have not been performed on the Project site. The MND states that the Project site has been left fallow for over five years. Again, absent the completion of essential biological assessments and surveys to determine which species have the potential to occupy or use the Project site, it is not clear how the County can conclude that biological resources are either not present or that measures proposed are adequate to reduce impacts to less than significant. As required by CEQA, the MND should clearly identify resources on the Project site and their potential to be impacted by the proposed Project; analyze potential impacts as to their significance; and identify measures to reduce all potentially significant impacts to a level of less-than-significant. This includes water use of the Carmel River and its associated biological impacts to aquatic species. Impact analysis should be predicated on complete biological surveys. Measures and alternatives that would avoid and minimize potential impacts to resources of concern, as well as on-site conservation measures, should be considered prior to

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measures and alternatives that would provide for compensatory resources on- or off-site.

The Department advises surveys be conducted at the appropriate time of year to determine the presence/absence, location, and abundance of sensitive plant and animal species and natural communities that may occur on or adjacent to the Project site. In addition to the specific surveys that we have recommended below, general wildlife surveys should be conducted over the entire Project site to determine potential impacts to wildlife species and habitats of concern. Sensitive natural communities that may occur on the Project site advised to also be identified and mapped and potential impacts evaluated and mitigated.

The Department also has concerns regarding the potential discharge of storm water runoff or other potential discharges from the facility site where animal wastes and other constituents of concern could impact seasonal wetlands and the Carmel River and riparian corridor adjacent to the Project site. Wastewater from confined animal facilities is known to contaminate surface and groundwater alike. Surface water and groundwater contamination includes the increase of nitrogen compounds, salts, pesticides, pathogens, dissolved solids, and other constituents of concern. The CEQA document prepared for this Project is advised to evaluate the potential impacts to groundwater and surface water contamination, and the potential related impacts to plants and wildlife that depend on these aquatic resources for all or part of their life cycle. The project allows for the accommodation of up to 70 recreational vehicles during special events. The Department is concerned that the MND does not address whether sewage hookups and tanks will be constructed on site for the disposal of waste water from recreational vehicles. Given that the project site overlays the Carmel River aquifer and is within the flood plain, any sewage leaks could potentially affect the water quality of the Carmel River and its aquifer. The Department recommends that the County require that all recreational vehicle sewage and waste water disposal occur at an appropriate off-site facility.

The Department submits the following recommendations on specific biological resources and issues that should be discussed in the MND.

Botanical Inventory: There is the potential for sensitive plant species to occur within the Project area. Botanical surveys are recommended to be conducted prior to Project activities and be performed in accordance with guidelines developed by the Department (DFG, 2000) and the United States Fish and Wildlife Service (USFWS) (USFWS, 2000). Botanical surveys are floristic in nature and must be timed appropriately and cover the entire property and may require multiple surveys in order to detect all species which could potentially be present on the property before impact analysis occurs. Note the above referenced guidelines instruct the use of reference sites to confirm appropriate survey timing, particularly for seasonably variable, often difficult to detect species.

Nesting Birds: The trees, shrubs, and grasses within and in the vicinity of the Project site likely provide nesting habitat for songbirds and raptors. The Department

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encourages Project implementation to occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), Project applicant is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing; including staging, clearing, and grubbing, the Department recommends surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of the Project commencing and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. Identified nests should be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the Project. If behavioral changes are observed, the work causing that change should cease and the Department consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, the Department also recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500 foot no-disturbance buffer around the nests of unlisted raptors until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended the Department be notified in advance of implementation of a no-disturbance buffer variance.

California Tiger Salamander (CTS): As previously mentioned CTS are known to occur within the Planning Area and may occur within the Project site. The MND is advised to clearly disclose the potential impacts that the Project may have on CTS and provide measures to mitigate for all potential impacts to CTS. Due to the potential for CTS to occur on site and the potential for "take" of the species to occur as a result of Project implementation, acquisition of a State Incidental Take Permit (ITP) from the Department may be warranted. Project-related impacts to CTS are recommended to be evaluated and addressed prior to Project implementation, in order to comply with State laws. With the known occurrences of CTS in the general location of the Project, as well as identified aquatic features adjacent to the Project site, the Department recommends that a site assessment and protocol level surveys be conducted for CTS. Surveys for this species should follow current United States Fish and Wildlife Service (USFWS) protocol methods. Survey guidance can be found at: <http://www.dfg.ca.gov/wildlife/nongame/docs/CTSFinalGuide10-03.pdf>.

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The results of the site assessment and protocol level surveys can then be utilized to evaluate the potential for impacts to the species which would be analyzed by the County in the CEQA document, as well as to determine the potential for "take" to occur. If the Project has the potential to result in "take" of this species, "take" authorization from the Department in the form of an ITP, pursuant to Fish and Game Code Section 2081(b), would be required prior to Project implementation. In the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an ITP. For information regarding ITPs please see the following link:

<http://www.dfg.ca.gov/habcon/cesa/>. Included in the ITP would be measures required to avoid and/or minimize direct "take" of CTS on the Project site, as well as measures to fully mitigate the impact of the "take". All impacts related to the permitted taking of CTS must be minimized and fully mitigated.

California Species of Special Concern (CSSC): Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it should be fully considered in the environmental analysis for the Project. This should include CSSC that are known to the Project area vicinity and could occur in the Project area such as California red-legged frog, western pond turtle, and steelhead trout; as such, impacts to these species and their habitats must be identified and mitigated to a level of less than significant. These species forage, breed and nest in aquatic systems, riparian areas and associated uplands and may utilize sites within and around the Project Area. These species have all been identified to occur on adjacent sites.

As California red-legged frog and steelhead are also federally threatened species, the Department recommends you consult concurrently with the USFWS and NOAA as you work with the Department to ensure you are in compliance with both the State and Federal Endangered Species Acts.

Hydrology: The MND states that water for the proposed use will come from the Carmel Valley Alluvial Aquifer (Aquifer). As stated, the Aquifer is in an over-appropriated condition; therefore any use of water from the aquifer (not just additional use over the baseline, the standard utilized in the MND) may have significant impacts to the critical habitat for the CSSC and federally listed California red-legged frog and CSSC and federally listed steelhead trout. As stated above, the allocation of water includes an independent obligation to address public trust resources per the *National Audubon* decision. This obligation is independent of any baseline determination, impact analyses or mitigation which might be applied to a project subject to review under CEQA. The MND is advised to identify as a standard of significance any Project element which would substantially decrease the amount of streamflow such that there would be a potential for impacts to public trust resources. Additionally, there does not appear to be any section of the MND which actually discusses what public trust resources would be subject to this independent obligation; nor any descriptions, standards, thresholds or any other such analysis or requirements which would clarify how the County actually

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considered such resources and identified a project or project alternative, including appropriate limits on allowable diversions, which would feasibly protect public trust values. Again, under this condition it is not clear how the County can conclude that impacts to biological resources are considered less than significant with mitigation incorporated when essential biological assessments have not been performed to identify potential impacts to these public trust resources. The Department recommends that further studies be conducted to determine the impacts that the Project will have on aquatic resources.

The Department also has concerns regarding the baseline utilized in the MND. CEQA impacts related to water usage for the Project is based on the difference between projected use and a historic baseline of the site; the MND utilizes as baseline a period of time in which the primary use was active irrigated agriculture. As previously noted the site has been left fallow for over five years; therefore the Department does not concur that the baseline period chosen by the County is appropriate, especially in view of the fact that the beneficial use of the water as proposed is recreational, not agricultural. We recommend a more appropriate baseline for water use would be the period of time immediately preceding the release of the MND, during which the agricultural fields were fallow.

The Department has concerns regarding the amount of water which is projected to be utilized by the proposed project. The MND states that in the application to the MPWMD the applicant identifies that 58.03 acre feet of water will be used for Irrigation/Agriculture. It does not clearly identify the amount of irrigated water use for turf at the facility to be used for daily training and exercise activities as well as special events, along with other irrigation uses; that amount should be separately identified. The maintenance of turf is not an agricultural use, in that no agricultural commodities are produced. Additionally, it is not clear that the non-turf areas would be considered agriculture, rather than vegetation which is cultivated specifically for the dog training and special events. The majority of the Project as proposed is not for an active agricultural use, and appropriate mitigation measures to reduce the overall water demand of the Project to reduce impacts on riverine resources could include the maintenance of other more drought tolerant landscaping/vegetation in which training and special events can occur. The MND does not evaluate the significance of potential impacts to public trust resources which would result from reduction in flows resulting from a diversion to support the proposed project, nor offer any specific measures which would mitigate these adverse effects. The Department believes that these could be significant and potentially unmitigable, except by reducing the diversion and enforcing limits on pumping, both instantaneously and on a seasonal basis.

The Department is concerned that the diversion will result in direct and cumulative adverse impacts to the resources of the river by reducing instream flow and water availability needed to maintain fish and wildlife habitat within and adjacent to the river. The Department recommends that the MND fully disclose the direct and cumulative effects of the Project's diversions (the amount of which would be determined under a perfected water right) from the river. This obligation is independent of any baseline

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determination, impact analyses or mitigation which might be applied to a project subject to review under CEQA. The Department recommends that water allocated for this project be done in a manner which protects a bypass flow, especially during the low-flow season, the amount of which is determined to avoid impacts to public trust resources. The bypass flow requirements for the Carmel River advised to require the cessation of pumping whenever river flow drops below a specified rate(s) as measured at an appropriate river gage.

As noted above, the MND indicates that the applicant has not clearly identified a water right which supports use of water for the Project, and that the Project proponent has to perfect a water right. Until such time as a water right has been identified and perfected, and the amount of that right has been determined as consistent the potential beneficial use proposed, it is not possible for the County to analyze the effect of the project, either in terms of the absolute effect of the project on public trust resources or in terms of the effect attributable to the difference between proposed use and the CEQA baseline.

River Access: The MND states that the applicant is proposing access to the Carmel River for dog activities and picnicking. However, the MND also states that further information regarding activities to gain access to the river has not been provided and has not been shown to be consistent with County policies. The Department agrees with the conditions provided in the MND to preclude river access and not allow removal of riparian vegetation within the Carmel River corridor. The Department has a no-net-loss policy regarding riparian vegetation; therefore if the riparian vegetation is to be impacted by the Project there must be measures put in place to fully mitigate for any riparian loss.

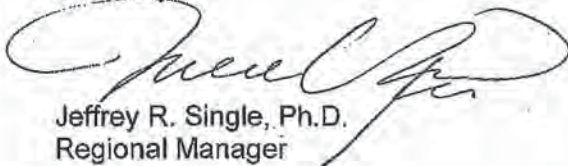
USFWS & NOAA Consultation: As stated previously, the Department recommends consultation with the USFWS prior to any ground disturbance related to this Project due to potential impacts to federally listed species. "Take" under the Federal Endangered Species Act (FESA) is more stringently defined than under CESA; "take" under FESA may also include significant habitat modification or degradation that could result in death or injury to a listed species, by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS and NOAA in order to comply with FESA is advised well in advance of Project implementation.

Conclusions: Biological studies are recommended to include, but not be limited to, CTS, California red-legged frog, western pond turtle, steelhead trout, rare plants, and nesting birds. Surveys are instructed to be comprehensive and address the subsequent impact assessment of all special status species that are found to occur or are likely to occur on or near the Project site. Impact analysis is also advised to address direct, indirect, temporary, and permanent impacts, as well as potential impacts to sensitive species that may have already occurred as a result of previous land disturbance activities. Proposed measures to mitigate Project impacts are recommended to emphasize avoidance and minimization over translocation of resources or provision of compensatory resources on- or off-site. In addition, the Department recommends that the USFWS and NOAA be consulted due to potential impacts to federally listed species.

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Thank you for the opportunity to comment on the MND for the Carmel Canine Sports Center. The Department recommends that the MND be withdrawn, and a revised CEQA document be prepared and circulated for review once adequate surveys and impact analyses have been completed, and after a water right for the project has been identified and perfected by the project proponent. The Department is available to consult with the County regarding potential effects to fish and wildlife resources, as well as specific measures which would mitigate potential effects of the project, once appropriate surveys have been conducted. Depending upon the results of the described biological surveys, actual Project site configuration, and other details which should be disclosed in the MND, we may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to habitat and special status species. If you have any questions regarding these comments, please contact Brandon Sanderson, Environmental Scientist, at 3196 Higuera Street, Suite A, San Luis Obispo, California 93401, by telephone at (805) 594-6141, or by email at brandon.sanderson@wildlife.ca.gov. You may also contact Annee Ferranti, Senior Environmental Scientist, by telephone at (559) 243 4014, or by e-mail at annee.ferranti@wildlife.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

ec: See Page Eleven

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**Comment 7, Ms. Julie Vance, Acting Regional Manager
California Department of Fish and Wildlife Central Region**

Comment Response 7-1: Comment Noted. Commenter confirms, as is stated in the DEIR, that four special-status wildlife species have been documented on the Project site.

Comment Response 7-2: Comment noted. Commenter confirms, as is stated in the DEIR, that an additional 10 special status wildlife species have the potential to occur on the Project site; species are shown in Table 4.4-2.

Comment Response 7-3: Comment noted. Commenter indicated that comments made in January 2014 on previously prepared Mitigated Negative Declaration are still a concern. The comments were incorporated into the preparation of this DEIR.

Comment Response 7-4: Commenter states concern over the potential of California Tiger Salamander (CTS) to occur on site and recommends protocol level surveys. The Project site has historically experienced on-going agricultural activity (grading, tilling, crop production, etc.), which is disruptive to the establishment of CTS breeding areas. The DEIR relies on the Biological Resources Assessment prepared in February 2014, which did not identify the presence of CTS on the Project site.

Comment Response 7-5: Comment noted. Commenter states that should CTS be found on site an Incidental Take Permit (ITP) will be required from CDFW. See Comment Response 7-4.

Comment Response 7-6: See Master Response 1 – Water Use.

Comment Response 7-7: See Master Response 1 – Water Use.

Comment Response 7-8: See Master Response 1 – Water Use.

Comment Response 7-9: See Master Response 1 – Water Use.

Comment Response 7-10: See Master Response 1 – Water Use.

Comment Response 7-11: Commenter expressed that Applicant should consult with United States Fish and Wildlife (USFWS) and National Oceanic and Atmospheric Administration (NOAA) as they develop and work to implement the Habitat Management Plan and monitoring program (MM BIO-4c).

Comment Response 7-12: Comment noted. Commenter recommends consultation with USFWS and NOAA prior to any ground disturbance related to the proposed Project.



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.

8-1

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.

8-2

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.

8-3

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.

8-4

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).

8-4
cont.

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.

8-5

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;

8-6

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

8-7

- 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.

8-7
cont.

8-8

8-9

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:

8-10

8-11

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.

8-12

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:

8-13

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.

8-14

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

8-15

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

8-15
cont.

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)

8-16

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,



Amy L. White
Executive Director

**Comment 8, Ms. Amy L. White, Executive Director
Land Watch Monterey County**

Comment Response 8-1: The cumulative conditions analyzed in the transportation and traffic section assume buildout of land uses consistent with the General Plan and applicable area plans such as the Carmel Valley Master Plan (refer to Appendix H). Plan area buildouts have been considered and included in the cumulative transportation analysis, which has identified significant impacts for the proposed Project (refer to Impact TRANS-9, -10, and -11).

Comment Response 8-2: Mitigation measure MM NOI-3 is not considered deferred mitigation that would require recirculation of the DEIR. The proposed mitigation measure requiring that all external RV lights be turned off by 9:00 P.M. would reduce potential impacts from new nighttime lighting (overnight RVs) to a less than significant level. The Special Event Management Plan would document this measure, along with other special event requirements, in a consolidated plan.

Comment Response 8-3: The Project site has historically relied upon riparian water rights to sustain onsite agricultural operations. While Impact AG-1 discloses that agricultural conversion due to the Project would be less than significant, it also discloses other variables that could affect agricultural viability in the future, including water supply. However, this is not a conclusory discussion regarding water supply or water rights.

Comment Response 8-4: Construction and operation thresholds columns in Table 4.3-5 of the DEIR were incorrectly reversed. The table has been revised to show the correct thresholds in each column. Potential Carbon Monoxide (CO) operational emissions (including vehicle emissions) were calculated and determined to be well below the 550 lbs/day threshold, per MBUAPCD CEQA Air Quality Guidelines; therefore impacts to air quality were determined to be less than significant.

Comment Response 8-5: Per CEQA Guidelines 15126.4(B) "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards, which would mitigate the significant effect of the Project..." MM BIO-4c requires the Applicant to develop an annual Habitat Management Plan and monitoring program which puts forth success criteria and allows for adaptive management, in the event that the Project results in unanticipated biological impacts within the riparian corridor. The Monterey County, CDFW, and MPWMD would provide input on a semi-annual basis (i.e., every 6 months) and depending on the results of monitoring and reporting, would retain the ability to further restrict the 30-dog per day limit or restrict Project-related access to the Carmel River corridor beyond existing baseline conditions.

Comment Response 8-6: As discussed in the DEIR under Impact LU-1, *Project Daily Operations and Events*, permitted uses allowed within the LDR zoning designation with a Use Permit include operation of a Country Club or other uses of a similar character, density and intensity. Operation of the proposed Project would be similar to uses that typically occur associated with other types of country clubs, including occasional fundraisers, workshops, and social events. The proposed Project special events would be comparable to these type of events typical to the *Country Club* use category, rather than the types of events that would occur under the *Assemblages of People* use category (e.g., carnivals, festivals, races, and circuses) which would be limited to ten days per year.

Comment Response 8-7: See Master Response 1 – Water Use.

Comment Response 8-8: See Master Response 1 – Water Use.

Comment Response 8-9: See Master Response 1 – Water Use.

Comment Response 8-10: Comment noted. Text has been revised.

Comment Response 8-11: Comment noted. The entire policy CV-2.17 has been added to the revised text within this FEIR.

Comment Response 8-12: The commenter points out that the existing LOS for the Weekday and Friday P.M. eastbound and Weekday A.M. westbound LOS for Segment 7 of Carmel Valley road operate at LOS E. The acceptable threshold for this segment as specified in CV-2.17 is “LOS D.” The Existing Plus Project analysis shows there is not degradation in this LOS. The commenter points out that under the Cumulative condition the LOS for the eastbound Weekday A.M. and westbound Weekday P.M. as well as the Friday P.M. and Sunday Midday are all degraded to LOS E. This is also the case for the Cumulative Plus Project scenario. The Project alone in the cumulative condition does not further degrade any road segments, but the projects incremental addition to the cumulative impact has been found to be a significant and unavoidable impact.

Policy CV-2.17 requires a project analysis take into account improvements to be funded by the Carmel Valley Traffic Improvement Program, and if those do not address the impact, then the Project is responsible for providing mitigation for those impacts. If the impacts cannot be mitigated then an EIR must be prepared for the project which includes an evaluation of the traffic impacts based on the ADT methodology. This EIR meets the requirements of CV-2.17.

Comment Response 8-13: The consistency analysis for Chapter 5 addressing this policy has been modified.

Comment Response 8-14: Comment noted. MM NOI-3 requires annual review of the Special Event Management Plan; however, noise complaints could also be filed with Monterey County under Ordinance No. 5250, which requires that nighttime noise be kept below a 65 dBA maximum. These complaints would be considered during the annual review of the Special Event Management Plan. The County would retain the ability to modify the conditions in the plan to address any concerns or non-performance issues that may arise. This would potentially include, but not be limited to, a reduction in the number of events, restrictions on attendance at events, and a reduction in the time period allowed for amplified sound or RV generator use.

Comment Response 8-15: Comment noted. The referenced statement is referring to the Project objective identified in Section 7.2 which states, “Provision of special events to allow members to showcase their canine training accomplishments with *visiting participants* at a limited number of dog-related tournaments, fundraisers, workshops, and social events annually, similar to special event operations of country clubs.” Special events hosting visiting or non-local participants would likely require overnight stays, typical of these types of facilities, but which would not be achieved under this alternative.

Comment Response 8-16: Please refer to Response to Comment 8-15. A finding that an alternative does not achieve a Project objective is not considered a rejection of the alternative. As discussed in Section 7.6, the DEIR considers a range of alternatives which would achieve *most* of the basic objectives of the Project but would avoid or substantially lessen significant effects. The alternatives analysis simply provides a comparison of potential impacts under each alternative to those under the proposed Project. On the contrary to alternative rejection, Alternative 2 has been identified in the DEIR as the environmentally superior alternative, providing the most benefit while reducing impacts and achieving most the Project objectives.



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May 8, 2015

David Mack
 Monterey County Planning Department
 168 W. Alisal St., 2nd Floor
 Salinas, CA 9390

Subject: DEIR for Carmel Canine Sports Center

Dear Mr. Mack:

The Carmel Valley Association (CVA) has almost 600 Carmel Valley members. Since our founding in 1949, our mission has been to preserve, protect and defend the natural resources, beauty and rural character of Carmel Valley.

The Carmel Valley Association (CVA) has reviewed the Draft Environmental Impact Report (DEIR) on the Carmel Canine Sports Center (CCSC) with that mission in mind, as well with consideration as to whether or not the CCSC properly adheres to the Carmel Valley Master Plan. Having done so, we continue to have many areas of concern and many questions that need to be answered.

1. The first area of concern is that the project is already operating.

The project continues to be listed as "Proposed" which by definition does not mean, "approved", nor "authorized to move ahead" until final approval. Yet, the project has moved forward with the following:

- The grading of land and altering of the landscape
- Accepting money for paid memberships
- It has been reported that the property is already being used commercially

Questions: How is it that the County has allowed the project to proceed as if it has been approved, despite the fact that it has not been approved? Will the County now enforce its regulations, and force the CCSC to cease and desist?

2. The second area of concern is that the CCSC Project is inconsistent with the General Plan, the Carmel Valley Master Plan, and the zoning ordinance.

The project is simply an inappropriate land use in the low density residential area in which it is proposed.

- The project would be a daily operation with 100 members (not including all employees) with the possibility of as many as three dogs to a person on the property daily.

9-1

9-2

- The project is essentially proposing a national dog event center which will hold events 24 days a year with the possibility of as many as 750 dogs, 250 participants (not including employees) and guests (unspecified and uncapped number of guests). Additionally, there will be up to 70 recreational vehicles coming to and from, and staying overnight on the property during these events.

- The project will bring a significant additional increase in daily traffic, with admitted significant and unavoidable traffic impacts.

9-3

- But even more detrimental is the impact on the rural character of the area that bringing in recreational vehicles will have. There is no possible mitigation for adding 70 recreational vehicles. While a visual screen might be provided, a stream of large recreational vehicles will pour into an area that is for the most part a low-density rural residential area. Generators on board will run throughout all hours of the night. The introduction of recreational vehicles changes the rural character and visually impacts the area. All of this cannot be mitigated. It is clear that the proposed project will adversely affect and drastically change the existing visual quality and aesthetic rural character of the area.

9-4

DEIR discussion of Zoning – The DEIR recites various provisions of the County code for low density residential uses (DEIR 4.9-5 to 4.9-6), but does not explain how the project could possibly be consistent with that designation. Chapter 21.14 does not permit overnight camping or RVs congregations, even with a use permit. Chapter 21.14 permits at most 10 days per year of event use, not the 24 days proposed. And contrary to the implication of the DEIR, the proposed use is not a public or quasi-public use because use of the facility would be restricted to members. If in fact the public would be allowed to use the facilities, this is not disclosed in the DEIR, and the impacts of substantially greater numbers of potential users have not been evaluated.

9-5

DEIR Discussion of Land Use and Planning – Impact LU-1 concludes that conversion of agricultural lands and introduction of daily operations and event uses would be potentially inconsistent with existing uses and the character of the area. CVA cannot agree with the conclusion that mitigation measures render this impact less than significant. Mitigation for noise and traffic impacts will not be sufficient and aesthetic impacts have not been sufficiently assessed. Particularly concerning is the DEIR’s assumption that the County will just deal with these problems in the future through “subsequent review” (DEIR p. 4.9-12). Also of particular concern is the assumption that admittedly significant traffic impacts will be addressed through future traffic improvements that are neither planned nor funded.

9-6

DEIR Discussion of Consistency with Traffic Policies – The DEIR fails to acknowledge the project’s inconsistency with traffic policies, including CVMP Policy CV-2.17 and Circulation Element Policies C-1.1, C-1.3, and C-1.4. These policies require that the project’s admittedly significant traffic impacts to County roads be mitigated concurrently by physical improvements that are installed before the project generates traffic. The DEIR admits that there are no planned and funded projects to address impacts to County roads at the intersection of Carmel Valley Road and Valley Greens Drive or at the of Carmel Valley Road proximate to the project. Thus, as proposed, some traffic impacts to County roads would not be mitigated at all (these are designated as significant and unavoidable by the DEIR). Other impacts would purportedly be mitigated by the untested use of a traffic monitor rather than by the physical improvements required by General Plan and CVMP policies. The project as proposed is simply inconsistent with relevant traffic policies.

9-7

DEIR Discussion of Aesthetic and Visual Resources- AES-1 –The EIR concludes that no mitigation measures are required and that impacts are less than significant.

This project area is designated as Visually Sensitive by the County General Plan. In the plan development is encouraged to be subordinate to the natural features of the area, and preservation of natural terrain, vegetation, and voluntary restrictions on development are encouraged. The Project site’s eight contiguous parcels are all zoned Low Density Residential

(LDR/2.5-D-S- 34 RAZ. Thus in the immediate vicinity of the project land use are low density residential uses in which there are substantial amounts of open space (that include California oak woodland, riparian woodland, chaparral grassland, and savanna habitats), rural residential use, and rural grazing. The project uses will disrupt the existing landscape.

In sum, no matter what mitigations are proposed, the land use compatibility impacts associated with project are significant and the project is inconsistent and in conflict with the County's General Plan, Carmel Valley Master Plan, and the Zoning Ordinance of the County of Monterey.

Questions: How, does this project not directly conflict with the Zoning Code, the Monterey County General Plan, and the Carmel Valley Master Plan, considering that what is now zoned Low Density in a visually sensitive area will be turned into a daily commercial activity area? Please explain what provisions of the low density residential zoning would permit this use. Please explain how the project could be consistent with relevant traffic policies given the admittedly significant and unavoidable traffic impacts.

9-8

3. The third area of concern is Noise Impact - NO1-2 and Impact NOI-3

The DEIR, with regard to noise impacts on low density residential properties surrounding the Project site, suggests that daily operational noise associated with the project will not result in substantial permanent increase in ambient noise levels in the project vicinity. However, the noise level in the immediate vicinity of residential homes will undoubtedly be affected by the presence of as many as 100 to 300 dogs daily. The DEIR has not adequately evaluated the disturbing effects of intermittent daily dog barking or other noises from the project site. Even if daily average noise standards are not exceeded, the annoyance from a new intermittent noise source and the loss of the existing quite ambience is a real and significant impact.

9-9

The sound of dogs barking carries considerably and cannot be compared to hitting of golf balls in the adjacent areas, which, by the way, only occurs during daytime hours, whereas during the events, dogs will remain on property, barking, potentially throughout the night.

The issue of canine nuisance barking is of even greater concern during the proposed 24 event days. The project applicant is proposing 250 participants and their guests (the DEIR does not include the number of guests) and each participant may have as many as 3 dogs. Thus, there could be as many as 750 dogs on the project site during event days as well as a far greater number of people. (That is a lot of dog noise!)

9-10

The mitigation measures to control dogs barking are inadequate and will be ineffective. Providing noise incident responses protocols is not sufficient for immediate noise abatement that will certainly affect the adjacent residential areas. In effect, the proposal is to allow the significant impact to occur first, and then require the affected public to seek redress. This is not effective mitigation because it does not prevent the significant impact.

9-11

Additionally, the project envisions that the 70 RV's coming to the events. Regardless of the proposed mitigation, it is foreseeable that some will leave their generators on throughout the night, also greatly adding to the ambient noise levels at night.

9-12

Questions: Why does the DEIR fail to consider that noise impacts that increase ambient noise may be significant even if average noise standards are not exceeded? Why does the DEIR fail to recognize that there may be a significant impact from repeated intermittent dog barking even if average noise level standards are not exceeded? How can the County enforce mitigation conditions on current events given its limited ability to respond to the need for noise abatement as it occurs?

9-13

4. Recreation – Impact REC-1 and Impact REC-2

The applicant argues that the dog training would be of benefit to the local community. If the CCSC was a totally local training center the argument might reasonably be made, but, in fact, the project relies on marketing beyond the immediate region, statewide and nationally, to be economically viable. The events are intended to be national, state wide and regional in char-

9-14

acter rather than local and rural. If that were not the case, it would not be envisioning people coming in RV's from areas outside the immediate area. Local residents would obviously stay overnight in their own local home, rather than reside overnight in an RV on site. There are already sufficient parks in the Carmel Valley that are welcoming to dogs. The only possible benefit might be dog training for the local population.

9-14
cont.

Question: How does the project benefit the local community other than as a training site for local dogs?

There are a number of other important impacts that are insufficiently addressed. Those include the following:

- the impacts to sensitive species and habitats, including riparian habitat associated with the Carmel River, as well as disturbed upland habitat that may provide seasonal cover for California red-legged frogs (*Rana draytonii*) and western pond turtles (*Actinemys marmorata*);

9-15

- Water supply and water quality impacts associated with the proposed use of potable and irrigation water at the Project site;

9-16

- Traffic impacts on Highway 1 and Carmel Valley Road, both of which operate at failing levels of service during peak hour traffic conditions, and traffic associated with special events, particularly RVs arriving to and departing from the proposed CCSC entrance on Valley Greens Road;

9-17

Thank you for the opportunity to review the DEIR for the Carmel Canine Sports Center. We look forward to your response.

Sincerely,



Priscilla Walton, President, Carmel Valley Association

**Comment 9, Ms. Priscilla Walton, President
Carmel Valley Association**

Comment Response 9-1: The concerns address planning and zoning compliance issues, rather than EIR analysis. Therefore, no response is required; however, planning-related issues will be addressed in the staff report

Comment Response 9-2: The LDR zoning (Monterey County Code Section 21.14.050) allows public/quasi-public uses, such as “country clubs”, “golf courses”, and “other uses of a similar character, density and intensity to those listed in this section” as allowed uses subject to approval of a Use Permit. The proposed Project is of a similar character, density and intensity of the adjacent Quail Lodge Golf Course and Country Club and the Project application includes a request for a Use Permit to allow a membership-based sports and event center. Therefore the proposed Project can be permitted subject to approval by the Appropriate Hearing Authority. The proposed permit would allow a maximum of 250 people on the site during events. This includes participants, employees, volunteers, vendors and guests.

Comment Response 9-3: Comment noted. As described in Impact TRANS-2, typical daily operations associated with the proposed Project would have a less than significant impact on surrounding intersections. Special events associated with the proposed Project would result in less than significant impacts with the implementation of MM NOI-3. However, the proposed Project would still result in significant and unavoidable impacts to vicinity roadway segments (refer to Impact TRANS-4).

Comment Response 9-4: Analysis in Section 4.9.4.4 of the DEIR has found the proposed Project consistent with General Plan and Carmel Valley Master Plan policies, in terms of visual quality and rural character, with implementation of aesthetics and noise mitigation during special events. This includes noise mitigation measure MM NOI-3 which would prohibit the use of RV generators outside the hours of 8:00 A.M. to 7:00 P.M.

Comment Response 9-5: The DEIR explains in Section 4.9.4.4 that the proposed Project is consistent with the LDR zone with a Use Permit, similar to that under operations of a Country Club or other uses of a similar character, density and intensity, which is an allowable use (with a Use Permit) in this zone. Operation of the proposed Project would be similar to uses that typically occur associated with these types of country clubs, including occasional fundraisers, workshops, and social events, rather than those that would occur under the use categories for Assemblages of People (e.g., carnivals, festivals, races, and circuses) which would be limited ten days per year. The proposed Project includes use for members, as well as, contract trainers and other dog-related service providers for classes and workshops. Classes would also be open to non-members.

Comment Response 9-6: Implementation of mitigation measures have been identified to reduce Project impacts to less than significant levels based on CEQA and County significance criteria or thresholds of significance. Discussion of “subsequent review” only serves to ensure the County’s authority to re-evaluate and modify, if necessary, the effectiveness and compatibility of mitigation implementation. When considering the Project, decision-makers may, with appropriate evidence and findings, alter the proposed measures as deemed necessary.

Comment Response 9-7: See Comment Response 8-12. MM-TRANS-3 provides a menu of options for mitigating potentially significant impacts resulting from special events at the Project site. If the CVTIP is not amended and a traffic signal or roundabout is never installed at the intersection of Carmel Valley Road & Valley Greens Drive, the Applicant could either enter into agreements with private road holders or provide deputy sheriffs or other qualified public safety personnel to direct traffic during special

events. (Refer to Memorandum from County Traffic Engineer dated 17 July 2015). With regard to the effectiveness of County-approved and licensed traffic monitors please refer to this memo.

Comment Response 9-8: See Comment Responses 9-2, -4 and -5.

Comment Response 9-9: It is anticipated that up to 300 dogs would be present at CCSC on large event days and approximately 100 dogs daily. Refer to Section 2.4.3.8, *Noise Restrictions* membership agreements would require dog owners to control barking and staff members would be trained to intervene if any member or guest allows persistent barking to occur. Penalties for non-compliance would include immediate expulsion and loss of membership. Consequently, while intermittent barking would be anticipated as a result of daily operations, persistent barking would not be permitted and thresholds of significance for noise impacts would not be exceeded.

Comment Response 9-10: Comment noted. Please refer to Comment Response 9-9.

Comment Response 9-11: Noise levels associated with barking dogs would not exceed CEQA or County noise level criteria for significance; thus, significant impacts from barking dogs are not anticipated. Please refer to Comment Response 9-9.

Comment Response 9-12: Comment noted. MM NOI-3 prohibits RV generator use between the hours of 7:00 P.M. and 8:00 A.M. Therefore noise from generator use would not have a substantial impact on nighttime ambient sound levels.

Comment Response 9-13: Intermittent dog barking, given its randomness and infrequency would not result in enough single noise events (i.e., barking) to influence an increase in the long-term ambient noise levels. Intermittent dog barking would result in noise levels of up to 58 dB to the nearest sensitive receptor, which while greater than existing ambient sound levels and noticeable, are infrequent and short-term, thus not increasing the ambient sound levels to a noticeable degree (i.e., less than 3 dB) or exceeding CEQA or County thresholds for significance.

Comment Response 9-14: The proposed Project would provide a location and facility for both daily activities for the local community, as well as, special events to include non-local participants. As discussed in Section 4.11.2, of the 16 public or quasi-public recreational resources within the Project vicinity, only six allow dogs on the premises with some restrictions. A range of local facilities provide canine-focused recreation, daycare, boarding, and dog training services; however, none offering outdoor dog herding activities or established competition arenas, as proposed by the Project.

Comment Response 9-15: Impacts to sensitive species and habitats, including Carmel River, California red-legged frog, and western pond turtles are analyzed thoroughly in Section 4.4.5.3, *Project Impacts and Mitigation Measures*. Impacts to aquatic and riparian habitats that would adversely affect wildlife, including sensitive species, including the western pond turtle and California red-legged frog, are discussed under MM BIO-2. Further, potential impacts associated with predatory non-native wildlife are discussed within Impact BIO-5.

Comment Response 9-16: Commenter doesn't specifically state how the DEIR is insufficient relate to water supply and water quality. See Comment Master Response 1 for information regarding water rights.

Comment Response 9-17: Potential impacts to Highway 1 and Carmel Valley Road are addressed in Impact TRANS-4. As described, operation of the proposed Project would result in less than significant impacts on Carmel Valley Road and significant and unavoidable impacts on Highway 1 (refer to Table 4.12-10).



May 14, 2015

Via e-mail

David Mack
 RMA Planning Department
 County of Monterey
 168 West Alisal Street, 12nd Floor
 Salinas, CA 93901
 "Mack,David x5096" <mackd@co.monterey.ca.us>

Re: Carmel Canine Sports Center Draft EIR

Dear Mr. Mack:

On behalf of the Carmel Valley Association (“CVA”) we submit the following comments on the draft EIR for the Carmel Canine Sports Center (“DEIR”). CVA is a membership organization dedicated to defending the beauty, resources and rural character of the Carmel Valley by working with residents, businesses, and government. CVA is concerned that the proposed Carmel Canine Sports Center will cause significant and unmitigated impacts to water supply, water quality, and traffic and that the project is not consistent with the 2010 Monterey County General Plan or the Carmel Valley Master Plan. Detailed comments on the DEIR in support of this position follow.

A. The DEIR fails to disclose a significant impact to Carmel Valley Road and Valley Green Drive intersection under TRANS-2 because the DEIR uses a threshold of significance that is inconsistent with County guidance, its General Plan, and its prior practice.

The DEIR provides that a significant impact occurs to an unsignalized intersection only if 1) operations degrade from LOS E or better to LOS F and a signal warrant is met or 2) project traffic is added to an intersection operating at LOS F and a signal warrant is met.

This threshold is inconsistent with County guidance, its General Plan, and its practice in other EIRs. In particular, the implication that an impact is not significant to an intersection that is operating at LOS F (or that is caused to degrade to LOS F) unless a signal warrant is met is inconsistent with the following thresholds and standards:

- the thresholds identified in Appendix D-2 of the October 2003 Monterey County Public Works Department “Guide for the Preparation of Traffic Impact Studies,” which identifies a significant impact “if any traffic movement has LOS F or any traffic signal warrant is met;”

10-1

May 14, 2015

Page 2

- the traffic standards for the Carmel Valley Master Plan identified in Policy CV-2.17(f)(2), which defines unacceptable conditions as “LOS of ‘F’ or meeting of any traffic signal warrant;” and
- the County’s practice in recent EIRs, including the EIRs for Ferrini Ranch and Harper Canyon subdivisions, which treat impacts to unsignalized intersections as significant if “the addition of project traffic causes any traffic movement to operate at LOS F, or any traffic signal warrant to be met.” Ferrini Ranch Subdivision DEIR, p. 3.12-28; see also Harper Canyon Subdivision RDEIR, p. 3.10-21.

10-1
cont.

Please explain and justify the DEIR’s departure from County guidance, the CVMP, and County practices with respect to thresholds of significance.

The inexplicable departure from County guidance, the CVMP, and County practices matters here. The DEIR treats the impact to intersection # 3, Carmel Valley Road and Valley Greens Drive (“CVR/VGD”), under TRANS-2 (typical daily operations) as less than significant simply because the signal warrant is not met – even though the northbound approach would in fact operate at LOS F. DEIR 4.12-19. The EIR must identify this as a significant impact.

10-2

Furthermore, regardless of the stated threshold of significance, under the circumstances here there is clearly a significant impact. The projected delay time at this approach would be tripled at the PM peak – from 51.8 seconds to 157.5 seconds. Friday PM peak delay would be increased from 85.6 to somewhere over 200 seconds (the software stops counting at 200 seconds). Give this enormous increase in delay time, it is not reasonable to treat this as a less than significant impact. The EIR should be revised and recirculated to acknowledge this impact as significant and to propose effective mitigation.

10-3

B. The DEIR fails to evaluate the impacts peculiar to concentrated recreational vehicle traffic.

The DEIR does not adequately evaluate the particular effects of RVs as vehicles whose special characteristics must be accommodated in the traffic stream, nor of the fact that these would be a significant aggravating component of Friday PM and Sunday midday traffic. Such assessment would require quantitative evaluation of the relatively smaller acceleration of RVs, their greater size and larger turning radius, and the meeting of visibility requirements – including those arising from slower acceleration, larger size and larger turning radius.

10-4

The DEIR does not address the magnitude of the logistical task of loading and unloading 70 RVs to and from the site, and the disruptions that would be visited on ordinary users of CVR and VGD. Simple informal quantitative estimates suggest that this presents a very likely insuperable hurdle, given the time that would be required to accommodate the

10-5

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turning of 70 RVs or a platoon of even a modest fraction of them, both at the CVR/VGD intersection and the site entrance; the limited “storage” space for the large vehicles at very slow speeds between the CVR/VGD intersection and the site entrance; the time required to situate each RV in the limited and tightly spaced parking area; and the rate at which other vehicles normally would be arriving at the CVR/VGD intersection. Note that according to the Friday 6/20/14 CVR traffic volume data used in this study, vehicles currently arrive at the intersection at an average rate of at least one every 6 seconds for the entire period between 7:30 AM and 8:00 PM, and one every 4 seconds between 7:45 AM and 6:45 PM; the interaction between these vehicles and the RVs, including backup of traffic behind platooned RVs and left turning movements of westbound traffic, is likely to create substantial traffic congestion issues. The small commercial area, including popular restaurants, immediately to southeast of the intersection, would likely be severely impacted on Friday evenings by the congestion, potentially eight times or more per year.

10-5
cont.

RV’s present a safety hazard just from their bulk. We are advised that on February 27, 2012, two RV’s using the narrow bridge on Rancho San Carlos caused a serious accident because there was simply insufficient space. Proposed mitigation would require use of this narrow bridge for as many as 70 RV’s in a single day.

10-6

Please explain how the effects of the special characteristics of RVs (including those indicated above) would impact traffic on the road segments and at the intersections of the study. What effects would RVs’ ingress and egress, including the turnings involved, have on delays and potentially congestion-blocked road lanes and intersections as a result of special events? What safety hazards would RVs introduce?

10-7

C. Proposed mitigation for intersection impacts is inadequate.

The DEIR acknowledges significant impacts to the CVR/VGD intersection during special events. As discussed above, the DEIR should also have acknowledged a significant impact under typical daily operations based on the threshold of significance in County guidance for traffic studies, the County’s practice for other EIRs, and the CVMP traffic standards. Thus, mitigation is critical.

The DEIR proposes a series of alternative and contingent measures, including installation of a signal or roundabout; turn restrictions at CVR/VGD to direct westbound traffic to the signalized intersection at CVR and Ranch San Carlos Road; or use of a licensed traffic monitor to direct and manage traffic at the CVR/VGD intersection during special events. However, the proposed mitigation is uncertain and likely infeasible.

10-8

TRAFFIC SIGNAL/ROUNDAABOUT: First, as the DEIR admits, neither the traffic signal nor a roundabout is a planned and funded project. DEIR 4.12-21. There is no indication that either project will ever be planned or funded. The Carmel Valley Master Plan makes clear that additional signals on CVR are disfavored. See CVMP Policy CV-2.12. The Carmel Valley Road Committee, which must review and comment on

10-9

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proposed improvements under CV-2-18, opposes additional signals. The EIR should explain whether, in light of these considerations, a signal at this location is likely to be approved.

10-9
cont.

Furthermore, there is no indication that right-of-way sufficient to construct a roundabout is available at CVR/VGD. The EIR should provide information about the need for and availability of right-of-way.

10-10

The DEIR calls for payment by the project of a fair share of the cost of a signal or roundabout. The EIR provides no indication whether there is any other source of funds available for the balance of the cost of the signal or roundabout. This information should be provided in the EIR because the DEIR's statements that these improvements are not programmed or funded casts serious doubt on their feasibility.

10-11

Furthermore, CVMP Policy CV-2.17 requires that physical improvements actually be constructed before the project generates the traffic impact. Mitigation Measure TRANS-3b calls for payment of a fair share of either a traffic signal or a roundabout facility "following amendment of the RTIP," but not "prior to project-generated traffic" as required by CVMP Policy CV-2.17. It is clear that this mitigation would permit "project-generated traffic" prior to construction of the necessary improvements. Thus, the proposed timing of the physical improvements with respect to project impacts is not a legally feasible mitigation measure and it would be inconsistent with the CVMP.

10-12

TRAFFIC MONITOR: Mitigation Measure TRANS-3a and 3C propose that if physical improvements are not provided to mitigate impacts to the CVR/VGD intersection, the project provide a traffic monitor during special events. There is no evidence in the EIR that a traffic monitor could in fact avoid the significant impact identified for special events under TRANS-3, or avoid the significant impacts for typical daily operations that should have been identified under TRANS-2. The DEIR provides no analysis or other information to demonstrate that a traffic monitor would be effective. This information should be provided for public review and comment.

10-13

Furthermore, it is not clear that the traffic monitor called for to address peak hour impacts would be sufficient to address all unacceptable conditions because, as discussed below there are indications that the project-caused unacceptable conditions would persist at the intersection beyond peak hours. There is no indication that the special events "traffic management plan," the details of which are deferred, would require that the monitor be present and direct traffic at times other than the peak hours, even if unacceptable intersection conditions occurred in these time periods. For example, as discussed below, a traffic monitor may be required throughout the special event days to direct RVs making left turns since there is no effective method to guarantee that the RVs all arrive during a specified period.

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The traffic monitor mitigation could not address significant intersection impact at CVR/VGD under TRANS-2 since that would require a monitor to be available every weekday, which is likely infeasible.

10-14

Furthermore, CVMP Policy CV-2.17 requires that physical improvements be provided before the project generates the traffic impact. A traffic monitor is not a “physical improvement” and therefore does not meet the requirements of the CVMP. Thus, the proposed monitor is not a legally feasible mitigation measure. Furthermore, the use of a traffic monitor rather than a physical improvement is inconsistent with the CVMP.

10-15

Finally, the DEIR apparently assumes that the traffic monitor is a short-term mitigation measure because it does not propose a traffic monitor to address cumulative impacts, which are assumed to occur in a future time period. Instead, the DEIR simply concludes that these impacts would be unavoidably significant if a signal or traffic roundabout is not provided at CVR/VGD. Please explain why a traffic monitor was not proposed as mitigation for cumulative impacts. Please explain for how many years the project would be expected to provide a traffic monitor. Please explain under what circumstances the project would be permitted to cease providing a traffic monitor.

10-16

ALTERNATE ROUTE FOR WESTBOUND TRAFFIC: One version of the proposed mitigation would require diversion of westbound trips to the signalized Rancho San Carlos/CVR intersection, which would require access permission from private property owners. There is no indication the owners would be willing to grant such permission. If there have been discussions on this topic, the EIR should disclose that. It appears possible that such permission would not be granted in view of the intrusion of the project on the quiet enjoyment of properties under the existing circumstances.

10-17

Furthermore, the DEIR provides no actual analysis of the use of the Rancho San Carlos/CVR intersection by project traffic. For example, no trips are assigned to this route in the quantitative LOS evaluations.

Furthermore, the provision of a sign prohibiting left turns at the CVR/VGD intersection may have unintended consequences. First, cars and RVs may choose to ignore the sign since drivers will not have obvious alternative routes once they reach the CVR/VGD intersection, with other traffic backing up behind them, and then see the no-left-turn sign. Second, westbound drivers, including RV drivers, reaching the CVR/VGD intersection who do obey the no-left-turn sign and therefore turn right may then resort to dangerous U-turns on CVR. This likelihood has not been assessed. CEQA requires assessment of the impacts from mitigation measures themselves.

10-18

DEFERRAL: When the formulation of a mitigation measure like the “traffic management plan” identified in MM TRANS-3c is deferred, the mitigation must be known to be feasible, the EIR must explain the reason for the deferral, and the EIR must provide performance specifications. As discussed, neither the traffic monitor nor the westbound exit via Rancho San Carlos/CVR nor the signal or roundabout are known to be feasible

10-19

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mitigation and the DEIR has not demonstrated feasibility. The DEIR fails to explain why the formulation of this plan has been deferred and there appears to be no reason that the traffic management plan should be deferred. Finally, the EIR provides no performance specifications for the traffic management plan. At a minimum, the plan should require that intersection operations at affected intersections function at acceptable levels of service based on regularly monitored results.

10-19
cont.

D. The DEIR fails to acknowledge inconsistency with the Carmel Valley Master Plan Policy CV-2.17.

CEQA requires an EIR to identify inconsistencies with General Plan policies that are intended to mitigate environmental impacts. However, the DEIR fails to identify inconsistency with the CVMP Policy-2.17.

10-20

CVR/VGD INTERSECTION: Intersection impacts to CVR/VGD violate the standards set out in CVMP Policy-2.17. For example, the DEIR demonstrates that the project would cause intersection operations to drop to LOS F at the unsignalized CVR/VGD intersection under both Existing Plus Special Events conditions and under Cumulative Plus Typical Daily Operations conditions. DEIR 4.12-21 (Table 4.12-9, 4.12-30 (Table 4.12-11).

10-21

As discussed above, the DEIR claims (incorrectly) that mitigation would reduce the project impact under Existing Plus Special Events conditions to less than significant. However, Mitigation Measures TRANS-3a and 3b would permit use of a traffic monitor rather than physical improvements to address the unacceptable operations at the CVR/VGD intersection. This violates CVMP Policy-2.17. In addition, alternative mitigation proposed for this intersection in the form of physical improvements is not demonstrably feasible; approval of the project without a commitment to feasible physical improvements that would ensure that traffic standards are met would violate Policy-2.17.

The DEIR admits that the impact under Cumulative Plus Typical Daily Operations conditions is significant and unavoidable because the installation of a traffic signal or roundabout is not on the Carmel Valley Road Improvement List. 4.12-29 to 4.12-30. Apparently, the DEIR contemplates permitting the project to go forward without construction of a signal or roundabout. Because the DEIR does not require physical improvements that will ensure acceptable operations at this intersection before the project generates traffic, the project would violate the CVMP Policy-2.17 if approved. The DEIR must be revised to acknowledge this inconsistency of the project with the CVMP.

10-22

SEGMENT 7: The DEIR admits that impacts to the CVR segment from Schulte Road to Ranch San Carlos Road (segment 7 in CVMP Policy-2.17) would violate the traffic standards in CVMP Policy-2.17 under both Existing Plus Project and Cumulative Plus Project conditions. DEIR 4.12-25 (Impact TRANS-4), 4.12-33 and 34 (Impact TRANS-

10-23

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11).¹ The DEIR labels these impacts significant and unavoidable because it admits that widening this segment is not feasible. However, approval of the project without a commitment to construction of feasible physical improvements that would ensure that traffic standards are met before project generated traffic is permitted would violate Policy-2.17. The DEIR must be revised to acknowledge this inconsistency of the project with the CVMP.

10-23
cont.

DEIR DISCUSSION: Table 5-1 purporting to evaluate project consistency with CVMP Policy CV-2.17 finds the project consistent, arguing that until completion of physical improvements project traffic destined to the west would be routed to the CVR/Rancho San Carlos Road intersection. DEIR 5-23. This contention is at odds with the DEIR's traffic section, which admits that routing westbound project traffic to traffic to the CVR/Rancho San Carlos Road intersection may be infeasible because the project may not be able to obtain permission to use the private road segments. DEIR 4.12-23. The consistency determination cannot rest on an alternative mitigation plan that is admittedly uncertain. Again, as noted, if that permission is not forthcoming, the only mitigation available may be the proposed use of a traffic monitor, which is inconsistent with the requirement in CV-2.17 for construction of physical improvements before project traffic is permitted.

10-24

E. The project is inconsistent with 2010 General Plan Policy C-1.1.

Policy C-1.1 provides that County roads operating at LOS D or below shall not be allowed to be degraded further except in Community Areas. The DEIR's Table 5-1 discussion contends that the project would be consistent because, despite the further degradation of Highway 1 under Cumulative conditions, Highway 1 is not a County road.

However, the discussion is incomplete because it overlooks the fact the project would also degrade Carmel Valley Road, which is in fact a County road. In particular, the DEIR admits that the project would cause significant and unavoidable impacts to Carmel Valley Road by adding additional trips to a segment where it is currently operating at LOS E and F under Existing Plus Project conditions. DEIR 4.12-25 (TRANS-4). The DEIR also admits that the project will result in significant and unavoidable impacts under Cumulative conditions because it will add trips to the CVR/VGD intersection where it is currently operating at LOS E and F. DEIR 4.12-329 to 4.12-31 (TRANS-9 and TRANS-10). The DEIR also admits that the project will result in significant and unavoidable impacts to Carmel Valley Road by adding additional trips to a segment where it is currently operating at LOS E and F under Cumulative conditions. DEIR 4.12-31 to 4.12-34 (TRANS-11 and TRANS-12).

10-25

The discussion in Table 5-1 contends that the CVR/VGD intersection would operate at acceptable LOS upon installation of a roundabout. DEIR 5-22. This mitigation, if

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¹ The DEIR text at page 4.12-33:17 should be revised to reference "segment" rather than "intersection" operations.

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feasible, might avoid degradation to the intersection, but it would not avoid degradation and the admitted significant impacts to the Carmel Valley Road segment; Impacts TRANS-4, 11, and 12 would remain significant and unavoidable due to degradation of the CVR segment. Furthermore, the DEIR traffic discussion admits that neither a signal nor a roundabout is planned or funded for the CVR/VGD intersection. Under the circumstances, there is no basis to find the project consistent with Policy C-1.1.

10-26
cont.

F. The project is inconsistent with 2010 General Plan Policy C-1.3

Policy C-1.3 requires concurrent construction of circulation improvements to mitigate Tier 1 direct on-site and off-site impacts. Tier 1 impacts are “impacts that are direct impacts on site, or off-site, but in the immediate vicinity of the project.” 2010 General Plan, Glossary. By contrast, Tier 2 and 3 impacts are impacts to County roads not in the immediate vicinity or to facilities identified in the TAMC Regional Development Impact Fee (“RDIF”) program. Impacts to the CVR/VGD intersection must be Tier 1 impacts because that intersection is clearly in the immediate vicinity of the project (it is the closest intersection) and, as the DEIR admits, the necessary improvements are not in the TAMC RDIF. Accordingly, the mere payment of a fair share is not an option.

10-27

Furthermore, even if the impact were not a Tier 1 impact, Policy C-1.3 permits fair share payments to address Tier 2 and Tier 3 impacts only “pursuant to Policy C-1.8 (County Traffic Impact Fee), Policy C-1.11 (Regional Development Impact Fee), and/or other applicable traffic fee program.” There is no County traffic Impact Fee. The RDIF does not include improvements at this intersection, so payment of the RDIF does not include a fair share for the necessary improvements. And there is no other traffic fee program that applies at this location. Thus, fair share payments are not an option for compliance with Policy C-1.3 to address the admitted significant impacts to the CVR/VGD intersection under Existing Plus Special Events, Cumulative Plus Daily Operations, and Cumulative Plus Special Events (TRANS-3, 9, and 10).

10-28

The 2010 General Plan requires concurrent mitigation under Policy C-1.3. This is of course consistent with Policy C-1.1, which does not permit further degradation of these facilities that are already impaired.

Finally, Table 5-1 contends that that, until completion of physical improvements, project traffic destined to the west would be routed to the CVR/Rancho San Carlos Road intersection. DEIR 5-22. This contention is at odds with the DEIR’s traffic section, which admits that routing westbound project traffic to traffic to the CVR/Rancho San Carlos Road intersection may be infeasible because the project may not be able to obtain permission to use the private road segments. DEIR 4.12-23. Again, as noted, if that permission is not forthcoming, the only mitigation available may be the proposed use of a traffic monitor, which is inconsistent with the requirement in Policy C-1.3 for “construction” of “circulation improvements,” not the use of traffic monitors.

10-29

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G. The project is inconsistent with 2010 General Plan Policy C-1.4.

Policy C-1.4 provides that notwithstanding Policy C-1.3, projects that reduce 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. Policy C-1.4 provides an exemption where the necessary improvements are listed on the County CIFP as a high priority, but, as the DEIR admits, this exemption does not apply. Policy C-1.4 specifically provides “[w]here 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.”

Here, there is no question that the LOS of the impacted roads currently operate below LOS D and the necessary improvements are not listed in the CIFP as a high priority. To repeat, the DEIR admits that the project will impact County roads operating below LOS D as follows:

- The project would cause significant and unavoidable impacts to Carmel Valley Road by adding additional trips to a segment where it is currently operating at LOS E and F under Existing Plus Project conditions. DEIR 4.12-25 (TRANS-4).
- The project will result in significant and unavoidable impacts under Cumulative conditions because it will add trips to the CVR/VGD intersection where it is currently operating at LOS E and F. DEIR 4.12-329 to 4.12-31 (TRANS-9 and TRANS-10).
- The project will result in significant and unavoidable impacts to Carmel Valley Road by adding additional trips to a segment where it is currently operating at LOS E and F under Cumulative conditions. DEIR 4.12-31 to 4.12-34 (TRANS-11 and TRANS-12).

Under the circumstances, the project must mitigate impacts concurrently. The DEIR’s admission of significant and unavoidable impacts demonstrates that this General Plan requirement would not be met.

H. The analysis and mitigation of left-turns from Valley Green Drive into the project site is inadequate.

The DEIR describes Impact TRANS-5 as an impact on parking demand and on-site traffic. DEIR 4.12-25. However, the discussion is the only place in which the DEIR purports to evaluate the impacts of left-turns from VGD into the project site, which is an impact to VGD itself, not to onsite circulation or parking. This confusion should be resolved.

The DEIR admits that project traffic volumes require left-turn channelization under County policy. However the data on which this conclusion is founded is not clear and it appears that the DEIR has understated the extent of the impact. The source of the data

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10-32

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labeled “2012 AADT on Valley Greens Drive was 1,300 vehicles” is not identified nor is the date or day of the week of the data’s acquisition. The source of “37 left turns” (Weekday AM peak hour) also is unclear; addition of 32 existing such turns (CCTC study of the project, DEIR appendix H, Figure 3) and 10 project turns (Figure 4) yields 42 turns, confirmed by (Figure 5), so the “37 left turns” cannot have come from the CCTC study of appendix H. Where did it come from and why is it different from the appendix H figure?

10-32
cont.

Furthermore, the analysis does not take into account the mix of RVs that would be using the site access from VGD, vehicles which cannot accelerate as quickly as passenger cars and will therefore have fewer opportunities for a left turn. Please discuss the effect of RV traffic on the need for left-turn channelization.

10-33

The proposed “mitigation” that “classes shall not start before 9:30 AM” is not adequate. First, there is no evidence that starting classes at 9:30 AM will in fact avoid peak hour traffic volumes because those volumes occur throughout the day. Data from Carmel Valley Road in the DEIR for 6/19/14 shows that on weekdays the “peak hour” traffic level at 9:30 AM returns at 11:45 AM and remains at or above that level until 1:45 PM; then it returns to the 9:30 AM level at 3:00 PM, and remains there or above until 7:00 PM. On Friday 6/20/15, volumes on CVR exceed the AM peak essentially continuously from 12:15 PM through 6 PM. This demonstrates the need for evaluation of traffic throughout the day; scheduling cannot address any traffic volume issues unless the full daily volume information is available and utilized. Please provide full daily hourly traffic data for the CVR/VGD intersection and for the VGD segment at the project driveway. Please identify the number of trip reductions expected to result from restrictions on class start times and explain the basis of that conclusion. Without this information, there can be no evidence that the proposed mitigation would be effective.

10-34

Second, while the discussion states that the “impact could be avoided by restricting classes to start outside the Weekday A.M. and Weekday P.M. peak hours,” nothing in the mitigation addresses the P.M. peak hour traffic. The DEIR must propose mitigation that would address P.M. peak hour impacts.

10-35

Third, the enforcement of the mitigation would only verify a class schedule. The mitigation must provide for actual monitoring of traffic levels at the site to verify that it is effective.

10-36

I. The analysis and mitigation of impacts from unprotected left turns at the CVR/VGD intersection is inadequate.

The discussion at TRANS-7 purports to evaluate the impacts from unprotected left turns from CVR onto VGD and from VGD onto CVR. RV’s arriving on CVR and departing on VGD would create a particular risk due to their length and slow acceleration.

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Preliminarily, we note that the DEIR is unclear as to the timing and number of events that will generate the special hazards from RV access to the site. The DEIR admits the potential for “occasional events ... during the week.” DEIR 4.12-27. This reveals at least two additional unexplored potential impacts. First, weekday events were not analyzed at all; either they should be prohibited or they should be described in detail and their potential traffic impacts thoroughly studied. Second, if events shorter than three days are included in the project, the number of events could increase from eight per year to an unspecified number up to 24. The impact implicit in the prospect of multiple events was not examined at all in DEIR section 4.12. The prospect of more events, of unspecified character and magnitude re-emphasizes this deficiency. Given the failure to evaluate weekday special events or to consider events that are shorter than 3 days, the DEIR should be revised to prohibit events except on weekends and to limit events to a maximum 8 per year.

10-37

The DEIR states that “the majority of traffic would be traveling eastbound on Valley Greens Drive.” DEIR 4.12-27. Either that is incorrect, or the effect of that traffic movement was not assessed. If correct, Figure 4 of appendix H, showing no project contributions to the CVR at Rancho San Carlos Road is incorrect, requiring reworking of trip distribution and assignments. If incorrect, the discussion of Impact TRANS-7 must be revised and clarified.

10-38

According to the Initial Study for the project the relevant sight distance at the CVR/VGD intersection is 450 ft., whereas the DEIR says that it is 700 ft. DEIR 4.12-28; Initial Study, p. 43. They cannot both be correct. Which is the correct sight distance and precisely how is it evaluated? Local observers measured sightlines there and found values less than 450 ft. from a driver’s windshield to the first visible point on the far side of CVR, depending on exact locations of observer and observed, as well as observers’ positions relative to commercial signs and landscaping.

10-39

No source is given for the assertion that 700 feet ... is considered safe for a vehicle of this size”. With actual speeds in excess of 50 mph (the speed limit not necessarily being the actual speed), an RV would have less than 10 seconds, probably accelerating from a standstill, to complete the turn after an oncoming vehicle becomes aware of the RV’s presence. A clear, logically and quantitatively defensible analysis is required before prospective conditions at the intersection could be declared safe and without impact.

10-40

The DEIR concludes that the presence of a traffic monitor would minimize potential impacts during events. This implies a concern that left-turns would be unsafe without a traffic monitor. This in turn suggests a lack of confidence in the analysis of sightlines and actual speeds. The DEIR should clarify whether its analysis rests on the presence of monitors. If, so, monitors should be identified as required mitigation for this impact.

10-41

As proposed, there are no enforceable conditions that would ensure that RV’s actually arrive during the times that traffic monitors were directing traffic. Even if an RV was expected to arrive at a certain time based on its registration for the event, there is nothing

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in the DEIR that would bar an RV from arriving late - at any time during the multi-day event. Nor is there any clear proposal for the hours during which monitors would be present. It is unclear whether monitors would be required to direct traffic throughout the multi-day events, or just during the peak hours for which LOS impacts were identified in the discussion of Impact TRANS-3. Mitigation should require that if monitors are to be used to ensure safe left turns, they must be present at the CVR/VGD intersection continuously during the entire event. Please clarify when monitors would be required to direct traffic.

10-42
cont.

The proposed mitigation MM TRANS-7 calls for funding no parking signs on the south side of VGD 100 feet east and west of the project driveway to maintain clear sight lines. This mitigation is entirely unrelated to left-turn impacts at the VGD/CVR intersection, which is the impact that the DEIR actually discusses under Impact TRANS-7. It appears that the mitigation MM TRANS-7 may be related to the hazards from unprotected left turns into the project driveway discussed in Impact TRANS-5. As noted, the DEIR fails to assess the higher risk from RV left turns into the project site at Impact TRANS-5. Please provide a discussion of existing sight lines, expected volumes and timing of RV left turns, and actual speeds on VGD at the project driveway.

10-43

In sum, the entire discussion of this impact is inadequate, confusing, as it does, Valley Greens Drive with Carmel Valley Road, recommending the funding of no-parking signs on one road as mitigation for sightlines (that were deemed adequate) on another road, well apart from the intersection of the two, and failing to provide any clear commitment to enforceable mitigation.

J. Traffic data is unreliable and inadequately documented.

As discussed below, the credibility and reliability of the traffic analysis are seriously challenged by erroneous claims; omissions of relevant and critically important information, including both data and references to data sources; and selection of data that underestimates existing traffic.

SCHOOL TRAFFIC: The DEIR states that “Central Coast Transportation Consulting visited the Project site from 15-21 June 2014 to collect traffic counts ...” DEIR 4.12-1; see DEIR 4.12-, 5. The DEIR states that “[t]raffic counts were collected ... while local schools were in session.” DEIR 4.12-1, footnote 1. The Central Coast Transportation Consulting traffic study (Appendix H) asserts that “Traffic counts ... were collected ... in 2014 while schools were in session.” App. H, p.8. However, the last day of school in the Carmel Unified School District for the 2010-2014 school year was June 6, 2014. Thus, it appears that the relevant traffic counts were not collected while local schools were in session, contrary to the claims of the DEIR and the traffic study. This data therefore is deficient and should not have been used.

10-44

INADEQUATE AND INCOMPLETE REPORTING OF DATES AND TIMES OF EXISTING TRAFFIC DATA: The timing of traffic data collection (vehicle counts) is

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critical to accurate assessment of local traffic conditions. The 2010 Highway Capacity Manual (HCM2010), cited as principal authority in the DEIR, emphasizes this in Chapter 3: “[a]nalytsts need to account for these types of variations [monthly, daily and hourly] to ensure that peak-hour demands used in an HCM analysis are reflective of conditions on peak days of the year. Failure to account for these variations can result in an analysis that reflects peak conditions on the days counts were made, but not peak conditions over the course of the year.” Yet in the analysis conducted by Central Coast Transportation Consulting (CCTC), except in appendix A of Appendix H, it is essentially impossible to discern when traffic measurements actually were made.

10-45
cont.

According to the DEIR at page 4.12-5, “Existing traffic counts were recorded from 15 – 21 June 2014 by Central Coast Transportation Consulting” But the narrative of Appendix H contains no dates: the only references to dates of traffic count collection are in its Appendix H’s appendices, so that claim cannot be confirmed. The times (dates, days, time of day) of actual data acquisition are thoroughly obscured in the DEIR. Appendix A of Appendix H, does include dates that, with a few exceptions, agree with those stated in the DEIR (15 – 21 June 2014). However, Appendix A of Appendix H also includes additional data for segment 9 of Carmel Valley Road (CVR) not covered in the DEIR, and data from late October and early November that was ignored in both the narrative discussion of Appendix H and section 4.12 of the DEIR. Please explain why these data were not used in the analysis.

10-46

Also, data showing times and attributed to CCTC evidently did not originate with that organization, contrary to implications in the DEIR. The June 2014 data in Appendix A that include times of measurement, and that were used in DEIR section 4.12, and in the Appendix H narrative, are identical with those provided in the County’s report on 2014 CVMP traffic monitoring, which was released earlier this year (2015) by the Monterey County Resource Management Agency (RMA). The data sheets show no reference to Central Coast Transportation Consulting, but instead show the logo of the RMA. This places in question the DEIR’s assertion that CCTC “visited the site from 15-21 June to collect traffic counts.” If CCTC collected data, either their traffic counts were not used in the DEIR, or their role in the data acquisition was not reported in the County’s monitoring data. Please explain who collected these data.

10-47

In appendix B, containing LOS calculations for intersections, several dates appear, but none within the 15 – 21 June 2014 span. The dates found here for existing traffic levels are 8/19, 8/20, 11/14, 11/16, 12/30 (all 2014), 1/2/2015. It appears that the dates on the Appendix B printouts may be the dates on which the analyses were prepared rather than the dates for which the existing traffic data were collected. Please provide the calendar dates, days of the week, and collection times for the existing data for each LOS calculation for existing conditions in Appendix B.

10-48

Appendix C consists of PTSF computer printouts used to determine segment LOS, with dates 1/22/2014, 12/9/2015, 12/30/2014, 1/2/2014, 1/5/2014, 1/5/2015, 2/2/2015. These obviously are not within the 15-21 June span, and again are apparently are dates on which

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the computations were conducted and printouts created. It is the dates on which the traffic counts were conducted that should appear on the reports in the field labeled “Analysis Time Period”, but those dates are not provided.² Instead, the data is described with labels like “Existing Friday” or “Existing Sunday.” The actual dates and times, as well as the day of the week for each measurement, are critically important for understanding the meaning of the data. Please supply the dates of the traffic count data used for each of the LOS calculations that purport to be for existing conditions.

10-49
cont.

PEAK HOURS: Much of the DEIR’s traffic analysis concerns peak traffic hours, but nowhere are the hours of peak traffic counts clearly identified in the DEIR. The DEIR does not identify the specific time day when peak traffic occurred.

10-50

The DEIR and Appendix H reference 2-hour periods when peak traffic is expected to occur – “Weekday A.M. (7:00 A.M. – 9:00 14A.M.), Weekday P.M. (4:00 P.M. – 6:00 P.M.), Friday P.M. (4:00 P.M. – 6:00 P.M.), and Sunday Midday (11:00 P.M. – 1:00 P.M.)” DEIR 4.12-1; DEIRAppendix H p.3. However, no specific peak-hour time periods are identified for the traffic counts reported in the DEIR. Even though the County’s raw data sheets in appendix A of appendix H include traffic counts for every 15-minute interval, it is not possible to tell which of these, or which sums of them, were actually utilized in the DEIR analysis; the specific times are critically important data that is missing.

None of the pairs of volumes (eastbound, westbound) reported in the relevant PTSF/segment LOS printouts (Appendix C of Appendix H) matches any peak hour pair among the apparent best candidates for raw data (Appendix A of Appendix H); the data pairs in the DEIR PTSF reports have similar magnitudes to some of the raw data pairs, but none appear to match. Actual matches are important here because the complexity of PTSF calculations makes it essentially impossible to estimate PTSF from two different data pairs without direct computation. The necessary connection between raw data and PTSF values, on which LOS grades are based, is absent in the DEIR. In order for the connection to be made, the days and hours of peak volume must be fully specified, as they are not in this DEIR. The analyses should be revised and recirculated to provide the missing information.

10-51

INAPPROPRIATE AND POSSIBLY BIASED SELECTION OF DATA: The DEIR analysis ignored half of the data from the County’s 2014 CVMP CVR traffic monitoring

10-52

² Other analyst’s do provide a usable evidence trail, using same data source. For example, compare the DEIR’s Appendix C of Appendix H with relevant PTSF/segment LOS computer printouts made available by the County as part of the CVMP 2014 annual evaluation of CVR traffic, which include data sheets for segment 7. Clearly labeled “Jun 20 PM Peak Hour,” the values reported there for analysis direction and opposing direction volumes effectively point to the corresponding raw data (included in the RMA data in appendix A of appendix H) for Friday June 20, 2014, where the segment volume (1375 vehicles per day, or vpd) for the 3-4 o’clock PM is identified as the PM peak hour value, and the eastbound, westbound volumes for that hour match the values reported. The County RMA data thus provides, as it should, an unambiguous connection between the PTSF printout and the raw data, but such traceable relationships between analysis and data do not exist in the DEIR.

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report, which it includes in Appendix A of Appendix H. The data that were ignored were acquired in the time period 27 October - 2 November 2014.

10-52
cont.

Local schools were in session during that period, according to the Carmel Unified School District Calendar. This is the data set that should have been used.

Also, during the Oct – Nov period, relevant peak hours are distinctly different in character during that period than in the 15 – 21 June period, to which the DEIR confined its analysis, and traffic volumes in some cases are greater. During the Oct – Nov interval, the AM peak hour volumes are substantially larger than during the June interval used in the DEIR, and the same is true of PM peak hour volumes for two of three days of the analysis week volumes. Thus ignoring the Oct – Nov observations and instead using the June data underestimates the peak-hour volumes and hence PTSF values (including possibly the LOS grades) and violates the schools-in-session criterion. Please explain why the October – November data were not used. The analyses should be revised to incorporate the omitted data and recirculated.

10-53

K. Analysis of emergency access fails to consider impacts to the community.

The discussion of emergency access is entirely inadequate, focusing almost entirely on emergencies associated with the project itself. Effects of the interaction of RVs and increased traffic, with emergency vehicles, including those proceeding to an emergency along CVR and other local roadways, especially during high traffic volume periods such as Friday PM, were entirely ignored. Potential issues on Highway 1, which all ambulances and paramedic vehicles would have to traverse in emergencies requiring a Hospital, were completely ignored. To be adequate, this subsection would need to be entirely redone, taking into account impacts on the existing local community.

10-54

L. Water use baseline is unjustified.

The DEIR appears to treat baseline water use as the 62.91 afy that the applicant expects the MPWMD to permit in a Water Distribution System Permit. DEIR 4.8-23. It appears that this 62.91 afy represents a 10-year average use for selected years during the period before the site ceased farming operations in 2008. DEIR 4.8-22. Baseline conditions are normally those conditions that obtain at the time the Notice of Preparation is issued, here 2014. Because the project site has not used groundwater since 2008 and the proposed project is a new use, the baseline water use should be zero.

10-55

Even if it were appropriate to consider water use in the years well before the 2014 baseline period, the DEIR is inconsistent in determining its baseline. The DEIR purports to justify its departure from the rule that a baseline should be based on current conditions by arguing that “it is not uncommon to allow irrigated farmland to go fallow for a period of time.” Despite that, the DEIR’s determination of baseline water use ignores these fallow years because it is “based on the last 10 years of metered data, excluding years of non-use due to fallowing.” DEIR 4.8-22. If fallowing is a normal part of farming, then

10-56

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the purported historic baseline calculation should take this following into account. It makes no sense to count only the years in which the land was actually irrigated to determine average use for all years. In effect, the DEIR's baseline is an artificial number that overstates the actual historic average use. Since the land has been fallow for more than half of the past 10 years, the average of water used in the most recent ten year period should be cut at least in half.

10-56
(cont.)

Please provide historic water use by year for each year that the project site was farmed or fallowed.

10-57

Furthermore, even if there were some justification for considering a baseline year other than current conditions, the EIR must also provide an analysis based on a current period baseline unless that would be misleading or without informational value. Clearly there is informational value in understanding the water supply impacts with reference to a baseline reflecting actual average use in the current baseline period. Accordingly, the EIR should be revised and recirculated to assess water supply impacts using a current period baseline.

10-58

M. Year-round diversions constraints are not disclosed.

The DEIR misstates the SWRCB position in claiming that if a water right of 96 afy were perfected, withdrawal would be permitted throughout the year rather than being restricted to winter months. The January 29, 2014 SWRCB letter in the DEIR appendix states that withdrawals would be limited to winter months. The February 21, 2014 legal opinion provided to MPWMD opinion concurs.

10-59

N. Water budget analysis is inadequate and monitoring should be required.

The water demand does not account for the high variation in annual precipitation. Compensation for a missing foot of rainfall would require pumping approximately 46 af of additional water. Mitigation should be proposed that would bar pumping in excess of the annual projected water use.

10-60

In addition, greenhouse gas increases are now projected to alter rainfall patterns and create climatic water deficits. Quantitative assessment of climate change effects are available for California through basin characterization GIS Model approaches that consider data for temperature, precipitation and other data from available global climate change models to determine climate-based water-deficits. See Flint, et al., "Fine-scale hydrologic modeling for regional landscape applications: the California Basin Characterization Model development and performance," *Ecological Processes*, 2:25, 2013, available at <http://www.ecologicalprocesses.com/content/2/1/25>. The EIR should assess climate change effects on the available water supply. Mitigation should be proposed that would limit water use to levels that can be sustained without impacts to the aquifer and dependent biological resources even after climatic water deficits.

10-61

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No provision has been made for periodic calibration of water meters on the project pumps. Water meters slow over time, and under-record the quantity of water pumped. Mitigation should be proposed that would require installation of water meters, if not already present, and periodic calibration. In light of the nature of the proposed agreement with MPWMD and MPWMD's lack of resources to monitor ongoing operations, mitigation should require wireless remote monitoring coupled with public reporting to a web site.

10-62

O. Instream flow effects must be assessed.

The DEIR acknowledges that groundwater pumping causes impacts to instream flows necessary to salmonids. DEIR 4.4-24. The project will change the existing use of groundwater and these changes may affect the instream flow. For example, the project would alter winter pumping. Although the DEIR states that the project would comply with SWRCB-established minimum instream flow requirements, the EIR contains no discussion of the effect of altering occasional strong winter flows, which are necessary for maintenance of riverine ecological services, e.g., gravel of spawning. Altering occasional strong winter flows has not been tested. The EIR should include an analysis of this potential impact because without such a discussion there can be no basis for permitting changes to winter withdrawals.

10-63

The discussion merely states that the project would comply with MPWMD permit conditions. However, because MPWMD will be relying on this EIR to inform its permitting decision, this EIR must provide the relevant analysis.

P. Potential impacts from soil compaction, loss of permeability, and sediment transport are not adequately assessed and mitigated.

The EIR's analysis and mitigation of water quality impacts is inadequate in the following respects.

PARKING: The DEIR indicates that parking for 200 vehicles and a "designated overflow area" would be provided. DEIR 2-14. Please explain why "overflow" parking would be required based on predicted event attendance.

RV parking would be permitted on grass areas. DEIR 2-14. Grass parking for RVs will compact the soil and reduce infiltration of rain. This typically results in increased overland flow of water during storms and increased sediment transport. The distance between the parking area border and the Carmel River is only 700 feet. The DEIR provides insufficient analysis of this impact.

10-64

GRADING: The DEIR's discussion of grading and sediment transport is erroneous because it fails to acknowledge long-term impacts to soil permeability and increased sediment transport. DEIR 4.8-18. Grading will blade off the topsoil. Topsoil is the soil stratum that has some structure, and, consequently, some permeability. Thus, increased

10-65

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sediment transport can be expected. The sandy and sandy loam soils of the site would not be expected to have much inherent structure under Carmel Valley climate conditions. Structural integrity should be expected to decrease with local warming effects of global climate change, and sediment transport should be expected to increase with the increased variability of precipitation induced by climate change. Mitigation should be proposed that would require the site to grow a perennial-based hay crop under a non-cultivation management in order to try to maintain site permeability. Mitigation should also require adequate monitoring of permeability through monitoring of compaction and performance against a soil quality index.

10-65
cont.

ANIMAL DENSITY: There is no indication that the site has been previously used for grazing animals, or, if so, what the baseline grazing operations are. Thus it appears that the impacts associated with up to 50 grazing animals are new. The discussion of the density of grazing animals is inadequate. DEIR 4.8-19 to 4.8-20. The issue is one of the carrying capacity of the land under the implemented management. CVA is particularly concerned about the proposal to use the site for sheep. The analysis does not acknowledge that sheep are much harder on pasture than cattle. First, sheep have small hooves in relation to their body weight, and they compact the soil enough to be harmful to plant growth. Second, they also graze more closely to the soil than cattle.

10-66

The EIR must provide an animal management plan that specifies stocking rates in animal units. The plan must demonstrate that the numbers of animals would not exceed the capacity of the field to provide forage and to provide protection from sediment transport to the river. The EIR must demonstrate that sheep grazing in particular will not increase sediment transport from the soil compaction alone, regardless of the sufficiency of forage.

10-67

The footnote citation of the County's judgment that 20,000 square feet is sufficient grazing space per animal is not sufficient analysis. The question is what is the appropriate stocking rate under the management regime. Is 20,000 square feet sufficient to avoid soil compaction effects from sheep regardless of forage capacity? Is it sufficient for year-round grazing? What guarantee is there that the pasture would be irrigated enough to maintain the carrying capacity in a low rainfall year? If forage were not sufficient, what provision would be made to reduce the herd? What monitoring would be provided of soil compaction and sediment transport?

10-68

Either as a mitigation provision or as an enforceable part of the project description (i.e., a condition of approval), the EIR must set out a complete animal management plan that specifies the animal units by kind (cattle, sheep, goats); demonstrates that the land can provide sufficient forage and that the soil will not be compacted so as to increase sediment transport; that provides for monitoring of compaction and performance against a soil quality index; and that provides management provisions to address inadequacy of forage in low-rainfall years and the possibility of unforeseen soil compaction.

10-69

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Q. Potential nitrate loading and contamination from animal manure is not adequately assessed and mitigated.

The potable water supply system may be downgradient from the septic system leach field. DEIR 2-10. The leach field is distant, but horizontal transport of nitrate to potable well could occur. Please explain the relation of the septic leach system to potable water supply facilities. Mitigation should be proposed that would require monitoring of horizontal transport of nitrate to the potable water supply well.

10-70

Groundwater flows from higher elevation toward the Carmel River bed, not just west toward the Pacific. Such flow will transport the nitrates from the septic system leach field toward the river. If the project site is on gaining reach, nitrate loading in the river will increase. Even if the site is on a losing reach, nitrate will move down gradient to the next gaining reach, and then to the river. Mitigation should be proposed that would require monitoring and management of the horizontal transport of nitrate to the Carmel River.

A Manure Management Plan is proposed, but no details of the plan are provided. DEIR 2-16, 4.8-20. No performance specifications are provided. It is not known that it will be feasible to avoid water quality impacts to surface and groundwater given the numbers of animals and the proposal to permit dogs in the riparian area. For example, it has not been determined whether on-site composting will be used and, if so, what specific measures would be taken to control leaching. Furthermore, as noted, it is not reasonable to expect that all manure will be removed from deeply vegetated riparian sites where up to 30 dogs would be permitted at all times. The EIR must provide a detailed and enforceable manure management plan and evidence that it will in fact prevent water quality impacts.

R. Impacts from permitting dogs in riparian area are not adequately assessed and mitigated.

It is reported that the applicant has refused to adopt mitigation previously proposed that would prohibit dogs in riparian areas. Permitting dogs in the riparian area will cause impacts to biological resources and spread manure in natural areas in which it is far less likely to be removed. Dog owners are simply unlikely to remove manure deposited in deeply vegetated areas. The DEIR indicates that up to 30 dogs would be allowed in the riparian area at all times during the first year to establish an “impact monitoring baseline.” DEIR 4.4-27. Mitigation is proposed that would study impacts to biological resources in the riparian area in order to “avoid impacts identified in the previous years’ monitoring results.” DEIR 4.4-27 to 4.4-28. In effect, the proposal is to defer the identification of a baseline, defer the assessment of impacts, and to permit those impacts for at least the first year. CEQA requires that the impacts be assessed in this EIR and that mitigation be proposed that would address these impacts. Compliance with provisions in a future study is simply not sufficient. Mitigation should be proposed that would exclude dogs from the riparian area.

10-71

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S. The contention that water demand would be reduced by energy efficient pumping is unsupported.

The DEIR contends that

“The larger existing on-site well, currently used for direct irrigation of the site, would supply water to a new one acre irrigation reservoir, located on previously cultivated land inside the fenced property partially within the boundary of the 100-year and 500-year flood plain (Federal Emergency Management Agency [FEMA] 2009). This system would provide more energy-efficient pumping and irrigation, which would reduce water demands for the property.” DEIR 2-10.

Please explain the relation between energy efficient pumping and reduction of water demand.

10-72

T. RV generator noise is not adequately mitigated.

The DEIR contends that RV generator use would not be permitted after 8:30 PM and before 8:00 am in order to avoid noise impacts. DEIR 2-15. Mitigation should be proposed that would require staff to be present at the RV site to monitor and enforce this prohibition.

The DEIR states that power for RVs would be provided “if permitted.” Please explain what permits would be required and what investigation has been done to determine if such permits will be granted. Is the permitting of power hookups dependent on approval by a responsible agency? Mitigation should be proposed to require that power be provided.

10-73

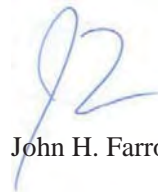
U. Screening of RVs is not adequately disclosed.

The DEIR states that RVs would be screened from “nearby public viewing areas.” DEIR 2-14. Please identify the specific areas from which RVs would be screened. Please identify the specific areas from which they would be visible.

10-74

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



John H. Farrow

JHF:hs

cc: Priscilla Walton

**Comment 10, Mr. John H. Farrow, representing the Carmel Valley Association
M.R. Wolfe & Associates, P.C.**

Comment Response 10-1: This comment refers to the 2003 Guide for the Preparation of Traffic Impact Studies, which has been replaced by the 2014 version (County of Monterey 2014). The revised guidance does not include the quoted language included in the comment. The threshold of significance used in the DEIR was applied based on consultation with the County Traffic Engineer. The application of a standard where any movement operates at LOS F without also meeting signal warrants was determined to be unreasonably restrictive and would likely result in immitigable impacts where a traffic signal is not a feasible mitigation because the signal warrant is not met. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further County interpretation.

Comment Response 10-2: Per direction from the County Traffic Engineer, the County's LOS thresholds refer to overall intersection LOS, not specific movements or approaches. The application of a standard where any movement operates at LOS F without also meeting signal warrants was determined by the County to be unreasonably restrictive and would likely result in immitigable impacts where a traffic signal is not a feasible mitigation because the signal warrant is not met.

Comment Response 10-3: Per CEQA guidelines impacts described in this DEIR were identified in consultation with the County Traffic Engineer based on the County's published significance thresholds. Refer to Comment Response 10-2 above.

Comment Response 10-4: The intersection and segment analysis accounts for heavy vehicle operating characteristics in accordance with industry standard practices and County guidelines. The heavy vehicles in the traffic stream are accounted for in the LOS calculations. The interaction between heavy vehicles and passenger vehicles is quantified in the 2010 HCM by adjustments to the critical headways (for unsignalized intersections) and saturation flow rates (for signalized intersections) due to the proportion of heavy vehicles. These adjustments are implemented by the Synchro software package for intersections and Highway Capacity Software for roadway segments. The public roadways providing access to the Project site are designed to accommodate heavy vehicles consistent with the County's engineering standards.

Comment Response 10-5: The impact of the proposed Project during special events is described by the LOS and delay calculations. The impacts of special events are discussed in detail in the DEIR, particularly under Impact TRANS-4 and Impact TRANS-9 and -10, including adjustments for heavy vehicles consistent with the 2010 HCM. Queuing information is provided for the Carmel Valley Road and Valley Greens Drive intersection for all scenarios in Appendix B of the DEIR's Appendix H. For example, the 95th percentile queue for northbound traffic at Carmel Valley Road and Valley Greens Drive would exceed 11 vehicles. This is the queue that would not be exceeded 95 percent of the time; 5 percent of the time the queue would be 11 vehicles or less.

Comment Response 10-6: Use of Rancho San Carlos Road during special events is one of two options presented as mitigation in MM TRANS-3. As described in MM TRANS-3 this would require the Applicant to seek agreements with private road holders to provide right-in/right-out/left-in access. Any agreement allowing Project traffic to traverse the private segments of Valley Greens Drive and Rancho San Carlos Road would require approval by the County Public Works Department to ensure the roads conform to County standards. This would include bridge width. If agreements could not be reached or bridge width did not meet County standards, the Applicant could still feasibly reduce impacts to less than significant levels by providing County-approved and licensed traffic monitors during special events. At a minimum the Applicant would be required to retain 2 licensed traffic monitors during all special events. To ensure that monitors are qualified, the Applicant will be required to fund 2 deputy sheriffs or

other qualified public safety officers for all such events to direct traffic and manage traffic at the Carmel Valley Road and Valley Greens Drive intersection during special events.

Comment Response 10-7: The impacts of special events are discussed in detail in the DEIR, particularly under Impact TRANS-4 and Impact TRANS-9 and -10, including adjustments for heavy vehicles consistent with the 2010 HCM. Queuing information is provided for the Carmel Valley Road and Valley Greens Drive intersection for all scenarios in Appendix B of the DEIR's Appendix H. For example, the 95th percentile queue for northbound traffic at Carmel Valley Road and Valley Greens Drive would exceed 11 vehicles. This is the queue that would not be exceeded 95 percent of the time; 5 percent of the time the queue would be 11 vehicles or less.

Comment Response 10-8: Comment noted. Commenter doesn't specifically state how the DEIR is insufficient related feasibility of proposed mitigation. See Comment Responses 10-4 through 10-7.

Comment Response 10-9: As shown in Appendix H, the installation of a traffic signal or roundabout would improve intersection LOS to an acceptable level, thereby mitigating the impact in accordance with County standards. The Draft Carmel Valley Road Corridor Study (Kimley-Horn and Associates, Inc. 2014) includes a recommendation for a roundabout at the Carmel Valley Road/Valley Greens Drive intersection. The roundabout was included in the final list of projects "based on consideration for feasibility of implementation, cost, and consistency with community vision." This Project was included in a list of initial improvement projects which was refined to a smaller list of projects to be considered for further development." Re-evaluation of the traffic improvement program of the cited study is not under County evaluation and not part of this EIR scope.

Comment Response 10-10: The need for and availability of right-of-way for a roundabout would be determined as a part of the planning and design of the roundabout and is outside of the purview of the DEIR. See Comment Response 10-9.

Comment Response 10-11: The DEIR discloses the availability of funding for these improvements. Please also refer to Comment Response 10-9.

Comment Response 10-12: As described in MM TRANS-3 even if physical improvements were not feasible at the Carmel Valley Road and Valley Greens Drive intersection Impact TRANS-3 would be reduced to less than significant levels with the Applicant-funded provision of County-approved and licensed traffic monitors (e.g., 2 deputy sheriffs or other licensed public safety officials) to direct traffic during special events.

Comment Response 10-13: The trip generation estimates make very conservative assumptions regarding the arrival and departure of special event traffic within a single peak hour. Most special events would generate fewer peak hour trips, and would therefore have a lesser impact than what is described in the DEIR. For additional information regarding traffic monitors please refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further County interpretation.

Comment Response 10-14: Under typical (i.e., daily) operations the Carmel Valley Road and Valley Greens Drive intersection does not meet the peak hour signal warrant (refer to Impact TRANS-2), so neither the traffic monitor nor other mitigation is needed.

Comment Response 10-15: CVMP Policy CV-2.17 requires roadway improvements or preparation of an EIR. The County-approved and licensed traffic monitor would provide manual traffic control for the temporary conditions when a special event is underway. Physical improvements are not required to provide additional roadway capacity for an occasional special event. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further County interpretation.

Comment Response 10-16: The County-approved and licensed traffic monitors during the special events until improvements are made at Carmel Valley Road and Valley Greens Drive, to attain an acceptable level of operation.

Comment Response 10-17: Under an agreement with private road holders, MM TRANS-3 would direct special event traffic to the signalized intersection of Rancho San Carlos Road and Carmel Valley Road. This would eliminate the addition of proposed Project-related traffic to the Valley Greens Drive and Carmel Valley Road intersection and eliminate the impact at this location. There is adequate capacity at the Rancho San Carlos Road and Carmel Valley Road intersection to accommodate the shifted traffic. This intersection would operate at LOS B or better with shifted project traffic. However, as described in MM TRANS-3, if an agreement cannot be reached with private road holders, the Applicant shall provide a County-approved and licensed traffic monitor to direct traffic and manage traffic at the Carmel Valley Road and Valley Greens Drive intersection during special events.

Comment Response 10-18: The DEIR does not speculate on conditions if drivers do not obey roadway signs. Further, with CHP officers or other qualified public safety monitors guiding traffic at the intersection, it is not reasonably foreseeable that such signs would be frequently ignored during traffic monitoring at special events.

Comment Response 10-19: Consistent with CEQA Guideline 15126.4(B) which states “[w]here several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified,” MM TRANS-3 provides a menu of options for mitigating impacts to less than significant levels. If a traffic roundabout or signal cannot be installed and agreements cannot be reached with private road holders, impacts could be reduced to less than significant levels with the Applicant’s provision of County-approved and licensed traffic monitors during special events.

Comment Response 10-20: As described in Table 5-1, the County has determined that the proposed Project is consistent with CVMP Policy 2.17. Please refer to the revised text included in the EIR.

Comment Response 10-21: Refer to Comment Response 10-20.

Comment Response 10-22: Refer to Comment Responses 10-20 and 10-21.

Comment Response 10-23: Refer to Comment Responses 10-20 and 10-21.

Comment Response 10-24: Refer to Comment Responses 10-20 and 10-21.

Comment Response 10-25: The text of the consistency discussion for CV-2.17 has been modified in the EIR. CV-2.17 requires either that traffic improvements be in place or planned for to mitigate impacts, or an EIR be prepared. This EIR addresses the requirements of CV-2.17.

Comment Response 10-26: Comment noted. Refer to Comment Response 10-25.

Comment Response 10-27: Comment noted. Refer to Comment Response 10-25.

Comment Response 10-28: Comment noted. Refer to Comment Response 10-25.

Comment Response 10-29: Comment noted. Refer to Comment Response 10-15.

Comment Response 10-30: Comment noted. Refer to Comment Response 10-25.

Comment Response 10-31: Comment noted. Impact TRANS-5 discusses issues related to site access, parking, and on-site circulation. Left turns from Valley Greens Drive to the Project site were evaluated in accordance with the County's Left Turn Channelization guidelines. Please see Appendix H.

Comment Response 10-32: Comment noted. The ADT count was obtained from the County's annual ADT report (County of Monterey 2013). The Project generates 39 inbound trips during Weekday A.M. conditions, 95 percent of which are assumed to arrive from Carmel Valley Road. This corresponds to 37 inbound left turns. Figure 3 of Appendix H shows volumes at the Carmel Valley Road and Valley Greens Drive intersection, not the Valley Greens Drive and Project Driveway intersection.

Comment Response 10-33: The left turn channelization evaluation was conducted in accordance with the County's policies and standards, and does not include an adjustment for heavy vehicles. Per standard County direction, heavy vehicles are evaluated as a part of the intersection and segment LOS calculations.

Comment Response 10-34: The proposed mitigation was developed in consultation with the County Traffic Engineer, who determined that delaying the start of classes would eliminate the need for the left turn lane. This is consistent with the left turn channelization guidelines which provide latitude for the County's Traffic Division to recommend left turn lanes based on a variety of factors besides the traffic volumes. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for details.

Comment Response 10-35: The mitigation has been revised to include restricting classes to start outside of the Weekday P.M. peak hour as well.

Comment Response 10-36: The implementation of a class schedule without classes during the A.M. and P.M. peak hours would address the need for a left-turn lane. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for details.

Comment Response 10-37: The scope of work and analysis time periods were developed in consultation with County RMA and Public Works staff consistent with the County's Guide for the Preparation of Traffic Impact Studies. Because Friday P.M. conditions are worse than Weekday P.M. conditions the impacts for a weekday event would be lessor than those described for Friday P.M. conditions. Events shorter than three days would have similar impacts to those described by the DEIR.

Comment Response 10-38: This typo has been revised. The majority of traffic would access the site traveling eastbound on Carmel Valley Road and turning south on Valley Greens Drive.

Comment Response 10-39: The County has a project in place to improve Carvel Valley Road and Valley Greens Drive sight distance. This Project is funded in the 2015/2016 budget. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details.

Comment Response 10-40: Refer to Comment Response 10-39.

Comment Response 10-41: The County-approved and licensed traffic monitors would address temporary capacity constraints associated with special events. Sight distance is adequate at the Carmel Valley Road and Valley Greens Drive intersection. Refer to Comment Response 10-39.

Comment Response 10-42: Traffic estimates for RVs were developed based on available data from the Institute of Transportation Engineers on RV parks. If, as the comment notes, RVs arrive later the peak hour impacts would be less than described in the DEIR.

Comment Response 10-43: The installation of “No Parking” signs on Valley Greens Drive would ensure adequate sight lines for exiting vehicles at the Project driveway. This is a standard requirement to ensure the County’s intersection design standards are met and is independent of TRANS-5.

Comment Response 10-44: The DEIR incorrectly states the dates when traffic counts and field observations were collected and has been revised to correct the dates when traffic counts were collected. Intersection counts were collected in November 2014 and segment counts were collected in June and October 2014. The count sheets appended to Appendix H of the DEIR show the specific dates for traffic counts.

Comment Response 10-45: Refer to Comment Response 10-44. As comment notes the dates of all traffic counts are included on the traffic count sheets provided in Appendix A of Appendix H.

Comment Response 10-46: Refer to Comment Response 10-44. Intersection counts were collected in November 2014 and segment counts were collected in June and October 2014. The segment volumes used in the analysis were obtained by taking the average of the mid-week and weekend counts as appropriate for the analysis time period. This approach was developed in consultation with County Public Works staff.

Comment Response 10-47: Refer to Comment Response 10-44. Traffic counts were collected by County staff and traffic count companies as shown on the respective traffic count sheets.

Comment Response 10-48: The comment is correct that the referenced dates are the dates on which the analyses were prepared. Intersection counts were collected in November 2014 and segment counts were collected in June and October 2014. The segment volumes used in the analysis were obtained by taking the average of the mid-week and weekend counts as appropriate for the analysis time period. This approach was developed in consultation with County Public Works staff.

Comment Response 10-49: Refer to Comment Responses 10-44 and 10-48. Comment is correct that the referenced dates are the dates on which the analyses were prepared. Intersection counts were collected in November 2014 and segment counts were collected in June and October 2014. The segment volumes used in the analysis were obtained by taking the average of the mid-week and weekend counts as appropriate for the analysis time period.

Comment Response 10-50: Comment noted. Please refer to Comment Responses 10-44 and 10-48.

Comment Response 10-51: Comment noted. The peak hour counts for individual intersections were used in the analysis and are identified on the intersection count sheets. The segment volumes were based on the average of Tuesday, Wednesday, and Thursday counts for the Weekday analysis and the average of Friday and Sunday counts for those time periods.

Comment Response 10-52: The DEIR analysis includes the counts collected between 27 October and 2 November 2014, as these counts were averaged with the June counts for the segment analysis. This approach was developed in consultation with County Public Works staff as representing the typical volumes along the segments. Refer to Comment 10-44 and 10-48.

Comment Response 10-53: See Comment Response 10-52.

Comment Response 10-54: The effect of the proposed Project traffic under typical conditions and special events is described in detail in Section 4.12, *Traffic and Transportation* of the DEIR. The proposed Project would not interfere with Monterey County’s Emergency Operation Plan (or any other relevant emergency plan) and would not be anticipated to prohibit or restrict emergency response vehicles on the local roadway network.

Comment Response 10-55: See Master Comment Response 1 – Water Use.

Comment Response 10-56: See Master Comment Response 1 – Water Use

Comment Response 10-57: See Master Comment Response 1 – Water Use. Please see Appendix F, *Water Resources*.

Comment Response 10-58: See Master Comment Response 1 – Water Use.

Comment Response 10-59: See Master Comment Response 1 – Water Use.

Comment Response 10-60: See Master Comment Response 1 – Water Use. The Applicant would not be permitted to pump more than the amount authorized by MPWMD, a mitigation within the EIR would be redundant and is not necessary.

Comment Response 10-61: While there is a scientific consensus that climate change is occurring, specific localized effects of climate change are difficult to quantify and are generally speculative in nature. Therefore this EIR does not make a determination on basin-wide water supply, but relies on the input and confirmation of available water supply based on the MPWMD letter. However, a qualitative analysis has been added in Section 4.8, *Hydrology and Water Quality*, describing that over the long term, climate change effects could result in longer dryer years with possible reductions in water supply combined with periods of major storm events. Impact findings would not change due to inclusion of this discussion. See Master Comment Response 1 – Water Use.

Comment Response 10-62: Comment noted. This is outside of the scope of standard planning and CEQA analysis.

Comment Response 10-63: The proposed Project would not use more water than established in the Baseline. See Master Comment Response 1 – Water Use.

Comment Response 10-64: The term “overflow parking” is meant to indicated parking that spaces outside of the 6,400 square feet of permeable base rock parking pavements for members’ and staff’ daily use immediately adjacent to the clubhouse and office, as described in Section 2.4.2.2. Commenter states that parking of RVs on grass would result in increased overland flow of water during storm events, but doesn’t specifically state how the DEIR is insufficient regarding this issue.

Comment Response 10-65: Comment noted. Grading for the Project would include restoration activities, in the location of the partially excavated reservoir, as described in Section 2.5.4, *Site Preparation and Grading*. Previous grading attributed to the proposed irrigation reservoir, and the estimated volume that has been excavated, was not included in the EIR baseline. Excavated materials, particularly prime soils, would remain on the Project site and would be used to restore the reservoir area of the site. Consequently, while the proposed Project would result in the temporary conversion of 5 acres of Prime Farmland associated with the development of parking areas and temporary structures, the proposed Project would not constitute a permanent conversion and would protect the long-term agricultural viability of the Project site. As described in Impact AG-2, the proposed Project would maintain over 32 acres of the Project site as agricultural fields planted generally in hay, grain, pasture crops, fruits, and garden flowers, all of which would reduce the potential for top soil to erode or be transported off-site.

Comment Response 10-66: Agriculture in the Carmel Valley primarily consists of small scale operations, including row crops, orchards, and grazing. The Project site is bordered by parcels zoned for Agriculture – Rural Grazing (refer to Section 2.3.1, *Project Vicinity*). Per Chapter 21.14 of the Monterey

County Code, animal husbandry and small livestock farming is an allowed use for LDR zoned districts provided that not more than one horse, mule, cow, or similar livestock is kept for each 20,000 square feet of land area.

Comment Response 10-67: See Comment Response 10-66.

Comment Response 10-68: See Comment Response 10-66.

Comment Response 10-69: See Comment Response 10-66.

Comment Response 10-70: As described in Section 4.6, as described, the proposed Project includes the use of a septic system with an associated leach field to dispose of treated wastewater. This system would be located between the proposed office and the restrooms, in the northern portion of the site, over 1,000 feet away from the Carmel River. The system's design has been reviewed by the County's Environmental Health Bureau and was found to have adequate area and soil types to support onsite wastewater disposal for the Project facilities. Therefore, there would be no impact associated with inadequate soil to support use of this system. Further, a requirement for semi-annual water sampling has been added to MM HYD-2 (refer to Comment Response 4-1).

Comment Response 10-71: Comment noted. Per CEQA Guidelines 15126.4(B) "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards, which would mitigate the significant effect of the Project..." MM BIO-4c put forth success criteria and allows for adaptive management and consideration of potential Project-related biological impacts within the riparian corridor. The Monterey County, CDFW, and MPWMD would provide input on a semi-annual basis and depending on the results of monitoring, would retain the ability to further restrict the 30-dog per day limit or restrict Project-related access to the Carmel River corridor beyond existing baseline conditions.

Comment Response 10-72: Master Comment Response 1 – Water Use. Use of a Riparian Right to serve the property would prohibit the storage of water and the use of the pond feature; therefore, the pond feature would not be developed and storage of water would not occur.

Comment Response 10-73: The proposed generators were analyzed in the EIR as a worst-case noise scenario during special events. As described in Impact NOI-3 the use of generators would constitute a less than significant impact with the implementation of MM NOI-3. While the Applicant may seek to connect to a power hook-ups in the future, there is no CEQA threshold basis to require the Applicant such mitigation.

Comment Response 10-74: A detailed description of screening and public views of the proposed Project are provided in Section 4.1.4.3, *Visual Impact Analysis*.

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May 15, 2015

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Re: Comments on the Carmel Canine Sports Center (PLN130352)
Draft Environmental Impact Report

Dear Mr. Mack:

This Office represents Friends of Quail. Thank you for the opportunity to submit these comments on the Draft Environmental Impact Report for the Carmel Canine Sports Center. Friends of Quail has participated throughout the County process and the CEQA process for this project, and has commented in writing and at public meetings relating to the proper analysis of this project.

Friends of Quail has focused upon the protection of Carmel Valley from the impacts of the proposed Carmel Canine Sports and Event Center, preservation of the quiet beauty of the Valley Greens Drive neighborhood, preventing the approval of an RV park at the project site, and preventing the congestion that an Event Facility at the site would generate. The members of Friends of Quail are a broad cross-section of Carmel Valley residents and business persons concerned about the impacts of the proposed Carmel Canine Sports Center.

We make the following general comments on the DEIR.

- The DEIR is flawed in material and significant ways in its discussion of water, biological impacts, noise, traffic, land use, safety, and other impacts. 11-1
- The County's public review period for the DEIR has not complied with CEQA's strict procedural requirements in material ways, including the availability of material information. 11-2
- The applicant made several changes in the physical environment, including thousands of cubic yards of unpermitted grading and the unpermitted construction of a pond, as well as other actions, which circumvented CEQA and violated County standards, even before the application was completed and the County could review it pursuant to CEQA's requirements. 11-3

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- The DEIR fails to identify accurate and reasonable baselines, which prevents the DEIR from accurately evaluating the impacts of the project. 11-4
- The DEIR fails to adequately describe the extent of the development that the applicant performed without benefit of a permit, and the extent that development and those actions should have been and were considered in selecting the appropriate baselines. 11-5
- Since the circulation of the Notice of Preparation, there have been materially significant changes in the project description, defeating CEQA's requirement of a fixed and stable project description. 11-6

These comments and proposed mitigations are necessary solely because this project is proposed for the wrong location. None of this would be an issue if the project were proposed for a location that is suitable for the proposed use. Friends of Quail members are strong supporters of happy and healthy dogs. That is not the issue. The issue is the impacts of the proposed commercial use at this location. 11-7

In regard to this application, several local residents and groups made comments to the County that (1) there was a significant amount of pre-application work done on the site in violation of County codes; and (2) that the impacts of those pre-application efforts cannot legally form the basis for an increased baseline or a more limited project description. The County made various findings, deferrals, and non-findings on those matters. We refer you to each of the communications and letters mentioning or describing findings of potential illegality.

We do not see any discussion of those activities in the DEIR, nor do we see any instance where the County imposed any penalties, disincentives, or remedial efforts, which indicates that the County has condoned the potentially illegal actions of the applicant. Did the EIR preparer overlook illegal action and/or give credit to the applicant and reward her for not following the County rules? Did the EIR preparer reach any conclusion as to the legality or illegality of the pre-application activities? If the answer to that last question is negative, then how did the EIR preparer treat the pre-application activities and what effect did those activities have on the evaluation of the project's baseline? 11-8

The proposed Recreational Vehicle park use is not an allowed or permitted use in the residential zone. The Carmel Valley Master Plan designates the project site as "Residential - Low Density." The County Code does not allow Recreational Vehicle (RV) parks in the residential zones. Thus, the project cannot be approved with the RV park use. The DEIR does not adequately analyze this conflict with the adopted plans. 11-9

The DEIR asserts that the California Housing & Community Development (HCD) is a responsible agency, but fails to explain why. The HCD is the permitting agency for RV parks, and the HCD has stated that this project would require an RV park permit to 11-10

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operate as proposed. The DEIR fails to adequately address the HCD requirements for RV Parks. The State Clearinghouse DEIR was not even distributed to the HCD for comment.

11-10
cont.

The DEIR repeatedly uses the term “quasi-public” to describe the proposed project (e.g., p. ES-3). The term is not accurate. Quasi-public is defined in the County zoning code as “schools, parks, regional parks, recreation areas, and uses which serve the public at large.” (County Code, § 20.40.010.) The project proposes an RV park use which is not included in the County’s long-standing definition of “quasi-public.” The DEIR’s use of the term is misleading and should be corrected.

11-11

The DEIR calls the project “membership based” (e.g., DEIR, pp. 1-1, 1-3), but the DEIR does not define the term. The CCSC website says “Like a country club, CCSC will be open to members only on a day-to-day basis.” That is an ambiguous statement. The DEIR failed to investigate whether the CCSC would offer a day-membership option, which would mean that a person could pay for use of the site for a day, or for a week, or another short period of time. These issues affect the project description, the motivation of the EIR preparer, the scope of the project, the baseline, and the accurate assessment of project-caused impacts.

The DEIR claims that access to the CCSC would be restricted to dues paying members only (e.g., p. 4.11-8) but nothing in the project description or the mitigations requires access to be restricted as described. The claim is potentially misleading. The EIR should consider a mitigation and alternative that restricts access as described.

11-12

The DEIR should require a mitigation that states that visitors can only enter the site if they hold and pay for an annual membership, or if they are the guests of such paying annual members. Similarly, the DEIR should mitigate potential day and week users by prohibiting day or week use, and requiring that all visitors to CCSC must be registered members with annual membership in place. Absent such a mitigation, average daily visits actually may be much higher than the DEIR estimated. If the mitigations are not imposed, then the actual use of the site could be much higher than the DEIR estimated, with higher impacts that have not been adequately evaluated or mitigated.

The only information available on this topic is not in the DEIR. Instead, on the CCSC website there is a membership application for annual membership. There is no information in the DEIR that discusses whether day-users or week-long users would be acceptable.

The DEIR relies unquestioningly on the applicant’s representation that the project would have 100 visitors a day. The DEIR relies on the applicant’s estimate for its analysis of impacts. There is no evidence that the DEIR independently verified any estimate as reasonable.

11-13

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The DEIR states the maximum attendance per day would be “approximately 100 visits, spread throughout operating hours.” (DEIR, p. 2-11.) The DEIR analysis of impacts is based on the applicant’s representation that attendance is “anticipated” to be 20% of membership, or 100 visits per day. (*Ibid.*) It is reasonably foreseeable that attendance would be materially higher than 100 visits per day due to the applicant’s efforts to create and sustain an unprecedented use at this site and of this nature. The project is highly speculative, and has required a sizeable investment. Increasing the number of visitors and dogs at the site for daily use is one of the very few options for this type of business.

It is foreseeable that membership will consist of mostly local membership. The more money a member pays their membership, the more likely they are to use the project site frequently. The DEIR does not state any limit to number of memberships that can be sold. Thus, with unlimited membership, there is no limit to the actual number of visitors or dogs on a daily basis, and the incentive is for the project operators to add as many visitors and dogs as possible to the daily activities.

The estimate of 100 visits per day does not adequately address the number of *dogs* that could visit per day within the capacity of the site.

- Published CCSC membership forms allow up to six dogs per membership. (See exhibits to this letter.)
- The DEIR does not quantify or place any limitation on the number of guest dogs that can visit the site on a daily basis. The project expects guests’ dogs to visit the site. (E.g., 2-17 [referring to potential for guest dogs to bark].)
- The classes would allow up to 12 non-member dogs each, up to two classes concurrently, with an unlimited number of classes per day.

Even if there are only 100 visits per day, foreseeably there could be 200, 300, or more dogs per day. The DEIR did not adequately disclose, consider, and mitigate the potential impacts of that number of dogs.

The estimate of 100 visits per day does not adequately address the number of *visitors* that could visit per day. Published CCSC membership forms allow guests of members to visit. The DEIR also describes attendees at classes throughout the day – up to two classes at once, with up to 10 non-member attendees per class and up to 12 dogs per class. (See 2014 CCSC revised project description.) The DEIR fails to state clearly whether the estimate of 100 visitors per day includes attendees at classes and workshops. (See, e.g., DEIR pp. 2-11, 2-12 [classes to be offered throughout the day; up to two classes of 12 dogs each simultaneously].) It appears that the applicant’s estimate of 100 visits does not include visitors and class attendees. Thus, even if there are only 100 visits per day, foreseeably that could mean 200 or more visitors per day.

11-13
cont.

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The DEIR did not adequately disclose, consider, and mitigate the potential impacts of that number of visitors. Impacts relating to traffic, noise, incompatibility in land use, water, and other intensified impacts all are affected by the increased and unanalyzed numbers of dogs and humans on the site.

11-13
 cont.

As described in this letter, foreseeably there would be more than 100 visits per day. The DEIR fails to analyze more than 100 visits per day. The DEIR should consider a mitigation of limiting visits to 100 per day, and the term “visit” should be defined to mean all persons who are not employees (including members, guests of a member if the guest(s) did not arrive in the same vehicle as the member, class attendees, class teachers, etc.). Unless the mitigation is imposed, the project could have significant unanalyzed impacts. However, the suggested mitigation does not save the DEIR from being inadequate in its analysis.

11-14

The Carmel Valley area already has many public recreation resources where dogs can be walked – Garland Ranch, Carmel Valley Community Park, the river trail from Rancho San Carlos, Carmel Beach, Carmel River Lagoon Beach, Monastery Beach, Hatton Canyon Park, Jacks Peak Park, etc. Even more recreational resources are available in the Monterey area and the Highway 68 corridor (e.g., Toro Park, the Fort Ord National Monument), all within a short drive. The DEIR admits that there are “numerous hiking trails within Carmel Valley” and “several large open space parks” (DEIR, 4.1-2).

11-15

There is currently no lack of quasi-public recreation resources in the area. This is an important and relevant issue because the DEIR concludes that the provision of “additional quasi-public recreational resource” (DEIR, p. ES-3) would be a beneficial effect.

Please explain in detail what the DEIR means by “diversity” of recreational resources. (See e.g., pp. ES-3, 4.11-7.) The term is not defined.

The project has expanded to include land that was not part of the project evaluated in the 2013 Initial Study/Mitigated Negative Declaration.

- The Initial Study project description and Site Plan specifically excluded the property in the northeast quadrant of the project site – the adjacent existing residence and some acreage to the east. (December 2013 Initial Study, p. 5.)
- The new project description dated May 21, 2014 specifically includes the land on which there is existing house, and the project description newly calls that house a “ranch manager residence.” (E.g., DEIR, 2-6, 4.3-2, 4.9-4; see 2-2, 2-7 [“Ranch Manager residing on the site”], 2-11.)

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These changes were made to the project description after the County circulated the initial study and after the County circulated and received comments on the Notice of Preparation. These changes, and others, are not consistent with the basic CEQA requirement that the project description must be fixed and stable.

11-16
 cont.

There is no solid evidence that the project applicant controls the residence, or who lives in the residence, or the commitment, if any, to any particular use (such as a home for a project employee). There is no evidence as to why the project application changed the geographical limits of the project site. Thus, is it not appropriate to include the residence as part of the project site.

Neither the project description nor the DEIR address whether an on-site manager will be available to address problems 24 hours a day during special events. The DEIR should place a mitigation on the residence that it must be inhabited by the ranch manager of the Project, and that someone must be available at that location at all times during special events. The mitigation would ensure that is the case. If the ranch manager is not onsite as described, there could be potentially significant impacts and inability to respond to problems that significantly affect the neighborhood and the environment.

11-17

The project site includes access to the Carmel River. The DEIR fails to disclose or investigate the applicant's claim that there are two or more "river accesses." The various site plans in the County files differ materially from the DEIR Site Plan (Fig. 2-1).

- Some County records show two separate accesses to the river, and two separate picnic areas.
- Other drawings, include the Project applicant's promotional materials, show two (in some drawings) or three (in other drawings) separate accesses from the fenced area to the river area, and two separate picnic areas adjacent to the river.

11-18

In contrast, the DEIR Site Plan identifies a single "river access and picnic area." (DEIR, p. 2-5 [Fig. 2-1].) If in fact there are two or three accesses and two picnic areas, then the DEIR's site plan is wrong and implies in a misleading way that there would be fewer impacts, when in fact there would be twice as many impacts.

On April 22, 2015, Friends of Quail requested the applicant's site plan and other attachments submitted with the May 2014 revised project description. On May 1, 2015, we again requested the records. As of the writing of this letter in early May, the County has not produced the site plan and has not extended the comment period, all to the prejudice of those persons and entities seeking to evaluate the DEIR in light of the project plans and the applicant's representations.

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According to the DEIR site plan, there would be a 4-foot-high black vinyl chain link fence located right down the middle of the proposed RV parking, prohibiting the RV parking proposed during Large Events and Medium Events. That appears to be incorrect. (Compare DEIR Fig. 2-1 with Fig. 2-2.) If it is correct, then the RV parking configurations are not accurate, and the RV parking would have significant unanalyzed and unmitigated impacts.

11-19

The DEIR should require as a mitigation the relocation of the irrigation reservoir to the southeast corner of the project site, farther away than the current proposed site from the nearest residences and Quail Lodge. That would reduce the impacts from the reservoir use (dogs barking and splashing; owners calling and blowing whistles), including noise and visibility.

11-20

The DEIR should consider a mitigation that prohibits the use of training whistles and similar devices for dog training, which would reduce the noise impacts of unusual and unwanted sounds.

11-21

The DEIR should consider a mitigation that relocates the member training areas and training rings to a location farther away from the residences and Quail Lodge. That would reduce the visual and noise impacts of the unusual and unwanted sounds.

11-22

The DEIR fails to establish the pre-project baseline of trails in the riparian corridor, if any exist. The Figure 2-2 claims there are "existing" trails in the riparian corridor at the project site. (DEIR, p. 2-5.)

- The satellite photos of the site from years past do not show trails in the riparian corridor. The photos do not show evidence of any access to the areas south of the existing fence.
- The satellite photos of the site from the last couple of years, when the project site was under construction with the proposed project, show tractor trails cutting into the area south of the fence.

11-23

The DEIR fails to establish any baselines. The entire DEIR does not contain the word "baseline," according to a word search performed by Adobe Acrobat. This creates a problem, because unless the baseline is accurately established and described, the DEIR cannot adequately measure the changes that the project would cause, and we cannot meaningfully comment on the DEIR. For example, with regard to the trails, there is no evidence of historic casual recreational use of the area south of the fence: no trails and no picnic tables.

11-24

To the extent that there are trails south of the fence, they were created and used by personnel of the resource agencies such as the Monterey Peninsula Water Management District in their ongoing effort to restore the riparian corridor. As the 2014 Project Application description states, "The existing trail system was installed by

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MPWMD to access soil monitoring equipment, conduct vegetation monitoring activities and maintain the irrigation network. These trails are also utilized by MPWMD fisheries staff to conduct fish rescues and research and monitoring of aquatic features.” Thus, the trails are for limited specific public purposes and uses: restoration and activities to save protected species during specific seasons of the year.

The infrequent and light use of those trails for MPWMD’s riparian and wildlife restoration purposes is the baseline. That baseline is very different, and much less impactful, than the proposed project use: year-round casual recreational use of the trails by unlimited number of persons per day, plus dogs. There is no proposed mitigation that would limit the number of persons in the river area. As we address elsewhere in this letter, the proposed mitigation of 30 dogs per day for the first year would be ineffective and unenforceable.

11-25
 cont.

All the DEIR’s information about the claimed trails comes from the applicant. There is no evidence that DEIR adequately investigated or confirmed whether the trails exist, their location, and their use. There are no photos in the DEIR of any trails south of the fence, and no description other than in reliance on the applicant’s representations.

Even if there were pre-project trails south of the fence line, the DEIR fails to quantify them and describe them. The DEIR fails to inform us how many trails exist, if any, where they go, how wide they are, and whether they go into or near sensitive habitat.

The DEIR states as follows: “Upland areas located across the Carmel River channel on the south bank of the river are inaccessible when the Carmel River is flowing, with no trails to this area from the Project site.” The DEIR has failed to analyze the obvious impacts that when the Carmel River is not flowing, there is easy access to the south bank of the river from the Project site. CCSC visitors could access the project site, which has natural resources. That would cause potentially significant impacts which the DEIR has not investigated, disclosed, evaluated or mitigated.

11-26

Table 2-2 claims that “existing facilities “ includes “primary ranch manager residence.” That is not an accurate claim. What exists is a house that is a private residence. The house is proposed to be a “primary ranch manager residence.” The DEIR should be corrected.

11-27

Table 2-2 claims that “existing facilities” include a “partially completed pond (1.2 acres).” (DEIR, p. 2-6.)

- Please clarify the exact site of the reservoir. The DEIR claims variously that the pond is 1.2 acres (see above) and 1.0 acres. For example, DEIR page 2-3 states that “excavation of a one-acre pond was recently initiated, but grading activities have not been completed.” DEIR page 2-10 refers to

11-28

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“one acre irrigation reservoir.” This makes a significant difference in the grading necessary for the reservoir and the capacity of the reservoir.

- Please state the proposed capacity (in AF) of the reservoir.
- The DEIR fails to disclose that the reservoir was excavated and “partially completed” without the required permits from the County.
- The reservoir is not part of the baseline condition of the Project site, because it was developed by the Project applicant as part of the Project. The pond was not the existing conditions on the ground when the applicant started the application process. The DEIR description of the pond as “existing,” without further elaboration, is potentially misleading.

11-28
cont.

The DEIR claims that “The area and volume of grading in Phases I and II would include 6,253 cubic yards (CY) or less” (DEIR, 2-17). How was the grading amount calculated? Please provide the calculations and assumptions made. The grading information was not in the May 2014 project description submitted by the applicant. The County has not provided us te attachments to the May 2014 project description. Does the amount of grading include the grading that has already been performed by the applicant prior to the 2013 Initial study?

11-29

The DEIR fails to adequately address the impacts of dogs on wildlife. Studies show that dogs kill, harass or chase native species. Tadpoles and other juvenile amphibians can be crushed underfoot, splashed out of the water, mouthed, eaten, pawed, or otherwise impacted by the presence of dogs in rivers.

Studies show that the mere presence of dogs - even on leashes – alters the patterns of wildlife, and that small mammals are less active in the presence of dogs. The DEIR fails to consider these impacts.

11-30

Even dogs on leashes can displace and disturb birds. Studies show that wildlife does not become habituated to the presence of dogs, and that the effects of dogs occurred even in places where dog walking was frequent. Studies show that dog walking displaces native birds from natural areas. This is true regardless of whether the dog is on a leash.

Another problem with relying on the DEIR mitigation that the dogs will be leashed is that retractable leashes commonly extend to twenty-six feet or longer. Thus, a CCSC member sitting at a picnic table by the river, chatting with friends or reading a book, easily could have a leashed dog that is fifty feet away affecting wildlife and habitat.

11-31

The CCSC website prominently advertises “Unleash the possibilities” below and “BEYOND dog friendly” above a delightful drawing showing two dogs playing in the Carmel River at the site. (See exhibits to this letter.) There can be no doubt that some

11-32

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members already have signed up for the CCSC based on this representation, and others will sign up in reliance of that representation, as well. Under the circumstances, it is not reasonable to believe that CCSC members and guests would strictly comply with a 30-dog limit.

11-32
 cont.

Dogs carry transmissible disease pathogens including rabies, parvovirus and canine distemper virus, all of which can be transmitted and contribute to significant population declines of native and endangered species. This impact of dogs on wildlife populations has been ignored by the DEIR. Leashing a dog has no impact on the dogs' ability to transmit the disease.

11-33

Studies show that domestic dogs that accompany recreationists cause disturbance, harassment, displacement, or direct mortality of wildlife. At some level, domestic dogs still maintain instincts to hunt and/or chase. Given the appropriate stimulus, those instincts can be triggered in many different settings. Even if a dog is on a leash, it is common for a dog to be triggered into chase mode, and run after an animal, thereby jerking the leash from the owner's hand.

11-34

Even if the chase instinct is not triggered, the presence of dogs in and of itself has been shown to disrupt many wildlife species. Authors of many wildlife disturbance studies concluded that dogs – whether with people, on a leash, or loose – provoked significant behavioral changes in wildlife and mortality.

Another problem with the proposed DEIR mitigation of requiring dogs to be on leashes is the lack of requirement of having the owners hold to the other end of the leash. These are arguments used by persons in reported matters where a leash law was at issue.

11-35

The CCSC proposes to allow dogs to run free (off-lead) at the CCSC site. The DEIR mitigation proposes that dogs be leashed only in the river area. That is not a mitigation that is reasonably likely to be followed by dog owners. The river area is out of sight from the public because it is far away from the public roads and because of the riparian vegetation, and the public would not be able (1) to monitor the access to the river, (2) to know whether dogs are going into the river and (3) whether dogs are being kept on leashes in the river area.

11-36

The CCSC has advertised for years – and to this day advertises – that as part of the CCSC operations dogs, can play in the river. Attached as an exhibit to this letter is the map on the CCSC website in April 2015. The map shows dogs playing in the river.

11-37

The proposed mitigation to limit dogs to 30 per day in the river area, for in the first year only, "in order to provide an impact monitoring baseline" is inconsistent with the California Environmental Quality Act (CEQA). CEQA requires the EIR to establish the baseline. The baseline should be the pre-project condition of the site. The baseline is not properly left to a future post-approval determination and action by the applicant

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based on a future use. The applicant does not get to cause impacts to create their own baseline, then measure future additional impacts by comparing current uses with that flawed baseline. That would turn the CEQA analysis on its head. The DEIR fails to investigate and establish the pre-project baseline, as CEQA compliance requires.

11-38
 cont.

The project proposes to have 250 people on site and overnight during special events. The reality is that those attendees will seek access to the river and the picnic areas. These would be paying guests, paying for the rental of the special event space – and the special event use is the only way the Project can break even financially, as the Project applicant has repeatedly stated. It is not reasonable or realistic to think that the CCSC staff can or will limit access to only 30 dogs per day, under the circumstances. The only way to address the issue of impacts to the river and riparian access is to prohibit access for all persons and dogs, at all times, and ensure that the gates in the fence remain locked.

11-39

The project proposes to allow an unlimited number of other visitors to access the riparian area. The DEIR makes no attempt to quantify these visitors, evaluate their impacts, or mitigate the impacts. This is a serious omission. People – alone, without dogs – in sensitive areas can cause significant impacts on wildlife.

The DEIR should consider prohibiting all use of the area south of the fence line by visitors. This is a very sensitive area that the Monterey Peninsula Water Management District has spent tens of thousands of dollars restoring. It should not be exposed to compromise by an “unknown” number of visitors, which is what the project proposes.

11-40

There are other areas along the Carmel River that can be accessed for cultural and educational purpose, including at Schulte Road Bridge and at Garland Park.

The DEIR should consider a mitigation and an alternative that eliminates the picnic tables and all other structures – temporary or permanent, chair or tables – south of the fence line. That would reduce the amount of time that visitors spend in the sensitive area, and reduce the amount of food brought to that area.

The DEIR mentions there was a “former pig farm” at the site (p. 2-8), but does not provide a date or documentary source. Please provide the specific dates that the pig farm was in operation, and provide the sources on which your responses rely.

11-41

The DEIR fails to state where the four picnic tables are proposed to be located. This is relevant to the impacts that would be caused by their usage, and the proximity to the river.

11-42

The DEIR claims that an emergency exit off of the northeast corner of the property “would be opened.” (DEIR, p. 2-15) The DEIR fails to investigate or disclose who controls that access gate, whose property would be used to gain emergency

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access to Carmel Valley Road, and whether that permission is permanent for the life of the project.

11-43
 cont.

The DEIR relies on the MPWMD claim determination about riparian rights. The DEIR has failed to adequately address the authority of the MPWMD to determine riparian rights. The MPWMD does not have that role or authority under current law.

11-44

Table 2-4 claims to state "proposed water use at CCSC." The source is "Monterey County 2013" which is the County's outdated initial study. The DEIR does not identify the page or section of the initial study. After some hunting, we surmise that the DEIR is relying on Page 31 of the Initial Study, which lists the proposed water demand *according to the CCSC application to the MPWMD*. The DEIR does not include the CCSC application to the MPWMD as a DEIR reference or source, and the County has not made the CCSC references available to us in any event, despite repeated requests.

11-45

The outdated water analysis was based on the outdated project description. The description has changed, and the DEIR indicates that a residence is now proposed to be part of the project site. However, the DEIR estimate of water use has not changed from the 2013 County initial study. The water demand should be higher, to account for the water demand for the house.

11-46

The DEIR should impose a mitigation that requires the light fixtures to be at knee level to light the ground only for safety reasons. Because the project claims it will not allow any nighttime in-and-out access by vehicles, there is no reason for light fixtures to be higher. Higher light fixtures can impact birds and other wildlife, and would affect the surrounding residential and visitor-serving land uses. Currently there is no night-time artificial light at the site. The baseline is natural darkness.

The DEIR does not adequately describe or investigate what is meant by the project's proposed "downlit path and security lighting" planned for "member and parking areas." (DEIR, p. 2-16.) The DEIR fails to adequately quantify and determine the impacts of the proposed lighting, and to impose appropriate mitigations. The DEIR should evaluate whether any of that lighting complies with Land Use Policy LU-1.12: "All exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced of the lighting source, and off-site glare is fully controlled." The DEIR should impose mitigations to ensure that the lighting is not visible from off site.

11-47

The DEIR fails to identify, investigate, evaluate and mitigate for the impacts of lighting in the RVs at night. It cannot be disputed that the up to 70 RVs would have lights on at night, using their batteries to power the interior and exterior RV lighting, interior televisions and radios, and similar ancillary equipment. That would create nighttime lighting and visual impacts for the surrounding uses, primarily the residential uses and the Quail Lodge.

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The DEIR states inaccurately that “California red-legged frogs have been reported from several relatively isolated, although widely distributed locations, along the Carmel River.” (DEIR, 4.4-14) The statement is inaccurate and potentially misleading. In fact, reports of California red-legged frogs are heavily clustered around the area between the Via Majorca Bridge and the Schulte Road bridge, which is the Project area. (See MPWMD map in exhibits to this letter.)

11-49

The DEIR claims that “During January and February 2014 field surveys of the subject property, no special status species were observed. However, the Carmel River was dry during this time and the absence of special status fish and herpetofauna (i.e., amphibians and reptiles) was a seasonal abnormality.” (DEIR, p. 4.4-11.) The field surveys were done in January and February 2014. The DEIR was not released until April 2015, more than a year after the surveys. Were surveys done when the Carmel River was flowing, and when the presence of special status fish and herpetofauna would be normal? If so, what was the result? If not, why not? The responsibility is on the EIR preparer to perform the necessary investigation and research. It is not reasonable, and it is not compliance with CEQA, to rely solely on technical information that is acknowledged to have been derived from efforts undertaken only during abnormal times.

11-50

The DEIR fails to acknowledge that the Carmel River at the Project site is suitable habitat for western pond turtles. (See DEIR, p. 4.4-14 to 4-15.)

11-51

The DEIR fails to adequately investigate, evaluate and mitigate for the impacts of the proposed project’s use on the wildlife corridor that is the Carmel River and its riparian borders.

11-52

The DEIR fails to adequately address the SWRCB proposed limitations that would restrict groundwater pumping to specific months and times of the year.

11-53

In its January 29, 2014 letter on the initial study/MND, the SWRCB stated in part as follows:

Although the Project developer has long been aware of the bypass flow condition, the MND does not include a discussion of the flows needed to protect salmonids. The bypass flows stated above have been included in all Table 13 water right permits issued since NMFS developed the flow regime. Division staff requests that the environmental document include the mitigation listed above.

11-54

The DEIR does not require a mitigation that ensures flows needed to protect salmonids. This is inconsistent with the express concerns and request of the SWRCB to the County.

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Instead, the DEIR merely states that “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.” The DEIR claim is unsupported and not implemented through a mitigation. The DEIR does not adequately investigate or mitigate how and when the project would pump groundwater, and how that would affect, or be affected by, the minimum mean daily flows needed to protect salmonids. Thus, the project could have significant unanalyzed and unmitigated impacts.

11-55

The DEIR does not adequately address this issue. According to the word search used by our computer, the DEIR does not contain the word “salmonid.” The DEIR mentions the words “bypass” only on page 4.4-24.

11-56

The DEIR does not provide any factual support or reference for Table 4.4-3, “Minimum Daily In-Stream Flow Requirements.” Please identify the source and whether the information is current for 2015, and appropriate for use during multi-year droughts, in the opinions of the MPWMD and the SWRCB.

11-57

The DEIR says that “no water would be stored in the reservoir for more than 30 days.” (DEIR, 2-10, quoting the applicant’s May 2014 project description nearly verbatim.) What does this sentence mean? Why is the applicant’s claim included as if it were a DEIR analysis? The DEIR failed to investigate the claim adequately. Please explain, identify and quantify the impacts, and mitigate them. We cannot comment more meaningfully on the claim because the DEIR does not provide sufficient information for us to do so.

11-58

The only way that the applicant could ensure that no water would be stored for more than 30 days is to empty the reservoir. How would that happen? If the water could not be used to irrigate the project fields (e.g., due to saturation, the wrong time of the growing season), where would the Project dispose of the stored water, and what impacts would that have?

The project apparently proposes to empty the irrigation pond every 30 days. Please respond. When the pond is emptied, in certain months the pond could not be refilled because of the State’s likely prohibition on groundwater pumping. The DEIR does not discuss or mitigate these impacts.

11-59

During the historic drought from 2012 through the current day, the impacts of pumping 60 to 90 feet of water at the site for the project could be more severe than analyzed or mitigated. The DEIR should address this issue and apply specific mitigations that would apply during drought years to reduce or eliminate the impacts.

The DEIR confuses water rights with the impacts of pumping water. The DEIR does not adequately analyze or mitigate the impacts of pumping another 65 AFY at the site, especially in combination with the adjacent pumping by Cal Am, Tehama, and Canada Woods. The pumping has significantly harmed the river in the immediate area

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of the project site. No pumping has taken place in the past seven years or so, during the time that the property has been fallow.

11-60
 cont.

The DEIR mentions the MPWMD restoration work on the project site but the DEIR fails to adequately investigate and disclose the reason that MPWMD has spent so much money and time in restoring the riparian area. The reason is the major overpumping of the Carmel Valley Alluvial Aquifer by major pumpers. Adding project pumping is likely to have further significant harmful impacts, both in regular water years and in drought years.

11-61

If approved, the project would commence some 65 AFY pumping in the fourth year of the worst drought in more than a thousand years. The Carmel River is overdrafted. The DEIR fails to adequately analyze the impacts of the pumping on the alluvial aquifer and the resources in and along the river. The analysis of impacts should analyze and discuss the reasonable foreseeable impacts of the project under the known current drought conditions and the foreseeable future drought conditions.

11-62

DEIR chapter 2 is entitled Project Overview. Within that chapter, section 2.4 is called Project Overview. That section is the project description as proposed by the applicant. Section 2.4.1.3 claims that “CCSC would limit the number of dogs in the riparian area to no more than 30 per day for the first year in order to provide an impact monitoring baseline.” (2-8; see 4.4-26 [“the Project would limit the number of dogs allowed in the riparian area by the Carmel River, with a maximum of 30 dogs allowed at any given time in the first year”], 4.4-27 [“As described in Section 2.4.1.3, Natural Areas and Proposed Use, CCSC would limit the number of 30 dogs in the riparian area to no more than 30 per day for the first year”], 4.8-20, 4.8-29.)

11-63

The DEIR’s claims are materially misleading. Section 2.4.1.3 makes it sound like the 30-dogs-per-day limitation is part of the proposed project. That is not accurate. The 30-dog-per-day limit is a DEIR-proposed mitigation of new impacts. The mitigation has not been imposed or accepted, and its success is unlikely.

The proposed mitigation to cap access to the riparian area to “no more than 5 dogs at any one time” is not enforceable. (DEIR, 4.4-28.) There are at least two accesses through the fence to the riparian area. The accesses are hundreds of yards apart. It is not reasonable to expect the staff to know exactly how many dogs are in the riparian area at any one time. Nothing in the project description or other materials indicates that the staffing would require or even allow a staff member to be posted at each one of the gates for the duration of the opening hours every day – to enforce such a restriction. Unfunded measures involving staffing of rangers, law enforcement, or facility employees are not enforceable, in any event.

11-64

The DEIR project description asserts that there are no picnic tables south of the fence (DEIR, p. 2-6, table 2-2) and “four picnic tables are proposed” by the project (2-8.). The DEIR analysis of biological impacts makes a different and inconsistent claim.

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The DEIR claims at page 4.4-27 as follows: “As described in Section 2.4.1.3, Natural Areas and Proposed Use, a maintained trail and picnic table already exists in this area and it is likely used regularly . . .”

11-65
 cont.

The DEIR claim at page 4.4-27 is incorrect, and presents an incorrect baseline and inaccurate on-the-ground physical conditions.

- Section 2.4.1.3 nowhere claims that “a maintained trail and picnic table already exists in this area and it is likely used regularly.”
- To the contrary, the DEIR states there is no picnic table south of the fence, and no such table is described in the on-the-ground baseline analysis or in the DEIR photographs.
- No existing “maintained trail” is described in the DEIR, or shown on the DEIR maps or drawings.
- If there is a trail, where is the trail located?
- Why is there no description of a “maintained trail” in the DEIR?
- If there is a trail, who maintains it?
- If there is a trail, for what purpose is it maintained?
- Is there a picnic table, as the DEIR claims at 4.4-27, or is there no table, as the DEIR claims at table 2-2?
- If there even is a table, which is uncertain, there is no support referenced for the DEIR claim that the table, “is likely used regularly.”
- To the contrary, the evidence shows that there is no table and even if there is one, it is not used regularly.

11-66

It is no solution to propose unspecified mitigations that “could be” imposed, to be “determined on a day-to-day basis” in the future, as the DEIR proposes (4.1-27). The DEIR does not provide any standards or performance metrics for the future mitigations. The DEIR has not provided a baseline analysis of the current situation. The County knows that there likely would be impacts. There is plenty of technical and scientific analysis of the impacts of dogs and humans in natural areas. This is not a case where the impacts are unknown.

11-67

The DEIR fails to adequately discuss, analyze or mitigate for the project’s proposed introduction of food items to the riparian area on a daily basis. The four picnic

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tables would encourage visitors to bring food. Studies show that the introduction of human food to a wildlife area can change the behaviors of wildlife in the area. In this case, the presence of food at the four picnic tables, and the potential for visitors to feed the wildlife, would have impacts on the behavior of the wildlife in the area.

11-68
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The DEIR proposes to mitigate potential impacts through MM BIO-4a, which in part would require visitors to stay on the trails. The DEIR has failed to disclose where the trails are, and whether they are existing or proposed. Thus, we cannot meaningfully comment on the effectiveness of the mitigation. In any event, the mitigation does not require dogs to stay on the trails. In any event, studies show that whether dogs stay on trails or not, the impacts to wildlife are negative, merely from the presence of dogs.

11-69

Studies show that posting signage is not an effective mitigation in circumstances like this one. (See BIO-4a.) The County knows that it has proved ineffective to post signage at Monastery Beach against deadly ocean waves and currents, where human lives are at stake. Here, the stakes are much lower – a mere violation of a paper mitigation, with no consequences to those who do not follow the rules on the sign. There is a high likelihood that visitors would ignore the signs prohibiting dogs in the river and requiring dogs to be on leashes at all times. Instead it is foreseeable and likely that dogs would be present in the river and off the leash.

11-70

The DEIR information as to access to the riparian area is inconsistent.

- The Site Plan presented by the County in the IS/MND shows two accesses to the riparian area: at the east of the south fence, and at the west end of the south fence. The DEIR inaccurately implies there is a single access to the river.
- However, the biological report (p. 7) describes “gates” – plural – through the fence.
- The biological report’s Figure 3 show at least two access points through the fence to the riparian area: at the east and west ends.
- DEIR Figure 2-1 and biological report Figure 5 shows different access points, one at the east end and one set some hundred yards or more easterly of the west end.
- The gates are identified as “river access.”

11-71

The County would have no way of ensuring compliance with the mitigations BIO-4a and BIO-4b. They are not reasonably enforceable, and thus are not effective mitigations.

11-72

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What is an “object trigger” as stated in MM BIO-4c? Who chooses the trigger? The trigger should be stated in the EIR, so the public can comment on whether the mitigation is adequate or inadequate. The formulation of a material part of a mitigation may not be deferred, as the DEIR has done here.

11-73

The DEIR fails to disclose whether MM BIO-4c has been approved by the MPWMD and the California Department of Fish & Wildlife. The DEIR assumes that both those agencies are willing to participate in and agree with the proposed mitigation. Even if they do agree with the mitigation, how would the participation of MPWMD and CDFW be funded? It would not be fair or likely for the taxpayers to shoulder the cost of mitigation of this private for-profit business.

11-74

The project should impose a mitigation that prohibits dogs south of the food-safety fence, and requires that all fence access gates be locked to visitors. That is the only way to prevent harmful impacts to the area.

11-75

No mitigation adequately addresses the issue about usage of the south-of-fence area. The DEIR implies that the two mitigations – MM BIO-4a and 4b – would only be continued “as approved by CDFW and MPWMD.” (DEIR, p. 4.4-29, typographical error referring to 5a and 5b when the DEIR means 4a and 4b.) The DEIR does not provide for a role for the County in the process. Please address, clarify, and explain.

11-76

MM BIO-5a is inadequate because it does not specify the minimum height requirement of the impermeable fencing to make it inaccessible to bullfrogs. The mitigation should state that the entire reservoir is to be fenced.

11-77

The DEIR discussion following Impact BIO-6 is primarily on different topics, and not on the impact at issue. The analysis of the impact is not adequately supported.

11-78

There is no support for the DEIR claim that the project’s “General noise levels between 50 and 58 dBA would not be anticipated to adversely impact wildlife species within the riparian corridor and would not be anticipated to prevent the continued use of the Carmel River as a wildlife corridor.” There is no support for the DEIR conclusions, and thus the conclusions are unreliable and inconsistent with CEQA. The DEIR uses the wrong tests. The DEIR should investigate all noise sources, not simply “general” levels, and the issue is whether project noise would affect the use of the wildlife corridor at all, not whether it is “anticipated to prevent” the use of the corridor. The project’s reservoir is to be used for dock diving, swimming, and other training. It is expected that the noise from the reservoir will include whistles, shouts, claps and barks. The reservoir is located close to the river. The noise analysis did not address or measure sounds from the reservoir on the nearby riparian area and corridor.

11-79

The DEIR does not adequately address the purported limit of 300 dogs during special events. It is not reasonable to believe that the CCSC staff members could keep a precise count of the number of dogs that arrived at the project site over a number of

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days in RVs, cars, and on foot. Even if that took place, which is unlikely, what happens when the site reaches the maximum number of 300 dogs, and then one longtime charter member arrives with one dog? Of course the staff would let in the 301st dog – and the next members who arrive with dogs, and the next. The proposed cap of 300 dogs is not a reasonable mitigation. And it is not verifiable – there is no way for the public or the County to actually count hundreds of active, moving dogs at the site, some of which may be in the river area or in RVs. The only way to prevent special event impacts is to prevent the special events.

11-80
cont.

There is no technical information that supports the DEIR conclusion that the special event noise would not affect biological resources because the noise would be “short term, lasting from only one to four days.” (DEIR, p. 4.4-31.) Scientific studies show that wildlife is affected by noise, even if “short term,” and especially where the noises are repeated again and again, as the noises would be in this case, because they would be generated by events throughout the year.

11-81

The DEIR does not have a technical analysis of the noise that could be made by 300 dogs at the site, or even 50 dogs at the site. This is not to suggest that all the dogs will bark at once. But scientific studies show – and it is common knowledge – that dogs will bark at each other when they play or are close to each other. When dogs are together at the proposed project site, the likelihood is they will bark. The consensus among researchers is that dogs bark so frequently, in so many contexts, and some bark for such long periods of time in the absence of obvious stimuli or receivers (animals that are listening), that barking is simply a non-specific way for dogs to get attention.

11-82

The EIR should consider a mitigation that prohibits smoking in the entire area south of the fence. That would reduce litter in the area and reduce toxicity from smoke and cigarette butts.

11-83

The DEIR fails to adequately disclose, evaluate, and mitigate numerous potentially significant traffic impacts.

As one example, the DEIR fails to address the poor sight visibility for vehicles northbound on Valley Greens Drive who seek to turn left onto Carmel Valley Road. Vehicles do not have adequate sight lines. Carmel Valley Road curves immediately east of the Valley Greens intersection, and northbound vehicles on Valley Greens cannot see westbound Carmel valley Road traffic until the very last second, which is too late to turn safely onto Carmel Valley Road. That left turn is very limited and dangerous. The lack of visibility has caused us and others have turned around and gone out Rancho San Carlos Road due to lack of visibility. The DEIR does not mention this important safety issue or mitigate it.

11-84

The westbound Carmel Valley Road traffic comes from a long straight section, where vehicles typically pick up speed, and as they approach the blind intersection with

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Valley Greens, the vehicles accelerate because there is a hill immediately west of Valley Greens.

11-85
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As another example, the Rancho San Carlos Road/Carmel Valley Road traffic light has a very fast cycle. To make matters worse, vehicles waiting on Rancho San Carlos Road at the stoplight are on an uphill slope. In our experience, it is common for only one to three cars to be able to turn left onto Carmel Valley Road before the light turns. As a result, when there is a line of vehicles waiting to exit Rancho San Carlos Road, the stack does not clear on a single traffic-light cycle.

11-86

Recreational vehicles are even slower, and do not start up rapidly from a dead stop, especially driving uphill, nor do they accelerate rapidly uphill. Plus, vehicles leaving Rancho San Carlos Road and entering Carmel Valley Road must turn left or right, which means they drive fairly slowly anyway. Thus, it is unlikely that two recreational vehicles could clear the stoplight before the light changed.

11-87

Because the stack of waiting vehicles waiting to exit Rancho San Carlos Road do not clear, the remaining vehicles keep triggering the stoplight. Thus, the stoplight on Carmel Valley Road keeps changing and cycling, making cars slow and stop on Carmel Valley Road. This in turn affects the traffic flow on Carmel Valley Road. The impacts of this known condition have not been adequately disclosed and mitigated in the DEIR.

11-88

The DEIR has not address whether the fact that Rancho San Carlos Road and Valley Greens Drive are private roads have any impacts. Please respond.

11-89

The DEIR mentions the multiple accidents at Valley Greens and Carmel Valley Road during a temporary traffic light at the location. However, the DEIR inappropriately dismisses the accidents. The EIR preparer did not make an adequate effort to find out and disclose what the EIR preparer could find out about the reasons for the accidents.

The intersection is hazardous for many reasons.

- It is not controlled, other than a stop sign at Valley Greens.
- Eastbound traffic on Carmel Valley Road is headed downhill, and often picks up speed in the process.
- Westbound traffic on Eastbound traffic on Carmel Valley Road has just left a long straight stretch, and has often picked up speed for that reason and because Carmel Valley Road climbs a hill just west of the intersection with Valley Greens.
- Vehicles seeking to exit Valley Greens and turn left onto Carmel Valley Road are materially and negatively affected by the blind curve of Carmel Valley Road immediately east of Valley Greens.

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- The blind curve severely limits the ability of vehicles on Valley Greens to see traffic on Carmel Valley Road.
- Vegetation on the south side of Carmel Valley Road further blocks sight lines of drivers on Valley Greens.
- The sight lines of drivers waiting to turn left onto Carmel Valley Road also are blocked when vehicles (especially trucks, SUVs and RVs) pull up on Valley Greens and wait in the right turn lane, to turn east onto Carmel Valley Road.
- Vehicles frequently pull in and out of Valley Greens shopping center.

11-90
 cont.

The accidents took place when the temporary traffic light was in place. Thus, drivers on Carmel Valley Road are not accustomed to having any traffic controls at that intersection, and having temporary traffic controls created more dangerous conditions than not having the temporary traffic controls. That experience says volumes about the ineffectiveness of the impractical and illogical mitigation MM-Trans-3a to have a temporary traffic monitor at the intersection “to direct traffic and to manage traffic.” (DEIR, 4.12-23.) The DEIR fails to address these critical issues, as well as the personal safety of the temporary traffic monitor.

11-91

The DEIR proposes “MM TRANS-5. The Applicant shall schedule classes to avoid the Weekday A.M. and Weekday 25 P.M. peak hours. Classes shall not start before 9:30 A.M.” (DEIR, 4.12-26.) It is not clear exactly which impacts the mitigation is intended to address, or exactly how the mitigation would help the impacts, and to what quantified amount. Please respond.

11-92

Carmel Valley Road segment 7 is where both access points to CCSC are located: Valley Greens Drive and Ranch San Carlos Road. The traffic data for Carmel Valley Road segment 7 shows that the peak hours for eastbound traffic are generally between 10 am and 11 am or 11 am and 12 noon during weekdays, and it remains high until around 6:15 PM, with an afternoon spike generally between 4:30 and 5:30 PM.

11-93

Thus, the proposed mitigation MM TRANS-5 would not change the traffic during this time, and likely would worsen the eastbound traffic on Carmel Valley Road. The mitigation would require classes to be held during the worst traffic hours.

The westbound traffic has a morning spike generally between 8 and 9:15 am. Then the traffic remains heavy until around 5:30 PM

Subdivision Map Act

Attorney Hanson Reed’s letter of September 13, 2014 to the County raises an important issue under the Subdivision Map Act (“SMA”): whether the agricultural use of

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the property in the future would be illegal if this project goes forward. Mr. Reed presented the following argument:

Under the SMA, it is illegal to sell or lease a portion of a legal lot of record, thereby effecting a subdivision of a parcel, without complying with the SMA by recording a subdivision or parcel map. The SMA provides that it is illegal to “subdivide” property without complying with the SMA and a “subdivision” is defined as a division into two or more parcels for purpose of sale, lease or financing.

There are certain exclusions under the SMA, including, among others: Leases of Agriculture lands for agriculture uses. Gov. Code Sec 66412(k). As used in this section, “agriculture purposes” means the cultivation of food or fiber, or grazing or pasturing of livestock.

There is no exclusion for leases of single family residences.

I am confident that the two leases currently in place on Parcel 1 (as Parcel 1 is shown on the 2005 recorded survey map) are in violation of the SMA. There are no exemptions that apply to both leases (the Applicant’s lease and the residential lease). Even if the Applicant’s current use (before any Use Permit is issued) is deemed agriculture on Parcel 1, there is no exclusion for the residential lease.

If the Use Permit is issued, Parcel 1 as shown on the Applicant’s site plan will never have an agriculture use. The Parcel 1 is the location of the RV parking/members’ training area, the club house, the restrooms and showers, the leach field for the septic system, and the employee parking.

There are no exclusions and therefore the two Wolter leases (one to the Applicant and one to the residents of the house on Parcel 1) and each of them are an illegal violation of the SMA.

Although there is no specific law in the SMA on subleases, I am confident that any sublease of any portion of Parcel 1 from either the Applicant to the residents (or the residents to the Applicant) is an illegal violation of the SMA. This includes, for example, if the Applicant subleases all of Parcel 1 from the Wolters, then subleases back the house to the current residents. There is no question that a sublease would violate the spirit of the SMA which would require an exclusion as if the sublease were a lease.

The issues raised by Mr. Reed, and reiterated here, were not considered by the DEIR, even though the issues were directed to the planners previously, and the County

11-94
cont.

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apparently made no effort to rebut the argument that the project does not appear to have the legal access rights claimed by the applicants.

11-94
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No Legal Access to the Property

The issue of legal access to the property was presented squarely by Attorney Hanson Reed in an email to the County dated September 13, 2013.

The summary by Mr. Reed on the access issue is reiterated as follows:

There are several documents that relate to any right of the Wolters to go over the no access strip from Valley Greens Drive.”

First, there is a Monterey County License to the Wolters for ingress and egress over the ‘no-access strip’ (as the no access strip is shown on the map entitled ‘Carmel Valley Golf and Country Club’ in Volume 8 of Cities and Towns at Page 1 of the Monterey County Official Records). There is no limitation on the ingress and egress solely for residential purposes. However, this document: (i) is only limited to Parcel 1, 2, 3, 4, D2, D5 and D6 (is not a license for ingress and egress over the other 5 parcels) (I would also add that there are two Parcel 1, 2, and 3 and by the language in the license, the license is limited to only one of the sets of Parcels 1, 2, and 3); (ii) does not remove the No Access Strip; (iii) it can be revoked by Monterey County at any time as that is the nature of licenses; (iv) it is personal to Wolter Property Limited Partnership or the next owner when title passes (licenses by their nature are personal to the grantee); (v) the license cannot be assigned to anyone (a license by its nature cannot be assigned and an assignment terminates the license).”

11-95

The other documents are County Resolutions and the surveys for lot line adjustments. These documents provide for a 60 foot wide access from Valley Greens Drive to the Wolters’ property (which for all intents and purposes is shown on the surveys that were recorded). These documents limit the 60 foot wide access over the no access strip solely for residential purposes.”

Unless there are other documents that I do not have the Applicant does not have legal access to the parcels from Valley Greens Drive. The project is not residential and the Wolters’ license cannot be assigned to the applicant.

Mr. Reed’s legal opinion presents a credible and well-supported analysis of the “no access” issue. These concerns, which go to the viability of the project itself and the

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ability of the applicant to carry out the project and its mitigation measures, are not discussed in the DEIR. If Mr. Reed's analysis is correct, as it appears to be and as we believe it is, the project must be dramatically reconfigured or abandoned, and the issues must be considered and resolved in an EIR if the project is not denied. The evidence shows that there is a no-access strip along Valley Greens Drive, and if there is a break in the no-access strip, the break was for residential purposes only, and is located in a different location from where proposed entrance is located. The DEIR inexplicably did not address the issue.

11-95
 cont.

Appendix A is Incomplete

DEIR Appendix A is described as responses to the Notice of Preparation (NOP). As presented, Appendix A is incomplete. Shortly after the County released the DEIR, we asked, and the County senior Planning staff agreed in writing, to treat the comments on the initial study/mitigated negative declaration (IS/MND) as comments on the NOP. Thus, agencies and members of the public did not need to resubmit comments they had already made to the County on the project and the scope of potential impacts. However, the DEIR did not include the IS/MND comments in Appendix A, and Appendix A also fails to mention the County's commitment to treat the IS/MND comments as responses to the NOP. This oversight should be corrected. The County should identify with specificity (date, author and number of pages) the IS/MND comments.

11-96

Lack of DEIR References During Public Review Period

We object to the lack of availability of references to the Draft EIR for the required 45-day circulation period. Molly Erickson, counsel for Friends of Quail, went to the County Planning Department on April 22, but none of the references were available, other than a CD of the appendices. Ms. Erickson asked to see the references. On April 27, she asked again. On April 29, she asked a third time. Eventually, on May 1, the County responded in small part to a few of the issues, but not all of them, and then produced only materially incomplete copies. (For example, the County provided the 2014 project description but omitted all the attachments, including the "site/concept map," the "technical drawings," the "policy consistency analysis," and the "sample event management plan." We sought to review those records in order to compare the applicant's representations with the DEIR representations, so we could understand and comment on the extent of DEIR reliance on the applicant's claims and the competence of the DEIR independent investigation of those claims.)

11-97

We continued to seek the complete references. We asked the County to extend the comment period, so that the public review period ran for the required 45 days after all the references were available. The County refused.

As a result of the County's failure to timely produce the DEIR references and sources, Friends of Quail, its members, and its legal counsel were unable to make the depth and breadth of comments on the DEIR that they would have like to make,

David Mack
May 15, 2015
Page 25

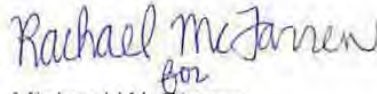
including proposing mitigations and alternatives to which the EIR preparer would have responded as part of the CEQA process.

11-97
cont.

Thank you for the opportunity to comment on the Draft EIR for the Carmel Canine Sports Center project. Friends of Quail joins in the comments of Tony Lombardo on behalf of Quail Lodge. Friends of Quail also joins in the comments of the Carmel Valley Association. Friends of Quail also joins in the concerns of the resource agencies and all other persons.

Very truly yours,

STAMP | ERICKSON



for
Michael W. Stamp
Molly Erickson

Exhibits:

- A: CCSC membership application (from CCSC website)
- B: CCSC map(showing dog in river, two gates to riparian area) and CCSC site plan (from CCSC website)
- C: Dogs in river - photos from CCSC website and facebook page
- D: CCSC website, "Unleash the Possibilities"
- E: Map showing proximity of other parks in the area
- F: MPWMD map of California Red Legged Frog observations
- G: Dogs harassing wildlife (photos)

EXHIBIT A

**8100 Valley Greens Drive
Carmel, CA 93923
831-620-6544**

HOURS

Monday - Friday: 7 am - 8 pm
Saturday - Sunday: 8 am - 7 pm
Unlighted areas open daylight hours only

Membership
General provisions

- Everyone entering the facility must have a current signed waiver on file
- Everyone entering the facility must agree to follow the posted rules
- Dogs must have proof of current vaccinations according to specified requirements
- Members are responsible for their dogs and guests / dogs and guests may not be left on site unattended
- One adult may be primarily responsible for no more than three dogs on site at one time

ALL MEMBERSHIPS INCLUDE:

- Access to CCSC facilities during operating hours
- Reserve training areas up to 2 weeks in advance
- Priority registration / member discounts for classes, workshops and special activities

The first 100 memberships will be CHARTER MEMBERSHIPS Rates for Charter Memberships will not change for 5 years if payments remain current. Rates will be adjusted once Charter Memberships are filled.

SPECIAL CHARTER MEMBERSHIP RATES

SINGLE MEMBERSHIP

- One named adult and one specific dog included
 - \$300 one-time initiation
 - \$600 annual dues
(single payment or \$68/month)

COUPLES MEMBERSHIP

- Up to two named adults and three specific dogs included
 - \$400 one-time initiation
 - \$1100 annual dues
(single payment or \$88/month)

FAMILY MEMBERSHIP

- Up to three named adults and up to six specific dogs included
 - Family members under 18 included
 - \$500 one-time initiation
 - \$1300 annual dues
(single payment or \$108/month)

FOUNDING MEMBERSHIP 25 available

- Up to two named adults and six specific dogs included
- May be transferred to an eligible recipient of the member's choice
- Family members under 18 included

- \$10,000 single payment
- No additional membership fees for 10 years
- Renewable if lease is extended or if CCSC moves to another location

If you have a situation that does not reasonably fit into any of the categories as described, or for group rentals, special events or other contracted uses, please contact us to discuss how we might accommodate your particular needs.



Exhibit A, p. 1 of 1

CARMEL CANINE SPORTS CENTER

MEMBERSHIP INFORMATION

APRIL 2013

phone: 831-620-6544
email: info@CarmelCanineSports.com
www.CarmelCanineSports.com

EXHIBIT B



Exhibit B, p. 1 of 2

EXHIBIT C

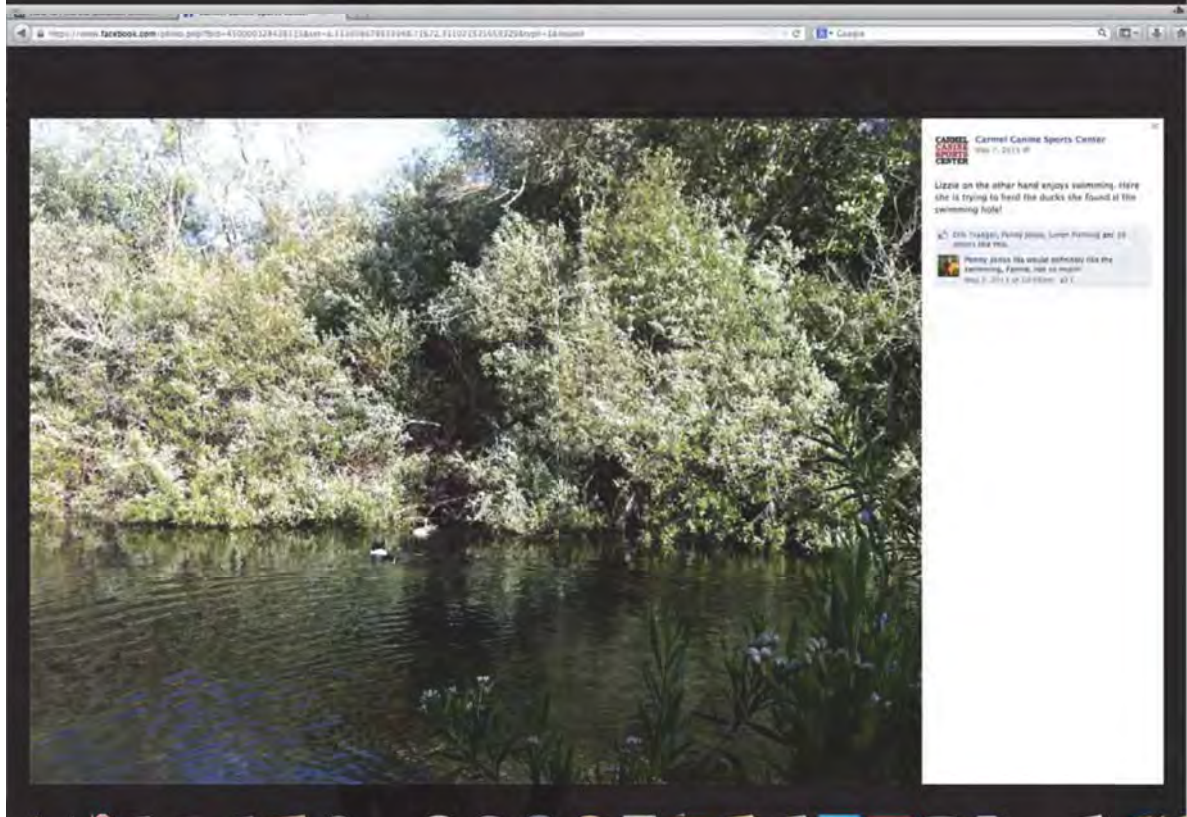
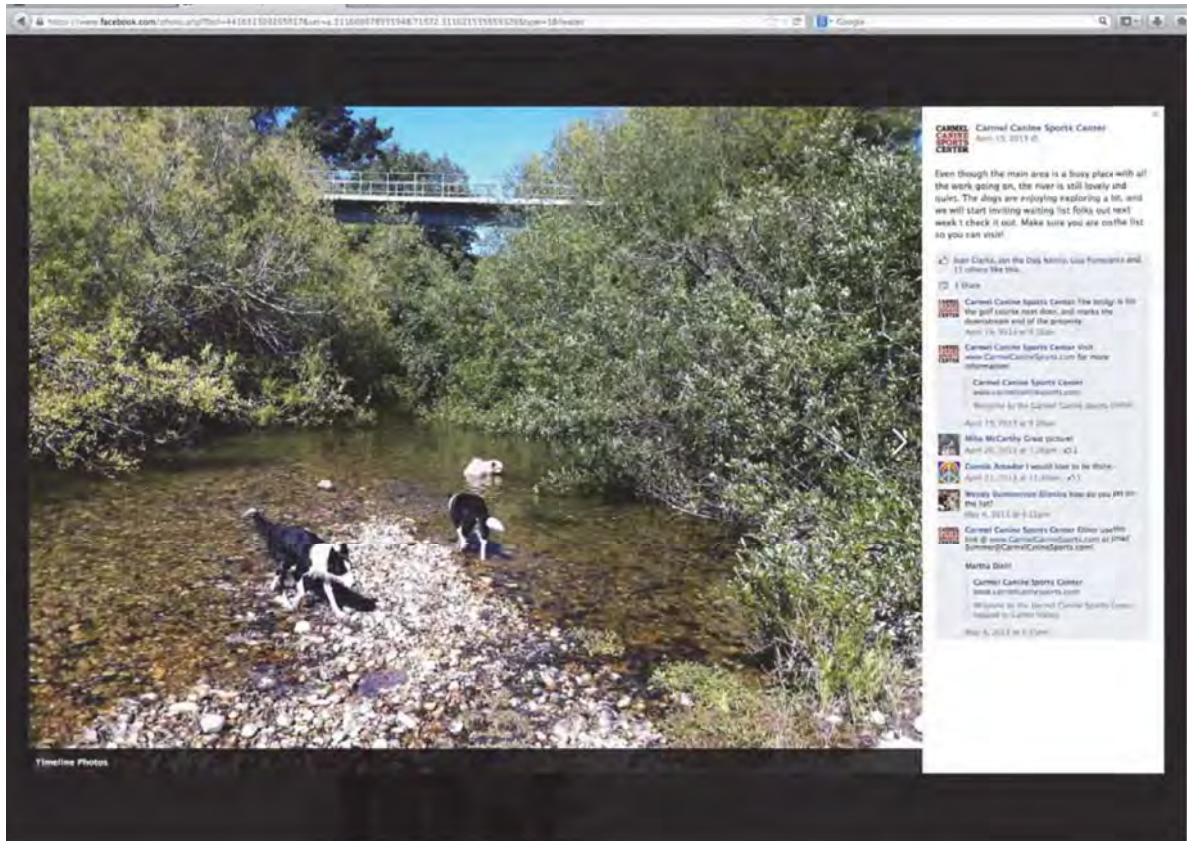


Exhibit C, p. 1 of 4

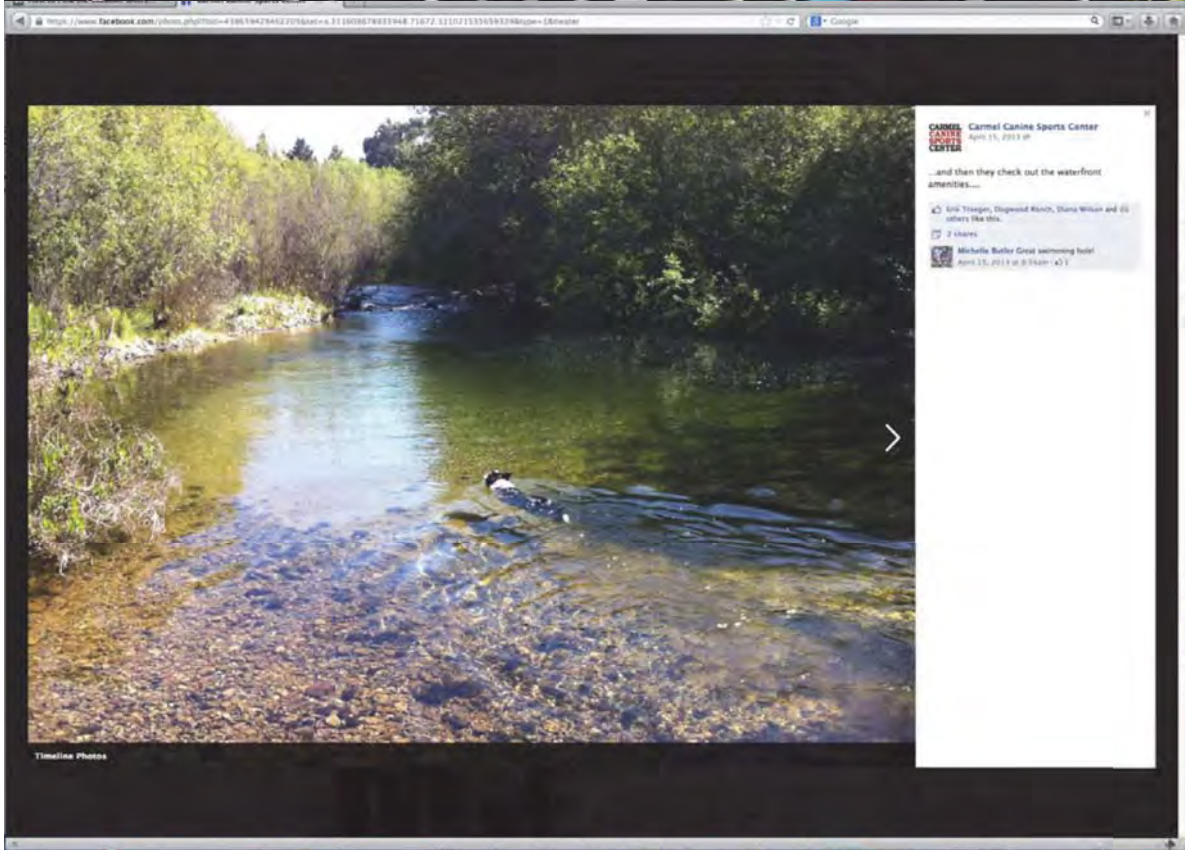
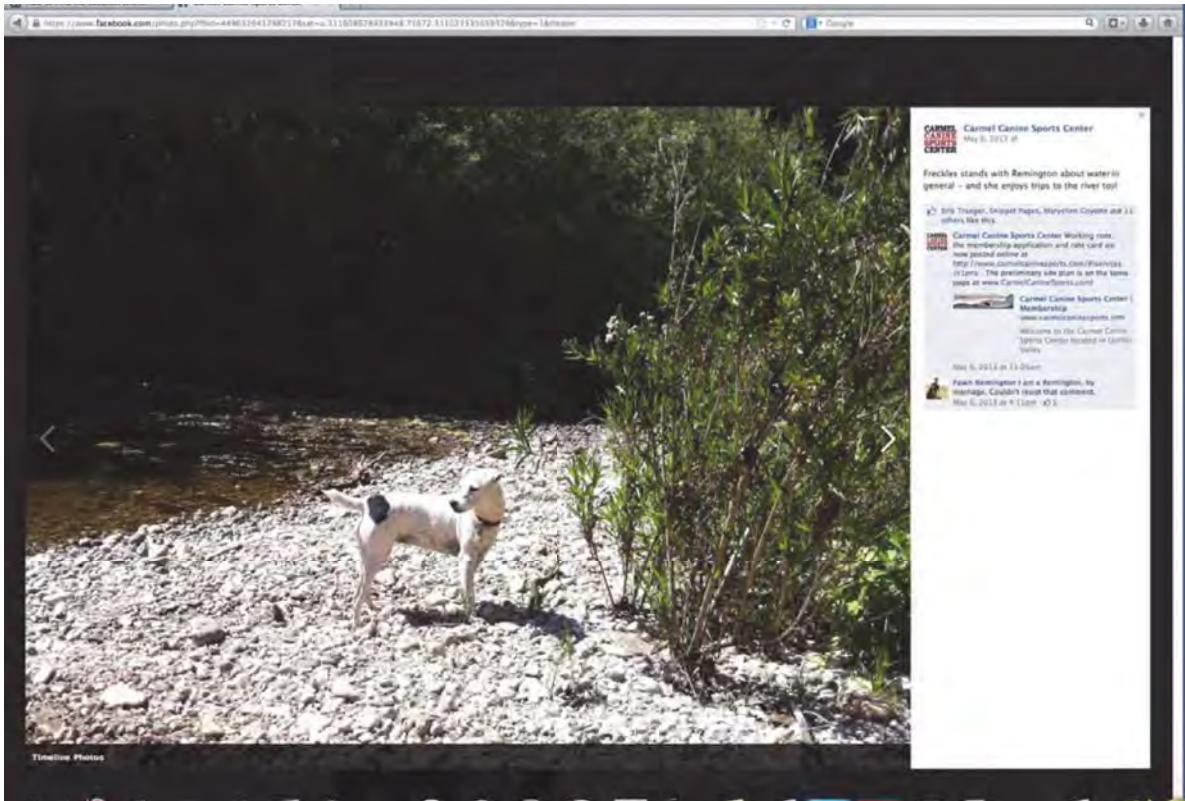


Exhibit C, p. 2 of 4

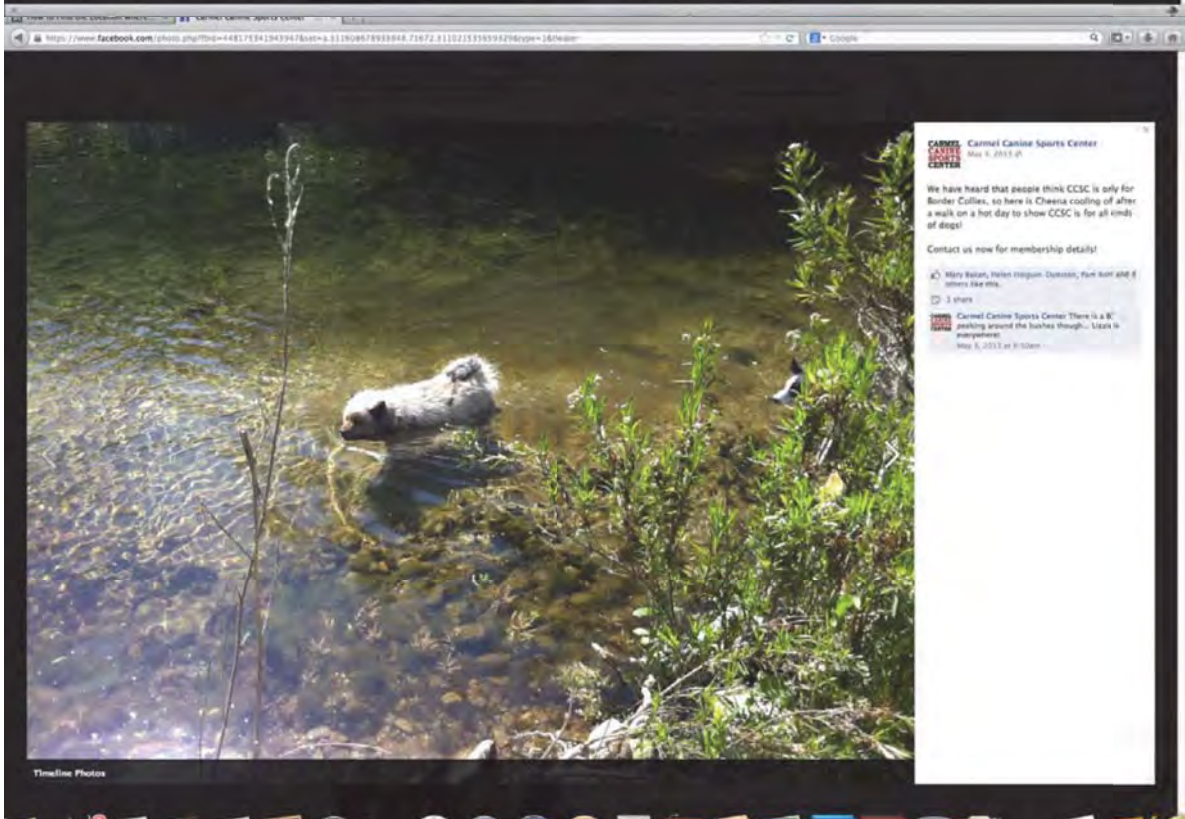
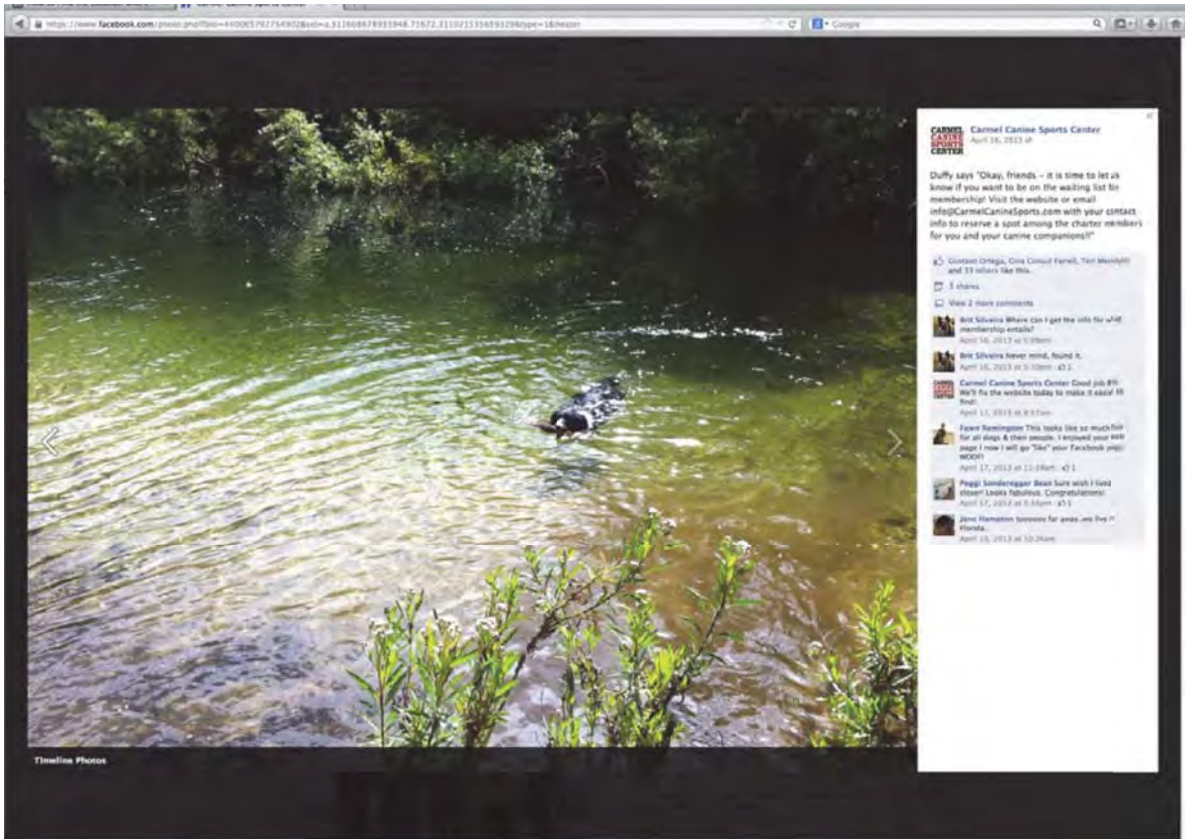


Exhibit C, p. 3 of 4

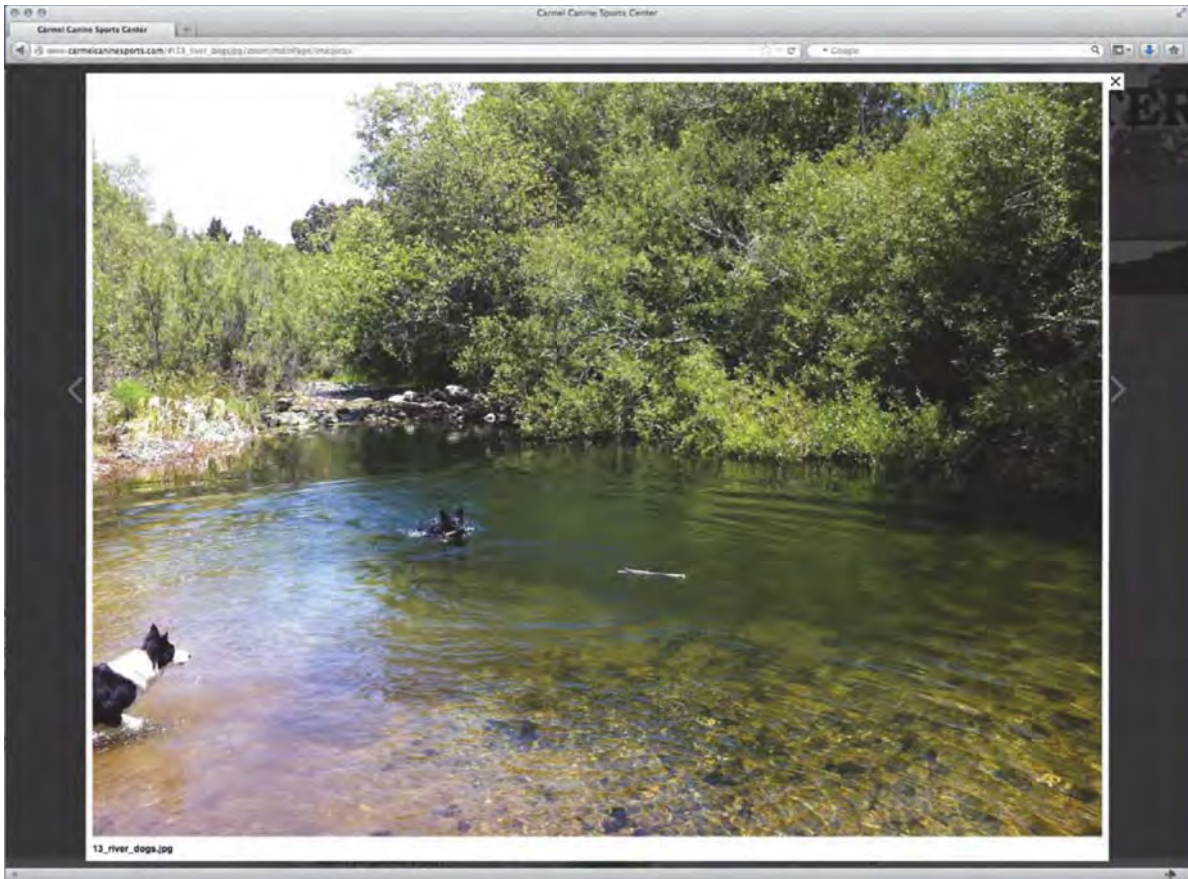


Exhibit C, p. 4 of 4

EXHIBIT D

- **virtually invisible from public roads**
All normal permitting and approval steps are being taken

BEYOND dog friendly

Our Vision

Serious fun for you and your dog



Our Concept

Where dogs and their people go for active, positive, low-stress fun together.

Unleash the possibilities

Frequently Asked Questions

Membership

Development

Get the Facts!

Carmel Canine Sports Center

T: (831) 620-6544

[HOME](#) [Why CCSC?](#) [Membership](#) [Development](#) [More](#)



[Webmaster Login](#)

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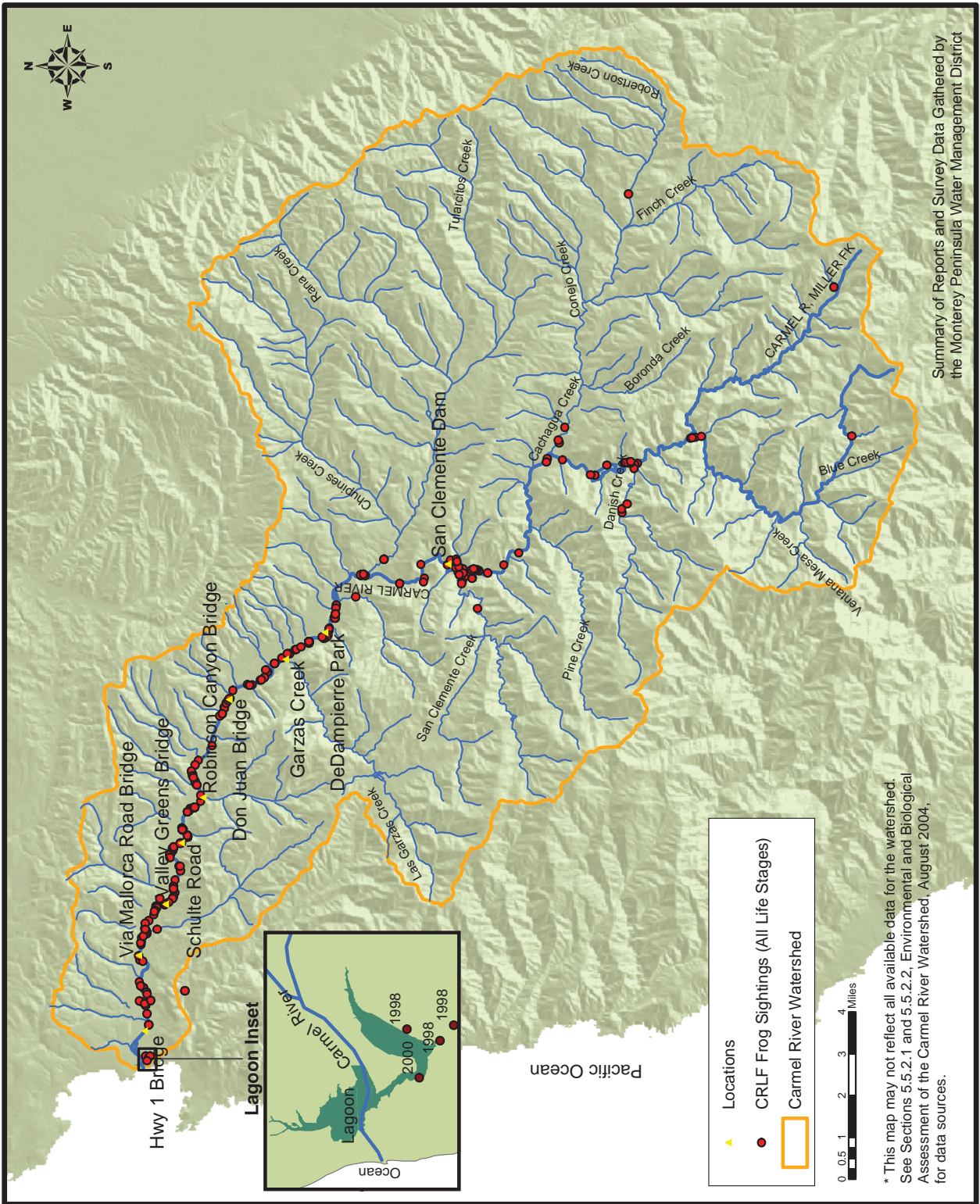
EXHIBIT E



Exhibit E, p. 1 of 1

EXHIBIT F

Summary of California Red-legged Frog Sightings in the Carmel River Watershed (1989-2003)*



* This map may not reflect all available data for the watershed. See Sections 5.5.2.1 and 5.5.2.2, Environmental and Biological Assessment of the Carmel River Watershed, August 2004, for data sources.

Summary of Reports and Survey Data Gathered by the Monterey Peninsula Water Management District

Map 5.5.2.2-3

Exhibit F, p. 1 of 1

EXHIBIT G



Exhibit G, p. 1 of 3



Exhibit G, p. 2 of 3



Exhibit G, p. 3 of 3

**Comment 11, Ms. Rachael Mcfarren, for Michael W. Stamp and Molly Erickson, representing Friends of Quail
*Stamp / Erickson Attorneys at Law***

Comment Response 11-1: Thank you for your comments. The DEIR has been prepared to thoroughly analyze impacts of the proposed Project, including hydrology, biology, noise, traffic, land use, safety, and other relevant resource areas. The findings represent the professional opinion of the EIR's preparers based on accepted impact assessment methodology. Implementation of feasible mitigation measures have been identified to reduce Project impacts, in many cases to less than significant levels, based on CEQA and County significance criteria or thresholds of significance.

Comment Response 11-2: Comment noted. Per CEQA requirements, the DEIR was distributed to federal and state agencies, County departments, citizens' groups, and local libraries for public review with a comment period that ran from April 1, 2015 to May 18, 2015. Written comments received during the public review period are addressed in the Final EIR. The Final EIR is made available at least 10 days prior to the first Planning Commission hearing to consider the Project. In addition, see Comment Response 15-1.

Comment Response 11-3: Comment noted. Per CEQA Guidelines, the EIR evaluates the proposed Project relative to the existing baseline that was present at the Project site at the time of the publication of the NOP; however, non-permitted activities are not included in the baseline. Rather, the Project Description includes grading volumes for non-permitted grading activities. The merits of permit approval for all activities proposed will be considered by County decision-makers.

Comment Response 11-4: Comment noted. Please refer to Comment Response 11-3.

Comment Response 11-5: Comment noted. See Comment Response 11-3.

Comment Response 11-6: Comment noted. No major changes or alterations have been made to the Project description that would affect EIR analyses since circulation of the NOP.

Comment Response 11-7: Comment noted. The DEIR explains in Section 4.9.4.4 that the proposed Project would be consistent with the LDR zone with County approval of a Use Permit, similar to operations of a Country Club or other uses of a similar character, density and intensity, which can be permitted as conditionally permitted uses. As discussed in the DEIR under Impact LU-1, Project Daily Operations and Events, permitted uses allowed within the LDR zoning designation with a Use Permit include operation of a Country Club or other uses of a similar character, density and intensity. Operation of the proposed Project would be similar to uses that typically occur associated with other types of country clubs, including occasional fundraisers, workshops, and social events.

Comment Response 11-8: Comments noted. Per CEQA Guidelines, the EIR evaluates the proposed Project relative to the existing baseline that was present at the Project site at the time of the publication of the NOP; however, non-permitted activities are not included in the baseline. Rather, the Project Description includes grading volumes for non-permitted grading activities. The merits of permit approval for all activities proposed will be considered by County decision-makers.

Comment Response 11-9: Comment noted. Please see Comment 11-7. The Project proposed is the construction and operation of a canine training, recreation, and event facility. RV camping would be temporary and limited to overnight stays associated with special events, with a maximum of 24 days/nights annually. No water or sewer hook-ups would be provided for the RVs. Operation of the proposed Project would be similar to uses that typically occur associated with other types of country

clubs, including occasional fundraisers, workshops, and social events. The County decision-makers will determine the planning and zoning conformance of this use within the framework of the County's use permit requirements.

Comment Response 11-10: Comment noted. HCD review would be a condition of approval. If the Project requires design revisions to conform to HCD regulations, and the revisions cannot be found in substantial conformance with the approved master plan, the Project may require a permit amendment/revision. The DEIR was sent to HCD directly for review, via letter/CD (on file at County), on May 15, 2015, wherein the County expressed that comments would be accepted after the May 18, 2015 comment deadline.

Comment Response 11-11: Comment noted. The term "quasi-public" is not referring to an RV park, as that does not constitute the proposed Project at large. RV camping would only occur during special events in which visiting or non-local participants would require overnight stays, a maximum of 24 days/nights annually. The term "quasi-public" more appropriately refers to the proposed canine sports center intended to serve as a membership-based outdoor training and recreation facility, which also offers classes open to the general public.

Comment Response 11-12: Comment noted. The DEIR analyses is based on dues-paying annual memberships only. This has been clarified in the Project Description.

Comment Response 11-13: Comment noted. As discussed in DEIR Section 2.4.3.2, predicted Project usage is based on Carmel Valley Athletic Club operations, determined to be the best available representation of an existing comparable nearby use. In addition, the DEIR analyses assume that one dog per member is a reasonable average for focused dog training activities as proposed. While exact impacts resulting from the proposed Project are unknown, the DEIR evaluates reasonably foreseeable impacts consistent with CEQA. With regard to total membership limit, the DEIR analyses assume a maximum of 500 memberships. This has been clarified in the Project Description.

Comment Response 11-14: Comment noted. Please see comment response 11-13.

Comment Response 11-15: Comment noted. As discussed under Impact REC-2, the proposed Project would provide a recreational resource for dog owners to train and exercise their dogs in an enclosed outdoor facility not otherwise available within the County. No other local facilities offer outdoor dog herding activities or established competition arenas, as proposed by the Project. Operation of the proposed Project would include fundraisers, classes, workshops, and social events. Special events would allow members to showcase their canine training accomplishments at dog-related tournaments.

Comment Response 11-16: Comment noted. The land that was not a part of the 2013 IS/MND was later added as part of the EIR Project description in 2014. A new NOP for the EIR was circulated on December 1, 2014, which included this land. Therefore, these changes are consistent with CEQA requirements.

Comment Response 11-17: Comment noted. The DEIR assumes the on-site ranch manager will be available 24 hours a day during special events. This has been clarified in the Project Description.

Comment Response 11-18: Comments noted. The comment questions the amount of access to the riparian area and how many picnic area and points of access are included in the proposed Project. The plans submitted to the County show two gates with picnic areas at each gate. The number of people allowed within this area would be limited by mitigation measures (MM BIO-4a, -4b, and -4c), and can be further reduced depending upon the findings of the annual Habitat Management Plan.

Comment made that information had been request and not provided. The County is unaware of a request for information on April 22, 2015 by the Friends of Quail. For other information requests please see Comment Response 15-1.

Comment Response 11-19: Comment noted. As discussed in Section 2.4.3.3, during mid- and large-sized events, the fenced members training area would be temporarily removed to accommodate additional RV parking.

Comment Response 11-20: Comment noted. EIR mitigation measures are imposed to mitigate significant Project impacts. Proposed uses associated with the feature were found to not result in significant impacts warranting redesign, relocation or removal.

Comment Response 11-21: Comment noted. EIR mitigation measures are imposed to mitigate significant Project impacts. While dog whistles are not determined to be required to address mitigations, such use could be encouraged by the Applicant.

Comment Response 11-22: Comment noted. Please see Comment Response 11-20.

Comment Response 11-23: Comment noted. The Monterey Peninsula Water Management District (MPWMD) maintains an active soil and plant monitoring program in the restoration site and seasonally operates an extensive drip irrigation system to maintain riparian vegetation. The existing trail system was installed by MPWMD to access soil monitoring equipment, conduct vegetation monitoring activities, and maintain the irrigation network. These trails are also utilized by MPWMD fisheries staff to conduct fish rescues and research and monitoring of aquatic features. This information has been added to Section 2.3.2 of the Project description.

Comment Response 11-24: Comment noted. Please see Comment Response 11-23.

Comment Response 11-25: Comment noted. Additional information has been added to the DEIR to describe that these trails were installed and are used by the MPWMD. There are no readily available studies that define appropriate dog densities per acre in a riparian habitat, 30 dogs per day, with no more than 5 dogs at any one time was selected as a reasonable limit for dog capacity that would allow use of the riparian corridor, but would minimize impacts to surrounding riparian vegetation. However, under MM BIO-4c, if quantitative coverage or density triggers are exceeded for vegetation or wildlife, the 30-dog per day limit could be revised as approved by CDFW and MPWMD. Please also see response to Comment Letters 5 and 7.

Comment Response 11-26: Comment noted. As described in the following sentence, the area south of the Carmel River channel is not proposed for use or development associated with the proposed Project. Potential impacts to the south bank of the channel would be similar to those described under Impact BIO-4, which addresses the riparian corridor as a whole. The increased presence of humans and dogs within these riparian areas could result in disruption of critical habitat function and natural activities of special status species, including migratory and nesting birds, raptors, and waterfowl. Further MM BIO-4a would require the Applicant to ensure that members stay on trails and prohibit canine use of the Carmel River.

Comment Response 11-27: Comment noted. The Project site contains an existing single-family residence currently and historically used to house the onsite ranch manager.

Comment Response 11-28: Comment noted. The EIR describes the existing setting to include the reservoir; however, given an absence of a permit on record, the DEIR includes this grading volume as

part of the description for purposes of impact evaluation and does not exempt this site alteration from review.

Comment Response 11-29: Comment noted. Grading for the Project would include restoration activities, in the location of the partially excavated reservoir, as described in Section 2.5.4, *Site Preparation and Grading*. Previous grading attributed to the proposed irrigation reservoir, and the estimated volume that has been excavated, was not included in the EIR baseline. Excavated materials, particularly prime soils, would remain on the Project site and would be used to restore the reservoir area of the site. Other grading, normally and routinely undertaken as part of existing and ongoing agriculture and is not analyzed in this EIR. Please also see Comment Response 11-28.

Comment Response 11-30: Comment noted. The DEIR cites Brand (2008), which indicated that high intensity off-lease use areas within riparian habitats in Colorado have exhibited low vegetation cover or bear ground. Additionally, the indirect impacts to wildlife associated with the presence of dogs, has been discussed thoroughly under Impact BIO-4 and Impact BIO-6.

Comment Response 11-31: Comment noted. Please note that the picnic tables would be located within the Ruderal Upland Habitat north of the riparian habitat (refer to Figure 4.4-1). This ruderal habitat extends from 50 to 300 feet southward to the riparian habitat. However, MM BIO-4a has been revised to clarify that the Project Applicant shall require members as well as their dog(s) to stay on trails.

Comment Response 11-32: Comment noted. The County, along with other relevant agencies (e.g., CDFW, etc.) would review and approve all plans required by mitigation measures prior to issuance of construction permits or initiation of the use. Following construction and implementation of the proposed Project, compliance with all mitigation would be carried out consistent with the Mitigation Monitoring and Reporting Program. Any non-compliance issues would be resolved through zoning enforcement (Monterey County Zoning Ordinance 21.84) and the County's mitigation monitoring program. A condition of approval will require submittal of an Applicant-prepared and funded annual compliance report to the County. If the County determines that permit conditions or Project mitigations are not implemented or are determined to not sufficiently address Project-related effects, the County may re-open the use permit. Such a re-opener would require a publicly noticed hearing before the Planning Commission and may result in a revised Project (e.g. Project description, conditions of approval, or mitigations). If the County determines that no sufficient revisions or amendments are feasible and the permit findings can no longer be supported, the County is empowered to conduct a publicly noticed permit revocation hearing to vacate the use permit approval. Additionally, should the County determine that a public nuisance exists, the County may summarily abate a public nuisance, and County Counsel or the District Attorney, upon order of the Board of Supervisors, may bring civil suit, or other action, to enjoin or abate the nuisance.

Comment Response 11-33: Comment noted. Please see responses to Comment Letter 4.

Comment Response 11-34: Comment noted. Please refer to Comment Response 11-30.

Comment Response 11-35: Comment noted. Please see Comment Response 11-31.

Comment Response 11-36: Comment noted. Please see Comment Response 11-31.

Comment Response 11-37: Comments noted. Please see Comment Response 11-32.

Comment Response 11-38: Comment noted. The "baseline" discussed is not a CEQA baseline, but rather a monitoring baseline to compare with pre-project conditions. To avoid confusion and clarify the

mitigation's intent, text will be changed from "to provide an impact monitoring baseline" to "to assess if impacts occur and adapt mitigation if required, when compared to the pre-Project baseline".

Comment Response 11-39: Comment noted. Please see Comment Response 11-31.

Comment Response 11-40: MM BIO-4b has been modified to reflect that the limitation is for 30 owners with dogs per day so that it is clear there will not be an unlimited number of visitors in the Riparian Area.

Comment Response 11-41: Comment noted. Reference to the former pig farm has been removed and location is identified as a disturbed ruderal area.

Comment Response 11-42: Comment noted. These picnic tables would be located in the ruderal upland habitat just south of the food safety fence. As described in Section 2.4.1.3, *Natural Areas and Proposed Use*, one of these tables would be located on an existing concrete slab within this area.

Comment Response 11-43: The emergency access shown on the site plan (Figure 2-2) goes across a property owned by the property owner of the subject property which is directly connected to an access easement that extends to Carmel Valley Road.

Comment Response 11-44: Comments noted. See Master Comment Response 1.

Comment Response 11-45: The reference to Table 2-4 is from the Project Description which is the Applicant's proposed water use. This is not reliant on the previously prepared Initial Study. See Comment Response 15-1.

Comment Response 11-46: Comment noted. The existing house has an existing connection to Cal-Am and the water usage for that would not change as a result of the proposed Project.

Comment Response 11-47: Comments noted. However, this DEIR has been prepared to thoroughly analyze impacts of the proposed Project. The EIR fully discloses potential night lighting impacts from RVs under Impact AES-3 in Section 4.1.4.4 and provides mitigation measures to address these impacts. Section 2.4.3.6 of the Project Description already describes "minimally required down-lit path and security lighting planned for member and parking areas during operating hours, when required." The County design review process would ensure an appropriate balance between safety and conservation of aesthetic resources, consistent with the semi-rural aesthetic anticipated by residents and members of the public from vicinity roadways. EIR mitigation measures are designed to mitigate significant Project impacts. The EIR's mitigation measures represent the professional opinion of the EIR's preparers as to what measures would be required to mitigate impacts.

Comment Response 11-48: Comment noted. External RV lighting would be prohibited after 8:30 P.M. under MM NOI-3.

Comment Response 11-49: Comment noted. This statement regarding distribution of California red-legged frogs relies on the USFWS Recovery Plan (2002) for this species. Additional language has been added to state that approximately 50 California red-legged frog observations and have been made between the Via Majora Bridge and the Schulte Road Bridge between 1989 and 2003. Further, 5 potential reproduction sites have been identified in this area, with the nearest located at Valley Greens Bridge, approximately 0.40 miles downstream of the Project site.

Comment Response 11-50: Comment noted. The DEIR relies on the Biological Resources Assessment prepared in February 2014. While it may have been a seasonal abnormality that the Carmel

River was dry during January and February, the Carmel River is seasonally dry during a substantial period of the year. As described in Section 4.8.2.2, *Vicinity Setting* the Project site and immediately surrounding area overlies the CVAA. Groundwater pumping from the CVAA by both private well owners and Cal-Am in spring and summer results in dewatering of the lower six miles of Carmel River during normal years and up to nine miles during dry years (MPMWD 2014a). Therefore, the river reach that runs along the Project site is primarily dry for a few months through this period each year. Field surveys were conducted 10 months prior to the distribution of the NOP.

Comment Response 11-51: Comment noted. As stated in Section 1.7, *Areas of Known Public Controversy*, “[f]urther, disturbed upland habitat that may provide seasonal cover for California red-legged frogs (*Rana draytonii*) and western pond turtles (*Actinemys marmorata*).” Further, as stated on Page 4.4-6 and 4.4-15 the Carmel River could support western pond turtles.

Comment Response 11-52: This potential impact is thoroughly discussed under Impact BIO-6.

Comment Response 11-53: Comment Noted, See Master Comment Response 1.

Comment Response 11-54: Comment noted. The impact to salmonids is related to the amount of water used for the proposed use. As discussed in Master Comment Response 1, the subject site has a calculated baseline of 62.91 AF of usage. Water use above this would constitute an adverse impact, but water use within this quantity would not constitute an impact. The proposed Project would be conditioned and regulated to limit water use to that which is at or below the baseline water use. If there is no impact on water use, the proposed Project would not directly impact flows needed to protect salmonids. This is discussed in further in Impact BIO-2.

Comment Response 11-55: Comment noted. The potential impacts to aquatic species, including salmonids associated with water use are thoroughly discussed under Impact BIO-2. See Master Comment Response 1.

Comment Response 11-56: Comment noted. The DEIR thoroughly discusses potential impacts to South-Central Coast Steelhead Trout, which are salmonids.

Comment Response 11-57: Comment noted. The reference source for Table 4.4-3 is a SWRCB comment letter on the IS/MND previously prepared for the proposed Project. The letter, dated January 29, 2014, includes the table as a condition of requirement for obtaining a Water Distribution System Permit from the MPWMD (to whom the letter was copied). The table has been revised to include this reference.

Comment Response 11-58: The EIR Project Description is based upon the project objectives and project description associated with the Use Permit application. Since the project would rely on the Riparian Water Right, the pond would be removed. Grading for the project would include restoration activities, in the location of the partially excavated reservoir, as described in Section 2.5.4, *Site Preparation and Grading*.

Comment Response 11-59: Comment noted. Please see Comment Response 11-58.

Comment Response 11-60: See Master Comment Response 1.

Comment Response 11-61: See Master Comment Response 1.

Comment Response 11-62: See Master Comment Response 1.

Comment Response 11-63: Comment noted. The 30-dog-per-day limit is proposed as part of the Project. However, as added enforcement, mitigation measure MM BIO-4b also requires a daily cap of 30 dogs, and no more than 5 dogs at any one time, visiting the area outside of the food safety fence during the first year of CCSC operation, including recording/monitoring requirements.

Comment Response 11-64: Comment noted. Mitigation measure MM BIO-4b includes logging during the reservation/registration process, and MM BIO-4c includes a Habitat Management Plan and monitoring program under coordination with Monterey County, CDFW, and MPWMD. The EIR's mitigation measures represent the professional opinion of the EIR's preparers as to what measures would be required to mitigate impacts. When considering the Project, County decision-makers may, with appropriate evidence and findings, alter the proposed measures as deemed necessary.

Comment Response 11-65: Comment noted. Reference to an existing "picnic table" has been removed on page 4.4-27.

Comment Response 11-66: Comment noted. Please see Comment Response 11-23.

Comment Response 11-67: Comment noted. MM BIO-4b enforces a daily cap of 30 dogs per day, and no more than 5 dogs at any one time. Further, per MM BIO-4 CDFW and MPWMD shall provide input on adaptive management should quantitative coverage or density triggers be exceeded for vegetation or wildlife with the riparian area. This could include further restricting access the riparian area.

Comment Response 11-68: Comment noted. Impact BIO-4 generally discusses the potential impacts associated with increased access to the Carmel River riparian corridor and indirect impacts to wildlife. A requirement has been added to MM BIO-4a that signs shall also require all food and trash to be packed out immediately after use.

Comment Response 11-69: Comment noted. Please see Comment Response 11-25 and Comment Response 11-31.

Comment Response 11-70: Comment noted. Please see Comment Response 11-64.

Comment Response 11-71: Comment noted. Access to the riparian corridor is provided by the gates shown in Figure 2-1.

Comment Response 11-72: Comment noted. Please see Comment Response 11-64.

Comment Response 11-73: Comment noted. Typo has been corrected; "object" has been revised to "objective". See Comment Response 10-71.

Comment Response 11-74: Comment noted. In addition to mitigation measures MM BIO-4a and -4b, MM BIO-4c requires a Habitat Management Plan and monitoring program, including riparian vegetation cover and density control trigger comparisons, as well as annual visitation data, under coordination with Monterey County, CDFW, and MPWMD.

Comment Response 11-75: Comment noted. See responses to Comment Letters 5 and 7.

Comment Response 11-76: Comments noted. MPWMD and CDFW review and provide comments on the DEIR, and would review and approve all plans required by mitigation measures, where they have jurisdictional authority, prior to issuance of construction permits or initiation of the use. The costs for public agency review is determined by those districts and typically include fees to Project Applicants.

Comment Response 11-77: Comment noted. The mitigation has been revised to state that the Applicant shall fence the entire reservoir with low impermeable fencing deemed sufficient by CDFW to prevent the movement of amphibians into the reservoir and to prevent the establishment of predatory bullfrogs. The reservoir is being removed as a result of the reliance on Riparian Rights.

Comment Response 11-78: Comment noted. Please see the cross referenced impacts described under Impact BIO-6 for additional supporting details.

Comment Response 11-79: Comment noted. Please refer to Section 4.10, *Noise* for a full description of noise that could be generated by the proposed Project. As shown in Impact NOI-2, sporadic noise levels would range from 50-58 dBA approximately 400 feet from the Project site.

Comment Response 11-80: Comment noted. See Comment Response 64-5. Further, as described in Section 7.7, *Identification of Environmentally Superior Alternative*, Alternative 2 was selected as the environmentally superior alternative as it would prohibit special events at the Project site, thus eliminating the special event related traffic and transportation impacts, among other special event related impacts, associated with the proposed Project.

Comment Response 11-81: Comment noted. Events at the Project site would generally occur over 24 days or generally eight times per year. This is not a situation where the noise is sustained or “repeated again and again.”

Comment Response 11-82: Comment noted. Please see Comment Response 11-32.

Comment Response 11-83: Comment noted. EIR mitigation measures are designed to mitigate significant Project impacts. Per mitigation measure MM HAZ-1, smoking near moderate or high fire hazard zones (e.g., upland areas along the Carmel River) would be prohibited.

Comment Response 11-84: County Public Works staff measured sight distance in accordance with industry standard practice and found it to conform to requirements. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further County interpretation.

Comment Response 11-85: Comment noted. Three years of collisions were obtained from County staff. Collisions are typically expressed in terms of collisions per million vehicle miles. Eleven collisions were reported on Carmel Valley Road between January 1, 2012 and December 31, 2014, after the traffic signal was removed. The average daily traffic on this segment is 15,090 vehicles. The corresponding collision rate is 1.21 collisions per million vehicle miles. This is below the average rate for similar facilities within the County and statewide.

Comment Response 11-86: Comment noted. As described in Impact TRANS-3 and MM TRANS-3 vehicles would only be directed to this intersection during special events if the Applicant could reach an agreement with private road easement grantors. Please refer to Appendix H, which describes the LOS for this intersection if agreements with private road easement grantors are reached to provide right-in/right-out/left-in access only during special events at the intersection of Carmel Valley Road & Valley Greens Drive.

Comment Response 11-87: Comment noted. Please refer to Comment Response 10-4 for further details regarding how the Transportation Impact Study analyzed heavy vehicles in the traffic stream.

Comment Response 11-88: Comment noted. Please refer to Comment 10-48 for further details regarding traffic counts used for the traffic analysis. These counts for individual intersections are provided in Appendix H.

Comment Response 11-89: Comment noted. As described in Impact TRANS-3 and MM TRANS-3, private roadways would only be used if an agreement were reached with the private road easement grantors. Otherwise CHP-qualified County-approved and licensed traffic monitors would be provided to direct traffic and manage traffic during special events.

Comment Response 11-90: Comment noted. Refer to Comment Response 11-85.

Comment Response 11-91: Comment noted. Refer to Comment Response 11-85.

Comment Response 11-92: Comment noted. MM TRANS-5 would eliminate the need for a left turn channelization as described in Impact TRANS-5. Please note that this mitigation has been revised to state that classes shall not start before 9:30 A.M or after 4:00 P.M.

Comment Response 11-93: Comment noted. The County's guidance for the installation of left turn lanes is based on the typical peak hours of roadway traffic between 7-9 A.M. and 4-6 P.M. per discussions with County Public Works staff. Mitigation measure TRANS-5 was developed accordingly.

Comment Response 11-94: Comment noted. This comment addresses subdivision regulations, which are planning related issues and will be further addressed in the County staff report. The existing residence is part of the project and is being used for the ranch manager. As other comments have alluded, the Project Description was modified to include the residence. It is on a legal parcel shown as APN 169-431-011-000. This is one of the eight parcels included in the Project Description.

Comment Response 11-95: Comments noted. However, this comment addresses County planning issues rather than the adequacy of the EIR. See Comment Response 68-40.

Comment Response 11-96: Comment noted. Comments from the IS/MND, including prior public comments, have been included in the DEIR appendices.

Comment Response 11-97: Comments noted. Please see Comment Responses 11-2 and 11-18.

Michael W. Stamp
Molly Erickson

STAMP | ERICKSON
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May 15, 2015

Via Email to MackD@co.monterey.ca.us and Facsimile to (831) 757-9516

David Mack
Resource Management Agency / Planning Department
County of Monterey
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Re: Carmel Canine Sports Center (PLN130352) Draft Environmental Impact Report (DEIR) – Expert comments from expert Derek Watry

Dear Mr. Mack:

This Office represents Friends of Quail. Thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Carmel Canine Sports Center.

Enclosed please find comments on the DEIR prepared by noise expert Derek Watry. Mr. Watry is an acoustical and vibration consultant with Wilson, Ihrig, & Associates.

Thank you.

Very truly yours,

STAMP | ERICKSON



Michael W. Stamp
Molly Erickson

Exhibits:

- A: Wilson, Ihrig, & Associates, Acoustical and Vibration Consultants – Critique of DEIR Noise Section, May 6, 2015
- B: Statement of Qualifications of Derek Watry

EXHIBIT A



WILSON IHRIG & ASSOCIATES
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6 May 2015

Molly Erickson, Esq.
STAMP | ERICKSON
479 Pacific Street, Suite One
Monterey, CA 93940

Subject: **Carmel Canine Sports Center, Carmel Valley, Calif.
Critique of Project DEIR Noise Section**

Dear Ms. Erickson:

Wilson, Ihrig & Associates, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 47 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry, and we utilize industry-standard acoustical programs such as Environmental Noise Model (ENM), Traffic Noise Model (TNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others. Attached to this letter is my statement of qualifications to express the opinions presented in this letter to you. This opinion is based on my experience and training and on the review of the materials we reviewed in this matter.

In January 2014, we reviewed for you the Noise Impact and Mitigation Study used as the basis for the Mitigated Negative Declaration for the Carmel Canine Sports Center ("CCSC") to ascertain whether or not the analysis proceeded in a manner that would reveal potential noise impacts and that allows us to ascertain the adequacy of the analysis for the public and relevant decision makers.

The primary documents and other materials we reviewed were:

1. Noise Impact and Mitigation Study, Carmel Canine Sports Center Project, Environmental Consulting Services, 9 August 2013. ["Noise Study"]
2. Initial Study and proposed Mitigated Negative Declaration, Carmel Canine Sports Center, PLN130352, Monterey County Planning Commission, filed 20 December 2013. ["IS/MND"]
3. Design Approval Request Form, File #PLN130352, Monterey County Resource Management Agency Planning Department, submitted 22 May 2013.

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Carmel Canine Sports Center
Critique of DEIR Noise Section

4. Carmel Canine Sports Center Project Description, Revision 3, The Paul Davis Partnership, 12 June 2013.
5. Carmel Canine Sports Center Project Plans, The Paul Davis Partnership, 15 August 2013.
6. Carmel Canine Sports Center Proximity & Zoning Map, The Paul Davis Partnership, 17 June 2013.
7. Carmel Valley Master Plan Supplemental Policies, 1.0 – Land Use, Monterey County General Plan, 26 October 2010 – Amended 12 February 2013.
8. Videos of dog agility competitions and dog herding competitions
http://www.youtube.com/watch?v=9RoZ_J4LSik
<http://www.youtube.com/watch?v=06k-cXmaeAY>
<http://www.youtube.com/watch?v=LsGbWdoDipk>
<http://www.youtube.com/watch?v=fPRwB0h0WqU>
<http://www.youtube.com/watch?v=y3WamSkbshc>

We reported our 2014 findings to you in a letter dated 24 January 2014.

In addition to the above documents, we have now reviewed the Draft Environmental Impact Report for this project:

9. Carmel Canine Sports Center Project, Draft Environmental Impact Report (PLN13052), Monterey County RMA Planning Dept., April 2015. ["DEIR"]

Our comments on the DEIR are given below, and many of these are similar or identical to those made previously which remain unaddressed. Since last year, we have had the opportunity to visit the project area ourselves in April 2015, and now have first-hand knowledge of the environment which informs additional observations.

1. The DEIR fails to consider all reasonably potential noise sources.

As stated in the DEIR, the definition of "noise" is "unwanted sound that . . . diminishes the quality of the environment". [DEIR at p. 4.10-1] Until a number of years ago, the project site has been used intermittently for row crop farming, the sounds from which were consistent with the rural and agricultural character of the Carmel Valley. The subject project will introduce a number of new sounds that are not in keeping with this character and which will occur at a greater intensity given the commercial nature of the enterprise. For the surrounding area and residents of the low density neighborhood near the proposed project, these are unwanted sounds – *noise*. As such, all of the reasonably foreseeable noise brought to the area by the project should be assessed.

The DEIR only considers four noise sources associated with the development of the CCSC, namely, dog barking, vehicle trips, RV generators, and the amplified public

12-1

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Carmel Canine Sports Center
Critique of DEIR Noise Section

address system. [DEIR at p. 4.10-10 and 4.10-12] We believe the following – several of which have been the subject of comments from the public on similar projects we have done – should also be assessed using appropriate criteria:

- Car doors and engine starts associated with the 200 stall parking area
On competition event weekends, the majority of people will presumably leave in close proximity to one another at the conclusion of the event. This will result in a period of perhaps 1/2 hour, most likely in the evening, when there will be an intensive period of car door closures and engine starts. This will be a completely new phenomenon in the area.
- Crowd noise during the competitive events (cheering, clapping, etc.)
- Dog trainer vocal commands (typically given at a raised vocal level during training [a proposed daily activity] and competitions [proposed for 24 days/year])
- Audible dog whistles (which are expected during training and events) and other sounds (like beeps) used by judges during dog agility competitions
- Noise from the 20 to 50 other livestock (sheep, goats) when onsite and during "herding" training and barks of dogs when they see the livestock
- Noise from RV campers themselves, e.g., shouting, amplified music, elevated conversation levels.

The potential for noise from the occupants of 70 RVs (a number that appears to be greater than the number of residences on Poplar Lane, Lake Place, and Quail Lodge combined) should be given serious consideration. In the Mitigated Negative Declaration, the County found that the proposed use of a CCSC-provided Traffic Control Monitor was "not a workable proposal because it is not enforceable." Similarly, it would be unworkable for the CCSC to simply post signs in the camping area that say "Please Be Quiet."

In my opinion, any one or a combination of these noise sources likely will have a significant environmental impact in the context of the Carmel Valley setting. The DEIR fails to recognize – let alone analyze, assess, or mitigate – the potential noise impacts of these relevant sources, and is, therefore, inadequate.

2. DEIR fails to adequately analyze or assess dog barking noise.

Regarding dog barking, the Noise Study simply stated, "The noise levels from barking at the closest receptors are in the 50 to 58 dBA range, depending on the distance involved . . ." [Noise Study at p. 6] We commented previously that this conclusion is not supported and it provides no information about the sound level of an individual dog bark or the source of that information, making it impossible to ascertain the veracity of the final calculation. Furthermore, it gives no information about the number of dogs considered in the calculation. We now add that the closest receptor is 8193 Valley Greens Drive, not Quail Lodge as the Noise Study and DEIR state (more on this below). The dog barking levels at this noise-sensitive land use will be higher than 58 dBA because it is closer than Quail Lodge.

12-1
cont.

12-2

12-3

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Carmel Canine Sports Center
Critique of DEIR Noise Section

The DEIR continues to rely upon the Noise Study as its technical basis. [DEIR at p. 4.10-1]. However, rather than address our previous comments about the faults in the Noise Study's dog barking noise level analysis, the DEIR merely reiterates the 50 to 58 dBA estimate without technical support. It then also reiterates that the Community Noise Equivalent Level (a 24-hour weighted *average*) is under the County thresholds. As we commented previously, CNEL is an appropriate metric for continuous mobile (transportation) and stationary non-transportation sound sources. However, CNEL is not an adequate metric to determine the significance of periodic noise sources such as dog barking because of its intermittent nature and distinctive character which many people find disturbing.

12-4

12-5

In *Berkeley Keep Jets Over the Bay Committee*, the Court of Appeal invalidated an EIR for an airport expansion because it failed to address adequately the potential disturbance to area residents resulting from increased air cargo operations. Noting expert testimony that single-event noises can constitute substantial annoyance, the Court held that it was improper for the agency to rely on the sole criterion of the Community Noise Equivalent Level and to ignore periodic increases in noise to quiet neighborhoods. A Principal of Wilson Ihrig was one of the expert witnesses in that matter. The court noted that significance may be site-specific and may vary with the setting, as is evident from Appendix G to the CEQA Guidelines, which identify as significant noises that "increase substantially the ambient noise." The Court invalidated the EIR because it contained no meaningful quantitative analysis of intermittent aircraft noise over and above the existing ambient noise level and no evaluation of the community reaction to that noise.

Likewise, the CCSC DEIR should have specified some objective standard to evaluate the significance of the kind of noise increases that the CCSC project will cause. The County standards do not appear to have an adequate standard to address intermittent, distinctive noises like dog barking. The DEIR preparers, therefore, will have to look elsewhere for guidance. Common sources to start with in situations like this are the noise regulations of nearby cities and/or the California Model Noise Ordinance.

The Section 7, Exterior Noise Limits, of the California Model Noise Ordinance ("CMNO") is appended to this letter. As you can see, the baseline median noise limit for a "Rural Suburban, One & Two Family Residential" receiving land use is 40 dBA between 10 PM and 7 AM (usually referred to as "nighttime" in noise studies) and 50 dBA between 7 AM and 10 PM ("daytime"). [CMNO at p. 22] The median noise level limit means the limit applies to sounds present more than 30 minutes per hour. The CMNO allows for louder levels for sounds that persist for less than 30 minutes. It could be argued that only those exact seconds when dog barking, whistle blowing, PA announcing, etc., are audible should count towards a cumulative time of exposure, but we believe it is more appropriate and consistent with professional standards to use the activity duration to determine the limit. Since dog training, dog classes, and dog shows would be continuous during hours of project operation, we believe the 30 minute baseline limits are applicable in this situation.

12-6

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Critique of DEIR Noise Section

The California Model Noise Ordinance also includes a 5 dB penalty for noise of certain character, namely, noise that contains "a steady, audible tone such as a whine, screech, or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech . . ." [CNMO at p. 21] Dog barking is both repetitive and in a very real sense speech (it communicates something from the dog to all listeners); the PA system and overnight campers' conversations, televisions and music are clearly speech; whistling, and the commands and communications by the dog trainers and owners are speech; the RV generators will hum – in short, almost every noise generated by the CCSC is subject to the 5 dB penalty for its character. Therefore, the applicable noise limit for these noises – as they occur, not averaged over the entire day – is 35 dBA (nighttime) and 45 dBA (daytime).

12-6
cont.

Considering just the daytime, when the majority of barking will occur, the DEIR's estimates of dog barking of 50 to 58 dBA are well above the California Model Noise Ordinance exterior limit of 45 dBA for rural/suburban residences by some 5 to 13 dB. As such, this project likely will have a significant noise impact on the surrounding environment and on local residents.

12-7

The project description does not limit the number of dogs onsite at any one time during daily operations. From the project description, it is clear that hundreds of dogs could be present at any given time, and while we would not expect that they would all bark in unison, it is entirely conceivable that many could bark simultaneously. Because the DEIR does not present any sound level calculations regarding dogs barking, its conclusion that competition noise will be less than significant is completely unsupported.

12-8

As a technical matter, a narrow strip of landscaping like that proposed by the project [DEIR 4-10-11, 4-10-13] will not significantly reduce the noise levels at the off site receptor locations as made evident by these statements from the Caltrans Technical Noise Supplement report¹:

Caltrans research has shown that ordinary landscaping along a highway accounts for less than 1 dBA of reduction.

For a vegetative strip to have a noticeable effect on noise levels, it must be dense and wide. A stand of trees with a height that extends at least 16 feet above the line of sight between source and receiver must be at least 100 feet wide and dense enough to completely obstruct a visual path to the source to attenuate traffic noise by 5 dBA.

12-9

In my opinion, the DEIR fails to adequately analyze the noise of periodic, yet persistent, dog barking. Furthermore, the impacts of dog barking noise have not been adequately analyzed and mitigated.

¹ *Technical Noise Supplement*, California Department of Transportation, November 2009, p. 2-39

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Carmel Canine Sports Center
Critique of DEIR Noise Section**3. DEIR fails to adequately analyze amplified sound system noise.**

The DEIR presents less information about noise levels than the Noise Study. The Noise Study stated that the system would be ". . . set at a volume that would minimize noise levels in nearby areas." [Noise Study at p. 7.] We consider this statement vague and therefore meaningless as a noise analysis. The DEIR simply states that the "amplified sound system would be used primarily for operational and emergency announcement and would be limited to operating hours." [DEIR at p. 4.10-13] This statement does nothing to quantify and address the potential noise impact of the PA system on existing residents.

12-10

In my opinion, the amplified sound system noise may have a significant environmental impact in the context of the Carmel Valley setting. The DEIR fails to adequately discuss, let alone analyze, this noise source. The impacts of the noise from amplified sound have not been adequately analyzed and mitigated.

4. DEIR fails to adequately consider Carmel Valley Master Plan.

It is clear from the Carmel Valley Master Plan ("CVMP") that preserving the rural and agricultural nature of the area is of paramount importance. The very first Supplemental Policy states, "All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character." [CVMP Policy CV-1.1]. Although the CVMP itself does not contain quantified noise limits, it does require service center developments, public/quasi-public and special facilities developments, and mines and quarries to have "low noise impact" or to "minimize noise impact on surrounding areas".

12-11

The Noise Study itself states that "The barking noise would often be clearly audible in nearby areas . . ." [Noise Study at p. 6]. The Noise Study's own estimates of barking sound levels at nearby residences are 50 to 58 dBA. In contrast, the median noise levels at residences on Lake Place and Poplar Lane are 38 to 42 dBA in the morning and 42 to 48 dBA in the afternoon. [DEIR at p. 4.10-4] Simplifying this a bit, the dog barking would be roughly 54 dBA on average whereas the median ambient sound levels are 40 dBA (morning) and 45 dBA (afternoon). Thus, for half the time (represented by the median sound level), dog barks would be some 9 to 14 dB higher than the ambient noise level, a significant amount with a significant impact.

Furthermore, the highest existing noise levels (as represented by the level exceeded 1% of the time in the DEIR) in these neighborhoods is currently 47 to 59 dBA (morning) and 50 to 54 dBA (afternoon). [DEIR at p. 4.10-4] Thus, dog barking at 50 to 58 dBA would be on par with the loudest noises currently experienced in the neighborhood in the morning, and louder than the current loudest noise in the afternoon. Depending on how much dog barking there is during a given hour, dog barking could be the source that generates the highest noise levels in the area. In other words, in the future, dog barking could dominate the heretofore rural sound environment.

12-12

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Carmel Canine Sports Center
Critique of DEIR Noise Section

Because the CVMP does not have quantified noise limits, it is not a straightforward process to assess the noise impact of the CCSC against the Plan's policy to maintain the rural character of the Valley. However, in our opinion, the new, unwanted noise from the proposed CCSC – noise that would, by the Noise Study's own assessment, "be clearly audible in nearby areas" and that would, using the DEIR's own noise level estimates and measurements, dominate the soundscape – would constitute a significant noise impact on the residents of the existing, low density, rural area. In my opinion, those impacts have not been adequately mitigated to less than significant in the DEIR. As a result, the project may have a significant unanalyzed and unmitigated environmental impact on the area and on the residents.

12-13

In conclusion, the DEIR fails to adequately analyze project noises which likely would cause significant impacts in light of the Carmel Valley Master Plan purpose and policies.

12-14

5. **DEIR fails to analyze all noise sensitive receptors**

Our visit to the project site revealed to us that there are two noise sensitive receptors that the DEIR simply fails to consider. The closest is the residence at 8193 Valley Greens Drive. This residence, which we have been told is a rental property, is on the same parcel as the proposed project, but it is not part of the project, a fact that can be plainly seen on the cover of the DEIR where this part of the property is "notched" out of the project design graphic (center top graphic). To our knowledge, this residence is not controlled by the subject project or the applicant, so the residence should be included in the noise impact analysis.

12-15

The other receptors revealed during our site visit are residences west of the project site on Valley Greens Drive. When leaving the site the first time, we turned left from Valley Greens Drive onto Carmel Valley Road, a maneuver that was difficult even in a small sedan given the speed of westbound traffic on Carmel Valley Road coming around the blind curve (this traffic does not stop at the intersection). The second time, we opted to go west on Valley Greens Drive so that we could turn left onto Carmel Valley Road at the signalized intersection at Rancho San Carlos Road and Carmel Valley Road – a much safer proposition. Mitigation Measures TRANS 3a and 3c contemplate a traffic management plan that would require westbound RVs to use the Rancho San Carlos Road signal, thus exposing the residents on Valley Greens Drive west of the project site to truck-like traffic noise on Special Event weekends. The DEIR does not analyze this noise impact because it appears to assume that Special Event traffic will access the project site via Carmel Valley Road and Valley Greens Drive. [DEIR at p. 4.10-11]

12-16

It is certain that the residence at 8193 Valley Greens Drive and very likely the residences along Valley Greens Drive between the project property and Rancho San Carlos Road, as well as the residences on Rancho San Carlos Road between Valley Greens Drive and Carmel Valley Road, will be exposed to project-generated noise. Therefore, potential noise impacts should be assessed at these residential land uses. The failure to evaluate and mitigate these impacts is another material flaw in the DEIR.

12-17

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Carmel Canine Sports Center
Critique of DEIR Noise Section

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Please call us if you have any further questions about the Carmel Canine Sports Center Project DEIR Noise Section.

Very truly yours,

WILSON, IHRIG & ASSOCIATES, INC.



Derek L. Watry
Principal

EXHIBIT B



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DEREK L. WATRY, M.S.

Experience

Wilson, Ihrig & Associates, Inc. (1992 to Present)

Principal

Mr. Watry is experienced in all aspects of environmental acoustics, including noise measurement and prediction, regulatory analysis, environmental impact assessment, and noise control design. He is well versed in the requirements of NEPA and CEQA, and over the past 21 years has both prepared and critiqued hundreds of environmental noise studies. Mr. Watry's areas of practice include construction noise and vibration, traffic noise, HVAC noise, industrial noise, rail transit noise, architectural acoustics. Mr. Watry has also served as an expert witness at deposition and trial for numerous legal actions.

University of California, Berkeley (1988 - 1992)

Graduate Student, Research and Teaching Assistant

Teaching Assistant for "Fundamentals of Acoustics" course

Education

M.S. (1991) in Mechanical Engineering, University of California at Berkeley
B.S. (1988) in Mechanical Engineering, University of California at San Diego
M.B.A. (2000), Saint Mary's College of California, Moraga

Professional Associations

Member, Acoustical Society of America

Member, National Council of Acoustical Consultants

Academic Distinctions

Summa Cum Laude, Saint Mary's College of California (2000)
National Science Foundation Fellowship Recipient (1988 - 1991)
Summa Cum Laude, University of California, San Diego (1988)

Representative Projects

Patterson Ranch EIR, Fremont

Noise section of EIR for 428 acre project that included residential, educational, religious, community recreation, and commercial land uses.

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2

Derek L. Watry

Mare Island Dredged Material Disposal Facility EIR, Vallejo
EIR noise study for proposed disposal facility to be built next to residential neighborhood.

Silva Ranch Annexation EIR, King City
EIR noise study for development of new, large, primarily residential, district on the outskirts of King City.

525 Golden Gate Avenue Demolition, San Francisco
Noise and vibration monitoring and consultation during the demolition of multi-story office building next to Federal, State, and Municipal Court buildings in San Francisco.

Tyco Electronics Annual Noise Compliance Study, Menlo Park
Conducted annual noise compliance monitoring for Tyco Electronics in 2009 and 2010. Provided letter critiquing the regulatory requirements and recommending improvements.

Safeway Redevelopment, Sunnyvale
Noise study of store redevelopment including loading dock, trash compactor, parking lot, and rooftop HVAC equipment.

Safeway Redevelopment, Los Altos
Noise study of store redevelopment including loading dock, trash compactor, rooftop parking lot, rooftop HVAC equipment, and Foothill Expressway traffic noise.

Central Park Apartments Noise Study, Mountain View
Noise study for new residential building development. Major noise sources included Central Expressway and Caltrain.

465 N. Whisman Road, Mountain View
Noise control among suites in a low-rise office complex.

Caltrain Centralized Equipment Maintenance and Operations Facility, San Jose
Noise study of impacts for new maintenance and operations facility built next to existing residential neighborhood. Included analysis of 16 ft sound barrier wall.

Conoco-Phillips Refinery Noise Control, Rodeo
Environmental noise study and assessment of refinery noise at residential neighborhood.

Groth Winery HVAC Sound Barrier, Oakville
Design of sound barriers to control noise from rooftop HVAC equipment.

Dahl Booster Pump Station, Palo Alto
Design of sound barrier and specification of mufflers for pump station equipment.

Comment 12, Ms. Rachael Mcfarren, for Michael W. Stamp and Molly Erickson, representing Friends of Quail Stamp / Erickson Attorneys at Law

Comment Response 12-1: Comment noted. The noise study prepared by H. Stanton Shelly was reviewed and approved by the Monterey County and serves as the basis for the analysis in Section 4.10, *Noise*. As described in Impact NOI-2 daily operational noise is anticipated to primarily be generated from ongoing agricultural operations, dog barking, daily canine training and exercise activities (i.e., whistles and voice commands), and increased traffic on vicinity roadways. As described in Section 4.10.2, *Existing Setting* the County considers traffic on Valley Greens Drive to be the dominant noise contributor near the Project site, with characteristic noise levels provided in Table 4.10-2. While the activities presented in the comment could occur at the Project site, these noise sources would not contribute substantially to a change in the average noise environment at the Project site, which instead would be driven by the increase in traffic and the presence of audible dogs.

Comment Response 12-2: Comment noted. The noise study prepared by H. Stanton Shelly was reviewed and approved by the Monterey County and serves as the basis for the analysis in Section 4.10, *Noise*. At the request of the County, H. Stanton Shelly provided additional details regarding the quantification of dog barking volume, clarifying that the dog barking noise level analysis is based on measurements of dogs barking at actual Agility Trials, the same types of events as are being proposed for this project. Worst case barking conditions are considered at the project activity areas nearest to the nearby residential receptors.

Comment Response 12-3: Comment noted. The noise study prepared by H. Stanton Shelly was reviewed and approved by the Monterey County and serves as the basis for the analysis in Section 4.10, *Noise*. At the request of the County, H. Stanton Shelly provided additional details regarding the evaluation of sensitive receptors. The one nearby receptor residence not included and mentioned in the analysis is part of the Project site. This residence is also a sensitive receptor; however, it would not be exposed to noise levels that exceed the County's thresholds for significance, based on their standard administrative.

Comment Response 12-4: Comment noted. Please see Comment Response 12-3 for details with regard to dog barking volume. Intermittent dog barking, given its randomness and infrequency would not result in enough single noise events (i.e., barking) to influence an increase in the long-term ambient noise levels. Intermittent dog barking would result in noise levels of up to 58 dB to the nearest sensitive receptor, which while greater than existing ambient sound levels and noticeable, are infrequent and short-term, thus not increasing the ambient sound levels to a noticeable degree (i.e., less than 3 dB) or exceeding CEQA or County thresholds for significance. Further, membership agreements would require dog owners to control barking and staff members would be trained to intervene if any member or guest allows persistent barking to occur. Penalties for non-compliance would include immediate expulsion and loss of membership.

Comment Response 12-5: Comment noted. Please see Comment Response 12-4.

Comment Response 12-6: Comment noted. Please see Comment Response 12-4 for further details with regard to the evaluation of period dark barking.

Comment Response 12-7: Comment noted. Please see Comment Response 12-4 for further details with regard to the evaluation of period dark barking.

Comment Response 12-8: Comment noted. The project description has been revised in the EIR to state that membership would be limited to 500 individuals. Estimated maximum daily visitors would be

approximately 100 dogs and approximately 300 dogs during large events (24 large events annually). Intermittent dog barking, given its randomness and infrequency would not result in enough single noise events (i.e., barking) to influence an increase in the long-term ambient noise levels.

Comment Response 12-9: Comment noted. The DEIR does not quantify the level of noise reduction that landscaping would provide, instead it states qualitatively that the additional landscaping would “soften/block” the view of and noise generated from the Project site. The vegetation would primarily be used as a visual screen and would not be required to mitigate any of the noise impacts described in Section 4.10, *Noise*.

Comment Response 12-10: Comment noted. The DEIR is consistent with the noise study, which also states that “events may from time to time use amplified sound to make operational and emergency announcements, limited to use during normal operating hours”. Unlike an amplified sound system for an athletic field or similar venue, which is typically used for play-by-play announcements and often times after 7:00 P.M., the proposed amplified sound system would only be used periodically for operational (a maximum of 24 days out of the year) and emergency announcements during operating hours.

Comment Response 12-11: Comment noted. Please refer to Comment Response 12-4 for details regarding the volume of dog barking relative to CEQA thresholds. Given that these volumes do not exceed CEQA or County thresholds for significance the County considers the proposed Project to be consistent with the CVMP requirements for “low noise impact”. Further, with the implementation of MM NOI-3 the County recognizes that the proposed Project “minimize[s] noise impact on surrounding areas.”

Comment Response 12-12: Comment noted. Please refer to Comment Response 12-11.

Comment Response 12-13: Comment noted. Please refer to Comment Response 12-11.

Comment Response 12-14: Comment noted. Please refer to Comment Response 12-11.

Comment Response 12-15: Comment noted. Please refer to Comment Response 12-3.

Comment Response 12-16: Comment noted. As stated in Section 4.12, *Traffic and Transportation*, the far western segment of Valley Greens Drive is a privately owned and maintained road. Therefore, project-sponsored use of this roadway would not be permitted without agreements with the private road holders. Please refer to MM TRANS-3.

Comment Response 12-17: Comment noted. Please refer to Comment Responses 12-3 and 12-16.

ANTHONY LOMBARDO & ASSOCIATES
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197.036

RE: Carmel Canine Sport Center DEIR comments

Dear Mike:

We have completed our review of the CCSC DEIR. The DEIR is inadequate in a number of general and specific areas. The DEIR fails to fully describe the project and does not identify and analyze all reasonably foreseeable impacts. We believe that correction of the DEIR will require a significant rewrite of critical components and will trigger the need for recirculation.

GENERAL COMMENTS

Baseline:

I have previously written on the need to establish a meaningful baseline for the DEIR’s analysis. CEQA requires that an EIR identify the environmental setting of the project (PRC 15063 (d) d and PRC 15125). The environmental setting is to describe “... the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective.”

The County failed to publish an NOP until months after the application was deemed complete and the EIR was substantially written. Therefore, date of the CCSC NOP as a baseline is meaningless as pointed out in my January, 2015 letter.

13-1

The appropriate baseline date would be the date the County accepted the application. While typically the County would have started its environmental review when the application was found to be complete (September 21, 2013) that date is inappropriate given that construction activities, including the construction of an illegal pond and installation of utilities, had been started without necessary permits prior to the date the application was submitted. The project proponents should not have benefit of those highly questionable and illegal activities.

Purported Agricultural Uses:

The DEIR in numerous sections speaks to the agricultural use of the land. The historical agricultural use of this property ended in 2008. The DEIR states that the project proponents have proposed “...a membership-based canine sports and event center as well as continuing to cultivate and harvest crops and raise livestock (DEIR pg ES-1).” At the time the application was

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submitted there was no agricultural use of the property. To state the project proponents would “continue” those agricultural uses is highly misleading and factually incorrect.

13-2
 cont.

The project is a private recreation facility and RV park specializing in canine sports and special events. The project is not an “agricultural” use any more than a golf course is a sod farm.

Temporary Use:

The DEIR makes numerous references to the project being temporary. On page ES-1 the DEIR states the project would “temporarily modify [the property] for an initial period of 10 years...” Page ES-3 states the project “...would not constitute a permanent conversion...” However there is nothing the DEIR or the application itself that is a commitment to a temporary use, how the site will be restored to agricultural use or a discussion of the project’s long term impacts if it is not temporary.

13-3

The RV Park:

We have confirmed with the State Department of Housing and Community Development that the proposed RV Park is a Special Occupancy Park per H&S Code Section 18862.43 (“Special occupancy park” means a recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp) and the standards prescribed in Title 25, Chapter 2.2 CCR apply. This is consistent with previous comments from Monterey County Regional Fire District citing both Title 25 and California Fire Code requirements. HCD staff also confirmed that the RV park will be required to meet ADA standards.

13-4

The DEIR is inadequate in that it does not disclose these facts nor does the DEIR describe any of the physical improvements that will be necessary to meet those requirements. Between Title 25, CFC and ADA significant physical improvements will be required for RV parking spaces, roadways, access, emergency egress, fire protection, exterior lighting and shower/toilet facilities. The DEIR needs to include a full description of the required improvements, a plan clearly showing an RV park layout that meets Fire, HCD and ADA requirements and fully analyzes the impacts of construction and use of the RV park.

SPECIFIC COMMENTS

1.2 Project Objectives

The project objectives are written in such a way as to lead the reader to a conclusion that the CCSC is accessory to the agricultural use of the property. The opposite is true. The “agricultural use” described on the property is there only as an accessory use to the CCSC and not for the production of food or fiber.

13-5

Again the DEIR speaks to the temporary nature of the CCSC but offers no surety of the temporary nature of the use. The DEIR speaks to a “...use without permanent improvements...”

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Does that mean that the proponents will be required to remove all buildings, underground utilities, water system improvements, RV park improvements, the pond and the OWTS at the end of ten years? Will a bond for that removal be required?

13-6
cont.

1.7 Areas of Known Public Controversy

The DEIR severely understates the concern for water supply. The concern is with the significant adverse effect with no feasible mitigation to using 70AFY from an over drafted aquifer where there has been no water use since 2008.

13-7

2.2 PROJECT LOCATION AND OWNERSHIP

CCSC has no legal access to Valley Greens Drive. The right of access to Valley Greens Drive is limited to four residential lots. Valley Greens had a non-access strip along the frontage of this property. In May, 2003 the Board of Supervisors adopted Resolution 03-174 and approved the removal of a 60' portion of that non-access strip "...to accommodate construction of a shared driveway connection from four residential lots to the existing Valley Greens Drive Right-of-Way." There is no evidence in the record that CCSC has a right to use that driveway for any other purpose than for the four residential lots.

13-8

2.4 PROJECT OVERVIEW

- The DEIR is misleading in its statement that the project is contained on approximately 5.6 acres on the east side of the project site. As clearly shown on figure 2-1 the entirety of property is to be used for CCSC operations. The "farming" areas are to provide area for exercise herding training arenas, exercise areas and similar uses. Any purported agricultural use of the property is strictly incidental to the CCSC operations.
- The DEIR indicates that CCSC would host up to 24 days of special events throughout the year. Previously those events were described as eight three-day events. Now apparently the project has changed to where events could be of varying length as long as the total days per year do not exceed 24. This should be clarified. It is not clear from the DEIR if those 24 days include the days necessary to set up for and break down the event facilities or if those days would be in addition to the 24 days.
- Table 2.2 continues to perpetuate the myth that CCSC is somehow an agricultural use. The DEIR needs to be clear and consistent in its project description that the proposed use is private recreation facility and RV park specializing canine sports and special events. The "irrigation reservoir" is not for an agricultural use. It is there for canine competition known as "dock diving." The table also indicates that the irrigation reservoir is 1.2 acres in size. Elsewhere (p 2-3) the pond is described as one acre. This figure needs to be consistent throughout the DEIR and the DEIR should also state the pond was constructed illegally. The DEIR should also disclose the final plan for the pond.
- Table 2.2 is also deficient in that it fails to disclose the infrastructure improvements that are necessary for the 70 space recreational vehicle park. There is no description in the DEIR of the actual acreage needed for the RV park, the improvements that are required

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by state law, circulation improvements, and similar requirements. Without this information the DEIR is legally insufficient.

13-12
cont.

2.4.2.3 Irrigation and Plumbing

The DEIR should be clear that the water use for the CCSC is a new and significant environmental impact. The project site has been fallow since 2008 and the wells on the property were not used since 2008.

13-13

2.4.3.2 Daily Operations

- The DEIR indicates that CCSC's membership goal is 500. It is not clear if that means 500 individuals or 500 memberships which could be for multiple persons including families or organizations. If it is the latter the number of individuals using the CCSC will be significantly higher than 500. Without that being clear the actual impact of the project cannot be clearly assessed.
- The DEIR also states that it is anticipated that 20% of the members would use the facilities on a daily basis. As just noted, the DEIR needs to be clear on the actual number of persons using the CCSC on a daily basis. Twenty percent of the membership could be significantly more than 100 persons.
- The 20% estimate is based apparently on the experience of the Carmel Valley Athletic Club. CCSC and CVAC are entirely different types of operations and it is unclear if any correlation can be made between the two. The DEIR should use other operations similar to CCSC as a basis for its conclusions. If CCSC is a one of a kind use with no proven successful examples, the DEIR should also disclose that.
- The DEIR states that in addition to club members' use, "contract trainers and other dog related service providers" would also be able to use CCSC facilities to conduct classes in training independent of CCSC operations. While the DEIR indicates that no more than two classes would be offered simultaneously there is no apparent limit on the number of classes that could be offered. It is unclear elsewhere in the DEIR how this additional use, which could easily be another hundred persons per day, is accounted for in the project impacts.

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2.4.3.3 Events

- The DEIR indicates that CCSC would host up to 24 days of events throughout the year with a maximum of 250 people and 300 dogs on-site. As previously noted it is not clear if the 24 days includes days for set up and decommissioning the site for the events. However the DEIR also indicates that CCSC members would have continued private access during events. The cumulative impact of the events plus regular member use needs to be quantified and analyzed.
- Table 2-3 offers a "sample" of annual events. It is not clear if the DEIR's analysis of special event impacts is based on this sample or some other criteria. Is the sample a commitment to only that number and scale of events? Could all of the events be large events?

13-18

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- The DEIR indicated the RVs will not have in and out privileges. How does the DEIR address the fact that RV users often tow another vehicle which is then used for in and out transportation while the RV is parked? 13-20
- The DEIR does not analyze the use of the commercial driveway from Carmel Valley Road, which is the only existing legal commercial use driveway with access to the property. 13-21
- Figure 2-4 offers samples of the RV parking area for small, medium and large events. The plan though is not to scale and not dimensioned. It cannot be determined then if the RV parking area is adequate to meet state standards for RV parks and local fire standards. In fact, compliance with those standards is not addressed at all in the DEIR. 13-22

2.5.4 Site Preparation and Grading

The DEIR underestimates the amount of grading needed for the reservoir. At 1.2 acres with an average depth of 5' the excavation for the reservoir would be 9,680 CY ($43,560 \times 1.2 \times 5/27=9,680$). The DEIR does not include a finish plan for the proposed pond so an accurate estimate of grading cannot be made. The DEIR does not discuss disposal of the excavated materials, if the disposal was or will be in the floodway or floodplain. The DEIR does not disclose that a use permit is needed for development in the floodplain or within 200' of the Carmel River and the fact that a use permit was not obtained. 13-23

4.1 VISUAL IMPACTS

4.1.4.4 Visual Impact Analysis

- The DEIR implies that the County's design approval process will ensure consistency with the area. However, the DEIR does not address the question of whether the modular buildings that are proposed for the CCSC are consistent with the CVMP and more importantly the area, Quail Lodge Resort and the dozens of custom homes that are located adjacent to and near the project site. If the DEIR or staff anticipates that these modular buildings and an RV park are not appropriate for the area, the DEIR should so state and alternate designs should be provided. 13-24
- There does not appear to be any discussion of the visual impact of the sign(s) that would be associated with CCSC. 13-25
- The DEIR does not discuss the visual impact of the proposed parking lot and the one hundred or more cars that could be parked there at any time. 13-26
- The DEIR states that a 6' board fence will be built but the DEIR does not address the impact of that fencing along Valley Greens and impact the existing open view of the CCSC property toward the Carmel River. 13-27
- The DEIR states that security would be turned off at night. That is inconsistent with the purpose of security lighting. The DEIR should anticipate that in reality security lighting will be on all night. 13-28

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- Requiring the RVs to turn off their exterior lights after 8:30 would potentially create unsafe conditions for RV users and visitors alike. The State requires security lighting in RV parks. The impacts of that lighting should be identified and analyzed. 13-29
- The DEIR's proposed mitigation is a non-existent Special Event Management Plan (SEMP). The SEMP, which is also identified elsewhere as mitigation for other significant impacts becomes a critical document to the project analysis and should be included as a part of the DEIR. 13-30

4.2.2.3 Agricultural Production

- The DEIR accurately points out that the project site was fallow since 2008. The planting of turf grass is not any more an agricultural use than planting grass for a golf course or park. The DEIR needs to be clear in its analysis that the CCSC is a private recreation facility and RV park specializing canine sports and special events and not an agricultural entity actively involved in the production of agricultural products. 13-31
- The purported water rights for this project do not exist on a significant portion of this property. That issue will addressed in a later portion of this letter. 13-32

4.2.4.2 Project Impacts and Mitigation (Agriculture)

- The DEIR incorrectly states that the CCSC project would result in "...the temporary conversion of 5 acres of Prime Farmland..." The CCSC project will commit the entirety of the property, all of which is Prime Farmland, to a non-agricultural use. As described by the DEIR and the applicants, CCSC is a member only club for canine training, sports and events. The project is not for the production of food or fiber. Any "agricultural use" is clearly incidental to the CCSC primary uses. 13-33
- The DEIR continues to characterize the CCSC use as temporary. There is however nothing in the record that limits this to a temporary use. To the contrary the CCSC proposes to install numerous buildings, an RV park which will required improved roads and lighting, OWTS, domestic water system, upgraded irrigation system and a reservoir. The DEIR should analyze the long term impact of the use. 13-34
- The DEIR indicates the project would require 90 CY of grading. As stated earlier the grading just for the pond approached 10,000 CY in excavation. The DEIR does not disclose the pond was graded illegally. There is no discussion of the effect the export or use of the excavated material. (Note: 10,000 CY is enough material to cover 6 acres with 1' of soil.) 13-35

4.3.4.3 Project Impacts and Mitigation (Air Quality)

As previously noted the DEIR underestimates the amount of grading required. Full plans for a complete reservoir should be provided. The current drawing from Landset reflects the current condition but the DEIR does not disclose if that is the intended final condition or if additional excavation for the pond is needed. 13-36

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The DEIR assumes the lifetime of the project is 20 years. The basis for that assumption is not disclosed and is inconsistent with other portions of the DEIR that use a ten year time frame. As previously discussed, the use should not be considered temporary.

13-37

4.4 BIOLOGICAL

- The DEIR states (P 4.4-11) that “during the January and February 2014 Field Surveys of the subject properties no special status species were observed. However, the Carmel River was dry and the absence of special status [species] was a seasonal abnormality.” If it were then a normal condition would special status species be assumed to exist? Special status species are known to exist in the immediate vicinity. This should be clarified.
- Since the survey was done in a time of a “seasonal abnormality” can the study be considered to be a meaningful analysis of the sites resources and the project’s impacts?
- The DEIR (p 4.4-13) states “The Project area appears to be is [sic] located within the federally designated critical habitat for [CRLF].” The sentence needs to be corrected to state the Project area is within the federally designated area.
- Impact BIO-2 understates the impact of the water use associated with the project. BIO-2 assumes that the assertion of water rights is the same as assessing the impact of the use of the water as if that much water is being used. As noted in many of comments the correct baseline assessment for any water related is zero. Any water use for the CCSC project has to be assessed as a new use and its impact assessed accordingly.
- Impact BIO-4 understates the impact of the project on wildlife including special status species. The DEIR indicates there would be an insignificant impact to the biological resources is a mitigation limiting the number of dogs in outside the old food safety fence is limited and the dogs are kept on a leash. However the DEIR is inadequate in its assessment of the cumulative impact of the added traffic, the intensification of the site’s use by potentially hundreds of people and dogs daily, added noise particularly on a 24 hour basis during events and similar effects.
- The DEIR’s reliance on its evaluation of noise impacts and conclusions that there will be no impact on area residents is inadequate to conclude the noise will not effect the species known to exist in the riparian area.
- MM-BIO-4c requires preparation of a monitoring plan “...prior to the issuance of a use permit.” Similar to the SEMP, this monitoring plan is a critical document to the analysis of the project and determining the true potential impacts. The Monitoring Plan should be prepared and included in the DEIR. Otherwise it is tantamount to a deferred mitigation.
- MM-BIO-5b requires the pond be drained annually Between October 15 and November 15.in the late fall. The pond capacity is unknown. However at an average depth of 5’ and surface area of 1.2 acres, the capacity would be 6AF. There is no discussion of the effect of the discharge of 6AF of water, how that will be done or where the water would be discharged. Is that 6AF included in the annual water use 63.35 AFY estimated in the DEIR. Table 4.8-2 states 2.44 AFY will be lost to pond evaporation. Nothing discusses the additional 6 AFY that will be lost to draining the pond or the 6 AFY (10% of the estimated water use) that will be used to refill the pond.

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- 4.4.5.4, Cumulative Impacts, incorrectly discusses the impact of the water use against historic levels. The Cumulative Impact should be discussed and analyzed against a zero water use baseline.

13-46

4.8 HYDROLOGY AND WATER QUALITY

4.8.2.3 Site Setting

- This section discusses the property's water rights. The DEIR needs to be very clear that the possession of a water right does not in and of itself address or mitigate the significant adverse impact of using 63.35 AFY (per Table 4.8-2) in an overdrafted aquifer against a baseline of zero. As has been stated previously, the correct CEQA baseline is zero in light of the fact that the property has been fallow since 2008. The current water use for the turf area was established post application and should not be considered in the analysis. The DEIR's reliance on using the SWRCB protocols for water rights (p4.8-22) is not appropriate as a determinant for analyzing the environmental effect of using the water. More significant is the January 29, 2014 letter from Kathy Mwroka of the SWRCB wherein she states:

13-47

“Regarding the issue of whether the Division would issue a permit in the quantity of 96 af, the following information should be taking into consideration. In Decision 1632, the State Water Board provided a method for inbasin water users with existing projects to receive a permit with a modified water right priority. Such persons were listed in Table 13 of the decision. After modification, the Wolter Properties quantity was set at 96 af. The MND states that the Wolter Properties lands have been fallow since 2008. Division staff was unaware of the non-use issue until the MND was issued. Decision 1632 does not provide for protection in cases where there is no ongoing use of water. Based on the decision, persons listed in Table 13 may seek a year-round diversion season. However, all others are limited to a four month winter diversion period. In the opinion of Division staff, the Project will likely be limited to a reduced diversion season since there is no longer a basis for protecting ongoing water use. The MND should identify this problem and determine what source of water the Project would use, should the diversion season be limited to four months.”

- The discussion of water rights is misleading. The property does not have the appropriative or riparian water rights necessary for this project. Water rights determinations for this property are in various stages of evaluation and consideration. The DEIR defers a water rights decision to the Monterey Peninsula Water Management District. However the District is not legally empowered to make that determination. A water rights determination can only be made by either the Superior Court or the State Water Resources Control Board. The District may offer an opinion of those rights. They cannot grant those rights. Until either the Superior Court confirms those rights (as has been required of other applicants) or an appropriative water right to allow this use is

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obtained from the SWRCB this project cannot proceed. The County and DEIR consultants should contact California American Water Company to determine their position regarding the deeds referenced in correspondence from the Monterey Peninsula Water Management District.

13-48
 cont.

- The DEIR fails to disclose that the property owner did obtain an appropriate water right for this property that would not provide adequate water for the proposed use. Therefore the applicant must obtain a judicial determination of its rights or the project cannot proceed.
- The DEIR does not discuss the method of sewage disposal for the property. The focus of the discussion relative to water quality is limited to animal waste. The DEIR does not disclose that the project site is within one of the septic constrained areas identified by the Montgomery study. There is no estimated sewage waste flow from members, staff, visitors, persons attending classes or special events. The EHB has set an upper limit for wastewater generation of 2,100 gallons per day. There is no discussion of that limit. There is no discussion about the septic system design and how it will meet that standard. There is no explanation as to how special events are factored into the 2,100 g/d. It should also be disclosed that per MCC Section 15.20.050, the use of portable toilets is limited to no more than 10 days per year not the 24 special event days requested.

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Groundwater Recharge (p 4.8-23)

- The DEIR's assertion about groundwater recharge is seriously flawed. The DEIR asserts that "...with nearly all rainwater that falls on the site either evaporating or percolating into the ground, recharge to the CVAA would be the same as under existing conditions...and would not interfere substantially with ground water recharge..." The existing condition is not the proper baseline for the required CEQA analysis. The baseline condition is a fallow field with no water use. Under that condition all of the rainwater would either percolate into the ground or be lost to evaporation. The project will instead remove from that recharge the water required for a 500 member private canine sports and event center, 24 days of special events, recreational vehicle park, multiple dog training classes (in addition to member use) and, if the project description is accurate renewed farming of the property all of which would consume water that is at baseline being returned to the aquifer.
- The DEIR does not address the drainage impact of the additional impervious surfaces from the RV park improvements.

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13-52

Cumulative Impact (p 4.8-25)

Cumulatively this project will remove 63.35 AFY more from the CVAA than is currently being used. There is no mitigation for that use. The CVAA is an over drafted aquifer and that cumulative impact has to be considered a significant unavoidable impact from the baseline condition as described by the SWRCB and NMFS.

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4.9 LAND USE AND PLANNING

- While the DEIR does describe some of the particulars of the LDR district (p 4.9-3) it does not include the LDR district purpose statement which is "...to provide a district to accommodate low density and intensity uses in the rural and suburban areas of the County of Monterey and to insure that allowable land uses are compatible in the area (MCC 21.14.010)." That statement is critical in the evaluation of the project. How does a private recreation facility and RV park (which would not be allowed in the LDR district) specializing canine sports and special events which could bring hundreds of people per day to the facility fit in a district intended for low intensity uses? 13-54
- The DEIR does not disclose that the LDR district limits carnivals and similar public assembly events to 10 days per year. How are the proposed 24 days of special events consistent with that limitation? 13-55

4.9.4.3 Summary of Required Land Use Permits and Approvals

The DEIR states that the project will be considered by the Planning Commission for a recommendation. The Planning Commission is the appropriate authority for this project. The Board of Supervisors would consider any appeal of the Planning Commission decision. 13-56

4.9.4.4 Project Impacts and Mitigations

- There is no basis for saying CCSC is temporary. There is no evidence in the DEIR that supports that statement or other evidence that the applicants have agreed to discontinue that use and fully restore the site after ten years. 13-57
- Comparison to Quail Lodge and the Golf Course is completely inappropriate. Quail Lodge is zoned for Visitor Serving and Professional Offices (VO) and Open Space (O) recreational uses. Quail Lodge is over 400 hundred acres in size and is an established use within the Carmel Valley. CCSC is proposed to be located on property zoned for low density residential uses. 13-58

Project Daily Operations and Events

- The first paragraph is inconsistent with earlier discussions of the daily use. The earlier discussion spoke to 20% of the membership using the facility on any given day but was not clear if a member was only one person or could be multiple persons. This section speaks to 100 owners/dogs per day. Does that mean that CCSC is committing to only 500 individual members and only allowing a member to bring one dog per visit to CCSC? 13-59
- The first paragraph does not include the discussion earlier in the DEIR as to nonmember uses for training classes. 13-60
- The DEIR mentions "special events up to 24 days throughout the year" and implies that would have the same operational effect as eight three day events. The impact would be 13-61

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entirely different and should be analyzed accordingly. The effect of up to 70 motor homes coming and going to the CCSC as many as 24 days per year is significantly different than 70 motor homes 8 times per year. Similar effects would be felt by vendors and visitors. The number of events per year, their length and total traffic, noise water and traffic impacts should be clearly stated and analyzed accordingly.

13-61
cont.

- The DEIR indicates that noise from special events would not be different than other events and activities in the area. The DEIR does not disclose in this section what that level of existing/historic activity is or what the cumulative effect would be.

13-62

4.9.4.5 Cumulative Impacts

The DEIR errs in its conclusion that the project would not have “any impacts to land use.” Approval of the CCSC project would be a long term commitment to the use of the land that would prevent its historic agricultural use from being re-established and would prevent the anticipated long term use of eight residential building sites from being established.

13-63

4.10 NOISE

The DEIR does not list MCC 10.60 as part of the regulatory standards for noise. It is important to note that the ordinance was amended in December 2014 to add Section 10.60.040 to specifically regulate night time noise. Table 4.10-3 does not assess noise impacts during night time hours (10 pm – 7:00 am). That impact needs to be analyzed for those hours.

13-64

4.10.4.1 Thresholds for Determining Significance

The DEIR now cites the County Noise Ordinance but does not include reference to the night time noise standards in Section 10.60.040.

13-65

4.10.4.2 Impact Assessment Methodology

Operational Noise Levels

This section indicates the operational noise from events is based on “up to 24 days per year (up to 8 separate weekends [Friday, Saturday and Sunday])...” This is inconsistent with other reference in the DEIR that state that there would be up to 24 event days but does not specifically limit the 8 three day weekends. The noise assessment needs to be based on the impact of up to 24 separate event days or the project needs to be specific to limiting special events to 8 three day events.

13-66

4.10.4.3 Project Impacts

The DEIR (p4.10-11) states a “...maximum of 264 vehicular trips are anticipated daily” for staff, members and class attendees. There is however no mitigation proposed by the DEIR to limit traffic to 264 trips. That figure is 232 trips less than the 496 daily trips estimated in the Traffic and Transportation section of the DEIR (see Table 4.12-6).

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Event Traffic Noise

The DEIR states the peak arrival times for events would be 6:00 AM to 7:00 AM. The DEIR does not however analyze the noise from that traffic in light of MCC 10.60.040.

13-68

RV Generator and Overnight Noise

- The DEIR states that overnight use would occur approximately 16 days per year. There is no evidence that supports that figure. The DEIR states throughout there will be 24 event days and a fair assumption is that there will be RV activity before, during and after each event. It should also be anticipated that persons using RVs will arrive the day before and leave a day after an event.
- The DEIR states that generator use may be avoided by providing electrical power. Are the applicants proposing to install electrical connections for the RV parking?
- The DEIR should clarify the generators to be used and their noise impacts both individually and cumulatively.

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Competition Event Noise

DEIR provides no meaningful analysis of the event noise. There are no noise contours estimating cumulative noise of loudspeakers, dogs barking, RV generators, etc. Reliance on proposed landscaping is insufficient without understanding the noise volume and intensity.

13-72

Mitigation Measures

- MM NOI-3 relies on the preparation of a Special Event Management Plan. This SEMP, which is used as mitigation for other impacts as well, is critical to the evaluation of this project and for the full disclosure of the extent of the operations and how CCSC will be managed and should be included as part of the DEIR and not as a deferred mitigation. The required content and standards for the SEMP should be carefully and fully spelled out.
- The DEIR proposes that the Special Events Management Plan "...prior to the County issuance of use permits." Is issuance the same as approval? Elsewhere the SEMP is to be a condition of approval of the use permit. Please clarify.
- The DEIR proposes an annual review and update of the SEMP to be approved by the staff. The DEIR should detail the purpose and scope of the annual review, the success criteria to be used in that review and the consequences if the CCSC is found to not be operating pursuant to the conditions of approval and environmental mitigations. There should be at least public notice of revisions to the Plan so that the public has an opportunity to review and comment on the revisions.

13-73

13-74

13-75

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4.10.4.4 Cumulative Impacts

- The DEIR states that the CCSC construction activities may overlap the improvements being made to the Quail Lodge golf course. At this time those improvement are nearly complete and will be finished before this project is considered by the Planning Commission. 13-76
- Table 4.10-4 is incomplete in that it does not include nighttime noise and compliance with MCC 10.60.040. 13-77
- Table 4.10-4 introduces a new category of “maintenance days.” Maintenance days are not explained or described in the DEIR. 13-78

4.11 RECREATION

Laguna Seca Regional Park should be included in Table 4.11-1. 13-79

4.11.2.3 Local Dog Sport and Training Resources

The DEIR states there are five facilities within seven miles of the project location but fail to disclose where those facilities are, how they are used or how their level of activity would compare to the CCSC. 13-80

4.11.4.2 Project Impacts and Mitigation Measures

- The DEIR again characterizes the CCSC as temporary development. CCSC is a private recreation facility and RV park specializing canine sports and special events and there is no surety that it is in any way temporary. 13-81
- The “private” aspect of this project is highly questionable given the public use by others and the RV park. 13-82
- The DEIR has indicated previously that CCSC will place significant limits to its members using the riparian area so little public recreational benefit is realized 13-83
- Impact REC-2 indicates that CCSC will have a beneficial effect on recreation resources. The DEIR does not explain how that benefit would accrue to others that the CCSC members. There is no information on the cost of membership so no assessment can be made as to CCSC’s benefit to the general public versus upper income families and individuals. 13-84

4.12 TRANSPORTATION AND TRAFFIC

4.12.2.1 Project Details

- The DEIR (p 4.12-2) states that CCSC traffic may use Rancho San Carlos Road. The DEIR does not disclose until later that Rancho San Carlos Road is a private road. 13-85

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- There is no discussion or evidence in the record of CCSC’s right to use Rancho San Carlos Road for their project or how CCSC meets the requirements of MCC 21.64.320 (Regulations Relating to Applications Involving Use of Private Roads). 13-86
- The DEIR’s footnote 2 (p 4.12-2) states that “Approximately 125 feet of Valley Greens Drive in the vicinity of the Project Site is privately controlled maintained [sic] by the Quail Lodge Resort.” The DEIR should elaborate on that statement to explain where that 125 foot portion of Valley Greens is located, how it is controlled by Quail Lodge Resort and how that control might affect the CCSC project. 13-87
- The DEIR (p 4.12-3) states that space for up to 70 RVs would be made available. There is no information however as to how large that area is, how it will be improved for RV use or how it will be accessed through the CCSC property. 13-88
- As discussed earlier the DEIR does not disclose or analyze the fact that the access from Valley Greens, per the Board of Supervisors Resolution 03-174 limits use of the connection to Valley Greens to four residential lots. 13-89

4.12.2.2 Regional Transportation System

- The DEIR omits any mention of Highway 68 which is the primary connector from Salinas and areas south of Salinas to the Monterey Peninsula. Highway 68 connects to both Laureles Grade and Highway 1 in Monterey. 13-90
- What is the basis for stating Laureles Grade has a design speed of 25 mph? Posted limits and actual speeds are higher than 25 mph. 13-91

4.12.2.3 Area Roadway Network

- The DEIR is misleading in its statement that Carmel Valley Road is four lanes in the Project area. The four lane portion of Carmel Valley Road ends more than 1.5 miles away from the Carmel Valley Road/Valley Greens intersection. 13-92
- As noted previously Rancho San Carlo Road is a private road. There is no discussion or evidence in the record of CCSC’s right to use Rancho San Carlos Road for their project or how CCSC meets the requirements of MCC 21.64.320 (Regulations Relating to Applications Involving Use of Private Roads). 13-93
- As noted previously the DEIR should elaborate on that statement to explain where that 125 foot portion of Valley Greens is located, how it is controlled by Quail Lodge Resort and how that control might affect the CCSC project. 13-94

4.12.2.5 Transit Services

- The DEIR does not indicate if public transportation (MST) is considered to be significant to CCSC. 13-95
- The DEIR does not discuss what MST services reductions are currently being considered for the area and what if any effect that would have on CCSC. 13-96

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4.12.4.2 Impact Assessment Methodology

- Table 4.12-6 projects a significantly higher daily traffic rate than projected in the Noise section. This projection would seem to invalidate the conclusions of the Noise section and require that section to be revised and recirculated. 13-97
- The DEIR states (p 4.12-15) that there is no mention of accessory vehicles often towed by RVs and then assumes the characteristics (re: in and out trips) would be similar to a typical campground or RV park but does not disclose what those characteristics are. This should be clarified. 13-98
- Table 4.12-7 assigns 1 person per RV (70 persons) and 180 persons for attendees, employees and vendors will make up the maximum daily attendance of 250 persons for special events. Is there any basis to assume only one person per RV? 13-99

The following comment is shown in Accela “*Install and maintain a sign to prohibit left turns on the project’s driveway at Valley Greens Drive. (Public Works).*” This requirement from Public Works would force all traffic leaving the CCSC site to turn right on Valley Greens and turn left or right on Carmel Valley Road. The traffic study and DEIR rely on a certain percentage of traffic entering and exiting via Rancho San Carlos (meaning a left turn out of the property onto Valley Greens). Any conclusions reached in reliance on that is on its face invalid. 13-100

Additional comments regarding traffic impacts from Hatch Mott MacDonald are attached.

CONSISTENCY

TABLE 5-1

- Goal OS-1: The analysis persists (p5-2) in the assertion that CCSC will not result in a long term change. As noted previously there is nothing in the application that indicates that CCSC will be less than a permanent change of use for the property. 13-101
- Goal LU-1: The DEIR states that a subsequent review of the mitigation measures will assure compatibility with surrounding uses. However, it should implementation of the prescribed measure that assure that compatibility. Should the prescribed mitigations and conditions not prove to be effective there will be little the County can do to force CCSC to make operational changes. The County has limited ability to require post approval changes unless it is determined the approval was based on false material information. 13-102
- Policy AG-1.1: As previously stated the CCSC project is a full, long term commitment of the entire property to a is a private recreation facility and RV park specializing canine sports and special events and a facility available for contract trainers and other dog related service providers. It is not an agricultural use and cannot be considered, for the purpose of the DEIR to be temporary without a specific commitment, which would then be a project condition, to stop operations after ten years and to remove all of the improvements installed for CCSC and to bond that work. 13-103

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- Policy CV-5.3: The DEIR finds the project consistent with policy requirements for the proof of long term water due to the projected water use being less than the historic use calculated by the SWRCB. However, as pointed out several times, historic use is not the appropriate baseline for this project analysis. The SWRCB has also indicated there is no water right for this property. 13-104
- Policy C-1.1: The DEIR states the project is “potentially consistent” and then discusses project consistency if the County standards do not apply to State Highways and then if certain improvements are made to Carmel Valley Road. The project is either consistent or it is not. The County consistently had the same standard for Highways as it has for County roads. The recommended improvements, a roundabout at Carmel Valley Road and Valley Greens, are not currently included in any plan and are highly speculative at best. The CCSC’s traffic is significant and unavoidable and does not have feasible mitigation at this time. 13-105
- Policy CV-2.7 and 2.17: The DEIR finds the CCSC project would be consistent if it participates in the construction of a roundabout at Carmel Valley Road and Valley Greens Road. There is no current approved roundabout project nor is there funding in place for such a project. 13-106
- Goals and Policies re Long Term Water Supply: The DEIR needs to address the impact of the use of the water and its long term effect on an overdrafted aquifer. The baseline for that analysis is zero water use based on the non-operation of the project site wells and the fact the land has been fallow since 2008. 13-107

6.3 UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL EFFECTS

- The DEIR correctly finds that the CCSC project will have a significant effect which cannot be mitigated. However, the DEIR fails to include impacts to Highway 68 in its conclusion. 13-108
- The DEIR incorrectly concludes that traffic is the only significant unavoidable impact. The impact of the water use is for the purpose of CEQA significant and unavoidable. The additional extraction of 70 AFY from an overdrafted aquifer is significant and cannot be mitigated. 13-109

ALTERNATIVES

The DEIR (p 7-2) again addresses the CCSC project as a short term project to support the agricultural use of the property. The DEIR needs to recognize that any agricultural use is incidental to CCSC and that this is not a temporary project. 13-110

7.5.1 Alternative Sites

The Laguna Seca Regional Park should be examined as an alternative site. LSRP has hundreds of acres that could be used. Camping facilities are already in place. The County of Monterey is looking for opportunities to increase the use of its parks. While there would be a minor increase in Highway 68 traffic the overall traffic impact would be reduced due to traffic not being added to Carmel Valley Road or Highway 1 in the Carmel Area. 13-111

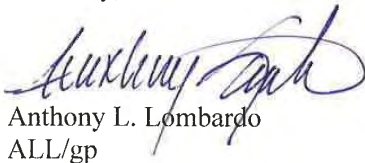
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CONCLUSIONS

The DEIR is seriously flawed and requires significant revisions and recirculation:

- The DEIR describes CCSC as if it were an agricultural use of a temporary nature. CCSC is CCSC is a private recreation facility and RV park specializing canine sports and special events and any agricultural use of the property is incidental to CCSC. There is no basis to state the CCSC use is temporary. 13-112
- The baseline for analyzing the impact of water use is wrong. The DEIR relies on a SWRCB standard for determining water rights to determine the baseline. The right use water (which is highly questionable) is not the same as assessing the impact of the use of the water on an overdrafted aquifer. The correct water baseline is essentially zero since the record is clear that the land had been fallow since 2008. 13-113
- The true nature of the scope and operations of CCSC is unclear. The level of use cannot be determined since the DEIR is not clear on as simple a matter as whether 500 members means 500 individuals or 500 memberships which could be multiple individuals per membership. 13-114
- The impact of special events is not fully analyzed and relies on a non-existent Special Events Management Plan as a deferred mitigation. 13-115
- The full scale and construction of the 70 space RV park is not disclosed. The physical improvements needed to meet standards prescribed in Title 25, Chapter 2.2 CCR and the California Fire Code is not disclosed. 13-116
- The DEIR's traffic section is seriously deficient and fails to disclose that CCSC has no right to use the entrance from Valley Greens for the proposed use or that Rancho San Carlos Road is a private road and that there is no evidence to demonstrate CCSC has a right to use Rancho San Carlos Road for the proposed use. 13-117
- The water analysis incorrectly analyzes the impact on the aquifer based on purported water rights rather than the withdrawal of 70 AFY from an already overdrafted aquifer. 13-118

Sincerely,



Anthony L. Lombardo
 ALL/gp

Enclosure



Hatch Mott
MacDonald

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May 12, 2015

Dale Ellis
Anthony Lombardo & Associates, Inc.
450 Lincoln Avenue, Suite 101
Salinas, CA 93901

**RE: Carmel Canine Sports Center, Monterey County, California
Draft**

Dear Mr. Ellis:

We have completed our review of the CCSC Traffic Impact Study (TIS) and DEIR. The TIS and DEIR are inadequate in content and analysis and do not fully disclose the project's traffic impact or prescribe feasible mitigation for those impacts. Additional study is required to evaluate fully the project's impact to the local and regional road network. Our comments regarding the traffic analysis technical procedures, findings and conclusions are presented below.

1. Scope of Study –The analysis of transportation facilities include the analysis of the following two roadway segments:
 1. Carmel Valley Road from Schulte Road to Rancho San Carlos Road; and
 2. Highway 1 from Carmel Valley Road to Ocean Avenue.

An explanation is not provided in the TIA or EIR as to why impacts to other Carmel Valley Road segments east and west of the project site were not analyzed.

It is recommended additional information and analysis be provided in the EIR that describes the level of existing traffic operations on other Carmel Valley Road segments and the potential for the project to impact the other Carmel Valley Road segments.

2. The TIS states the following on page 8:

Traffic counts for weekday AM, PM, Friday, and Sunday peak hour conditions were collected at the study intersections in 2014 while schools were in session. Traffic count sheets are provided in Appendix A.

Appendix A of the TIS does not contain a traffic count sheet for the Carmel Valley Road/Valley Greens Drive intersections. It appears that the TIS utilized weekday AM and PM peak hour volumes for the Carmel Valley Road/Valley Green Drive intersection that are documented in the August 19, 2013 traffic analysis memorandum prepared for the project by Hexagon Transportation Consultants. The counts for the Carmel Valley Road/Valley Greens Drive intersection were collected on June 6, 2013 according to the Hexagon report.

13-119

13-120



Hatch Mott
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The DEIR should include the traffic count sheets for the Carmel Valley Road/Valley Greens Drive intersection and the DEIR should clarify the date the count data were collected.

13-120
cont.

3. In Section 4.12.3.3 Local Regulations, Monterey County General Plan policies regarding traffic levels of service, but the specific level of service policies applicable to Carmel Valley are not stated in this section of the DEIR.

13-121

It is recommended that the Section 4.12.3.3 of the DEIR include the Carmel Valley Master Plan (CVMP) traffic level of service standards.

4. The Friday and Sunday peak hour segment analyses for Carmel Valley Road under existing conditions utilized peak hour traffic volumes that correspond to the existing peak hour volumes counted on the east leg of the Carmel Valley Road/Rancho San Carlos Road intersection. The weekday AM and weekday PM peak hour traffic volumes utilized for the segment analysis for Carmel Valley Road under existing conditions do not correspond to the existing peak hour volumes counted on the east leg of the Carmel Valley Road/Rancho San Carlos Road intersection.

13-122

The source of the peak hour volumes utilized for the Carmel Valley Road segment analysis should be clarified.

5. The following impact significance criteria was applied to unsignalized intersections in the DEIR (underlining added for emphasis):

Monterey County Unsignalized Intersections: Intersection operations degrade from LOS E or better to LOS F and a signal warrant is met; or project traffic is added to an intersection operating at LOS F and a signal warrant is met.

The Carmel Valley Master Plan level of service standard for unsignalized intersections is as follows:

Unsignalized Intersections – LOS “F” or meeting any traffic signal warrant are defined as unacceptable conditions. CVMP Policy CV-2.17 (f)(2).

13-123

For an impact to an unsignalized intersection to be considered significant, the significance criteria utilized in the DEIR requires an unacceptable LOS F intersection operation and a traffic signal warrant be met. However, the CVMP standards state that meeting a traffic signal warrant is an unacceptable condition, regardless of the intersection level of service.

It is recommended that the significance criteria for unsignalized intersections reflect the CVMP level of service standards including the signal warrant standard



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6. The intersection level of service calculations utilized a percent heavy vehicle value of 4% for all lanes at the Highway 1/Carmel Valley Road intersection and a percent heavy vehicle value of 8% for all lanes at the other two study intersections for the Existing and Existing Plus Project conditions. The segment level of service calculations for Highway 1 utilized a percent heavy vehicle value of 4% and a percent recreation vehicle value of 1% for Existing and Existing Plus Project conditions. The segment level of service calculations for Carmel Valley Road utilized a percent heavy vehicle value of 8% and a percent recreation value of 1% for Existing and Existing Plus Project conditions.

13-124

Justification for the percent heavy vehicles and percent RV vehicles utilized in the level of service calculations should be provided in the DEIR. In addition, utilizing the same percentage RV vehicles under both Existing and Existing Plus Project conditions should be justified for the Friday PM and Sunday conditions given that the project will generate new RV traffic during these periods. For example, applying the 1% RV value to the Friday PM trips that are added to the Carmel Valley Road study segment (50 westbound and 25 eastbound, TIS Figure 4) suggests that the level of service calculation accounts for one additional RV on the study segment (1% x 50 = 1 trip, 1% of 25 = 0 trips). The project trip generation table (TIS Table 6) indicates the project will add 18 inbound and 11 outbound trips during the Friday PM peak hour. The level of service calculations may not fully reflect the impact associated with additional RV traffic in the traffic mix.

7. The proposed project has the potential adding RV traffic to Laureles Grade, but the impacts to Laureles Grade are not analyzed in the EIR. The project trip distribution indicates that 25 percent of the project trips would arrive/depart via Carmel Valley Road east of the project site. The DEIR states the following:

13-125

Laureles Grade Road, which provides access to the Carmel Valley from Salinas, is a steep, curved road with a design speed of about 25 miles per hour (mph). It currently operates below maximum capacity, although steep grades and slow-moving trucks frequently cause lengthy delays. (DEIR, Page 4.12-3, Lines 13-15).

The exhibit showing the project trip distribution pattern should be expanded to include Laureles Grade and Highway 68. Analysis of project impacts to Laureles Grade, Highway 68 and potentially some intersections on these facilities or justification for not analyzing these facilities should be provided in the EIR. The analysis of impacts to these facilities should consider the impact that RV traffic would have to these facilities.

8. The DEIR requires the applicant provide a pro rata contribution for appropriate signage prohibiting left turns at the intersection of Carmel Valley Road & Valley Greens Drive. (Page 4.12-23, Line 28).

13-126

The DEIR should explain the basis for assigning a pro rata share of the cost for implementation of a detour plan required for the special events. If the cost is 100 percent attributable to the project, the DEIR should state that the project shall fund the preparation and implementation of a detour plan for special events.



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9. One of the alternative measures to mitigate project impacts during special events would prohibit left turn movements from Valley Greens Drive to westbound Carmel Valley Road during special events. This measure would divert traffic to portions of Valley Greens Drive south and west of the project site and to Rancho San Carlos Road. The adequacy of these roads to carry the diverted traffic that would include RVs is not addressed in the DEIR.

13-127

The traffic analysis should evaluate the adequacy of Valley Greens Drive and Rancho San Carlos Road to carry the additional traffic that would be diverted to these roads because of the closure of the left turn movement from Valley Greens Drive to Carmel Valley Road.

10. Mitigation MM TRANS-5 states:

The Applicant shall schedule classes to avoid the Weekday A.M. and Weekday P.M. peak hours. Classes shall not start before 9:30 A.M.

The mitigation measure provides a specific time for scheduling classes in the morning, but does not provide a specific recommendation for scheduling classes in the late afternoon/evening. The PM peak hour trip generation for the project includes 22 inbound trips generated by classes and the volume of left turns during the PM peak hour meets the Monterey County Left Turn Warrant criteria. The TIS includes a recommendation that classes be scheduled to begin outside of both the AM and PM peak hours on weekdays, which would avoid the need for a left turn lane on Valley Greens Drive at the project entrance.

13-128

Based on the findings and recommendations of the TIS, a time-specific class restriction for the PM peak period should be specified in Mitigation Measure MM TRANS-5.

11. Impact TRANS-7 discusses the left turn movement from Valley Greens Drive to westbound Carmel Valley Road. The following is stated (underlining added for emphasis):

The posted speed limit within the vicinity on this unprotected left hand turn is 50 mph with a reduce(d) line of sight; however, no RVs would be permitted at the Project site during non-event days, and Class C passenger vehicles would be able to more safely navigate this unprotected turn.

13-129

Any other reference to a reduced line of sight could not be found in the DEIR. A discussion of corner sight distances or lines of sight could not be found in the TIS.

The reference to “reduced line of sight” should be clarified. The discussion should include a description of the location and nature of the reduced line of sight and implications to motorist safety including project-generated traffic. It is recommended that a corner sight distance analysis be included in the DEIR for the Carmel Valley Road/Valley Greens Drive intersection.



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MacDonald

- 12. The DEIR does not discuss any requirement for the project to pay the CVMP Traffic Impact Fee and/or the TAMC Regional Development Impact Fee.

13-130

The project's responsibility for payment of the CVMP Traffic Impact Fee and/or the TAMC Regional Development Impact Fee should be included in the DEIR.

- 13. The signal warrant analyses should include the conversion of RV volumes to Passenger Car Equivalents (PCEs) to account for the impact of these vehicles due to their size and operating characteristics. It is not certain that conversion of RV volumes to PCEs was performed because the TIS does not include the peak hour signal warrant worksheets.

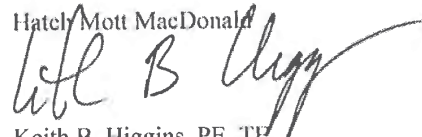
13-131

The peak hour signal warrant worksheets should be included in the TIS and the signal warrant analysis should include the conversion of RV volumes to PCEs.

In conclusion, additional analysis and documentation is required to fully disclose the project's impact and assess the adequacy of the proposed mitigation measures. The additional analysis may change the findings and conclusions of the traffic analysis and result in the identification of additional project impacts.

If you have any questions regarding this information, please do not hesitate to contact me.

Very truly yours,

Hatch Mott MacDonald


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jdt
Enclosures

Comment 13, Mr. Anthony L. Lombardo
Anthony Lombardo & Associates

Comment Response 13-1: This DEIR evaluates impacts associated with the proposed Project relative to the existing baseline conditions present at the time of the publication of the Notice of Preparation (NOP). The NOP is not required to be released at the determination of application completeness but rather after the Lead Agency determines that an EIR is to be prepared (CEQA Guidelines 15082).

Comment Response 13-2: The DEIR clearly acknowledges in Section 2.3.2 and throughout the document that the Project site has been fallow since 2008. In addition, the DEIR clearly acknowledges the proposed joint use of the site to support a canine sports center as well as agricultural/livestock operations, which would include farming/harvesting of hay, grain, other pasture crops, vegetables, flowers, fruit, and nursery stock.

Comment Response 13-3: Per Monterey County Zoning Ordinance, Title 21, it has been assumed that the proposed Project would be operational until the date of permit expiration as defined in the Conditional Use Permit (CUP). The structures that are proposed as a part of the Project are all “temporary” in that they are modular facilities without foundations or substantial grading requirements. Consequently, the proposed facilities could be removed and the Project site could be returned to agricultural operations following expiration of the CUP. This would not be true of other developments that would include more permanent facilities and grading that could remove or otherwise adversely affect prime soils within the Project site.

Comment Response 13-4: HCD review would be a condition of project approval. If the Project requires revisions to conform to HCD regulations or other safety regulations, and the revisions cannot be found in substantial conformance with the approved master plan, the project may require a permit amendment/revision.

Comment Response 13-5: The DEIR clearly acknowledges in Section 1.2 the proposed joint use of the site to support a canine sports center as well as agricultural/livestock operations, which would include farming/harvesting of hay, grain, other pasture crops, vegetables, flowers, fruit, and nursery stock.

Comment Response 13-6: Please see response to comment 13-3. The County would require site restoration as part of the conditional use permit upon termination of the proposed uses. Site restoration is the Applicant’s responsibility.

Comment Response 13-7: See Master Comment Response 1 – Water Use.

Comment Response 13-8: The Project properties were granted legal access from Valley Greens Drive through a series of entitlements, which included the removal of the “non-access” strip along a 60 foot section of Valley Greens Drive, subject to Board of Supervisors Resolution 03-174. Prior to 2003, there was a non-access strip along Valley Green Drive and the Wolters (property owners) had an agreement in place with the County to allow them access across Valley Greens Drive for their agricultural operations. In 2003, the County approved a Lot Line Adjustment (PLN010503 – Volume 27 of Surveys at Page 27) on the Wolter Property reconfiguring 4 residential lots, subject to BOS Resolution 03-174, which allowed access from Valley Greens for the 4 residential lots. In 2004, an additional Lot Line Adjustment (PLN030336 – Volume 27 of Surveys at Page 104) was approved reconfiguring 4 other lots for residential purposes. The Record of Survey recorded reflecting this LLA showed access for these newly created parcels with a reference to BOS Resolution No. 03-174. Subsequently, in November 2004,

the County issued a license (Document No. 2005007120) to allow unrestricted access to the reconfigured parcels created by the 2004 LLA (PLN030336). Based on this information; the Project has legal access to the site from Valley Greens Drive.

Comment Response 13-9: The DEIR has been revised in Section 2.4 to state that “The proposed Project consists of site improvements for operation of a canine sports and event center on approximately 5.6 acres within the northwestern side of the Project site. The existing paragraph already clearly describes the joint use of the remainder of the site.

Comment Response 13-10: , The comment addresses the Project rather than the adequacy of the EIR. Event set-up/ breakdown activities are not anticipated to significantly alter resource area impact evaluations.

Comment Response 13-11: Please see Comment Response 13-5 and 13-6. The DEIR also clearly acknowledges in Section 2.3.2 and throughout the document that excavation of the reservoir was initiated but not completed.

Comment Response 13-12: Required infrastructure improvements would be determined by HCD. Please see Comment Response 13-4.

Comment Response 13-13: See Master Comment Response 1 – Water Use.

Comment Response 13-14: The DEIR analyses assumed 500 “memberships” to mean 500 individuals as the membership goal, with an estimated average use of 100 members per day.

Comment Response 13-15: Please see Comment Response 13-14.

Comment Response 13-16: . The DEIR has been revised Section 2.4.3.2 to clarify that the predicted Project usage based on Carmel Valley Athletic Club operations is determined to be the best available representation of an existing comparable nearby use.

Comment Response 13-17: The DEIR analyses assumed a conservative maximum of 10 classes per day.

Comment Response 13-18: The DEIR assumes that the 24 event days, which could accommodate a maximum of 250 people and 300 dogs, would include set-up and decommissioning of the event. Also, as stated in Section 2.4.3.3, “Event sizes would also be limited to ensure that members not participating in the event are able to continue to use other portions of the large property during events, *within the overall capacity of 250 people and 300 dogs*”, indicating that the cumulative impact of event plus regular members has been included.

Comment Response 13-19: Table 2-3 is an anticipated example of an event schedule. The DEIR impact analyses are based on a similar-type schedule. The DEIR evaluates reasonably foreseeable impacts consistent with CEQA.

Comment Response 13-20: Please see footnote 2 under Table 4.12-7. Per the Project Description, no in and out privileges would be granted for RVs; however, towed accessory vehicles are not specially addressed, so trips were estimated consistent with Campground/RV Park Land Use, ITE Land Use Code 416, assuming 100 percent occupancy for the weekday peak hour for Friday conditions. The Sunday Midday peak was assumed to be the reverse of Friday conditions. Please see Appendix H for further details.

Comment Response 13-21: See Comment Response 13-8.

Comment Response 13-22: Please see Comment Response 13-4.

Comment Response 13-23: Under the riparian right and proposed water use for the proposed Project, the storage of water would not be allowed.

Comment Response 13-24: The DEIR aesthetics and visual resources analysis evaluates potential project impacts to existing visual quality and aesthetic character of the Project vicinity, per CEQA thresholds, based on visibility and size, bulk, and scale. Design consistency of proposed specific structures will be evaluated during the County's design review process.

Comment Response 13-25: Please see Comment Response 13-24.

Comment Response 13-26: The DEIR includes analysis of proposed parking in Sections 4.1.4.3 and 4.1.4.4.

Comment Response 13-27: The DEIR includes analysis of the proposed fence in Sections 4.1.4.3 and 4.1.4.4, including a viewing location and photos from Valley Greens Drive towards the Carmel River.

Comment Response 13-28: The DEIR states in Section 2.4.3.6 that minimal down-lit path and security lighting is planned during operating hours, which generally would be turned off by 9:00 P.M., with the exception of event days that include overnight stays. Text under Impact NOI-3 will be revised to clarify the exclusion of event days that include overnight stays.

Comment Response 13-29: Please see Comment Response 13-4.

Comment Response 13-30: The mitigation measures required to reduce Project impacts to less than significant are specifically identified in the DEIR. The Special Event Management Plan would document these measures, along with other special event requirements, in a consolidated plan. The preparation and approval of this plan is required prior to issuance of building and/or grading permits.

Comment Response 13-31: Refer to Comment Response 13-5.

Comment Response 13-32: See Master Comment Response 1 – Water Use.

Comment Response 13-33: The proposed Project would convert approximately 5 acres of existing agricultural fields for the development of the parking areas, site entrance, paths, and temporary structures. The remainder of the site would support the joint use canine sports center as well as agricultural/livestock operations, which would include farming/harvesting of hay, grain, other pasture crops, vegetables, flowers, fruit, and nursery stock, as the DEIR acknowledges.

Comment Response 13-34: All structures and infrastructure are designed to be temporary such that upon completion of the life of the Project, all facilities could be removed and the site could return to organic agricultural production. Accordingly, the proposed Project would not constitute a permanent loss of agricultural land, nor affect the site's long-term agricultural potential.

Comment Response 13-35: Refer to Comment Response 13-23.

Comment Response 13-36: Refer to Comment Response 13-23.

Comment Response 13-37: Text will be revised to correctly refer to the estimated 10-year Project life. Please see response to Comment 13-3 regarding the "temporary" description of the Project.

Comment Response 13-38: . The DEIR relies on the Biological Resources Assessment prepared in February 2014. While it may have been a seasonal abnormality that the Carmel River was dry during January and February, the Carmel River is seasonally dry during a substantial period of the year. As described in Section 4.8.2.2, *Vicinity Setting* the Project site and immediately surrounding area overlies the CVAA. Groundwater pumping from the CVAA by both private well owners and Cal-Am in spring and summer results in dewatering of the lower six miles of Carmel River during normal years and up to nine miles during dry years (MPMWD 2014a). Therefore, the river reach that runs along the Project site is primarily dry for a few months through this period each year. Field surveys were conducted 10 months prior to the distribution of the NOP.

Comment Response 13-39: Please see response to Comment Response 13-38.

Comment Response 13-40: Text has been revised to indicate that the Project area is located within the federally designated critical habitat.

Comment Response 13-41: See Master Comment Response 1 – Water Use.

Comment Response 13-42: . Impacts to wildlife, including special status species, are thoroughly analyzed under Impact BIO-4, as well as noise impacts under Impact BIO-6. In addition to mitigation requiring leashes and limiting number of dogs, development and implementation of a Habitat Management Plan and monitoring program under agency coordination would also be required. Depending on the results of monitoring, agencies would retain the ability to implement further restrictions if deemed necessary.

Comment Response 13-43: Potential noise impacts to species known to exist in the riparian area is thoroughly discussed under Impacts BIO-1 and BIO-6 of the DEIR.

Comment Response 13-44: Per CEQA Guidelines 15126.4(B) “Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards, which would mitigate the significant effect of the project...” MM BIO-4c puts forth success criteria and allows for adaptive management and consideration of potential Project-related biological impacts within the riparian corridor. The Monterey County, CDFW, and MPWMD would provide input on a semi-annual basis and depending on the results of monitoring, would retain the ability to implement further restrictions.

Comment Response 13-45: Comment noted. Please see response to Comment 11-58.

Comment Response 13-46: See Master Comment Response 1 – Water Use.

Comment Response 13-47: See Master Comment Response 1 – Water Use.

Comment Response 13-48: See Master Comment Response 1 – Water Use.

Comment Response 13-49: See Master Comment Response 1 – Water Use.

Comment Response 13-50: Analysis of estimated sewage disposal for the proposed project, including special events, is included under Impact PSU-2 in Section 4.13, *Public Services and Utilities*. This particular discussion occurs on Page 4.13-17, lines 17-37.

Comment Response 13-51: See Master Comment Response 1 – Water Use.

Comment Response 13-52: . Analysis of groundwater recharge and impervious surfaces is discussed under Impact HYD-3, Page 4.8-23, lines 30-36. The Project proposes minimal development of impervious surfaces (i.e., 2.7 percent), the RV parking improvements propose pervious surfaces including grass.

Comment Response 13-53: See Master Comment Response 1 – Water Use.

Comment Response 13-54: The proposed Project may be conditionally permitted as an appropriate land use within the LDR zone subject to County approval and support of planning findings. As discussed in the DEIR under Impact LU-1, Project Daily Operations and Events, permitted uses allowed within the LDR zoning designation. The LDR zoning (Monterey County Code Section 21.14.050) allows public/quasi-public uses, such as “*country clubs*”, “*golf courses*”, and “*other uses of a similar character, density and intensity to those listed in this section*” as allowed uses subject to approval of a Use Permit. The Proposed project is of a similar character, density and intensity of the adjacent Quail Lodge golf course and country club; and the project application includes a request for a Use Permit to allow a membership-based sports and event center; therefore the proposed Project can be permitted subject to approval by the Appropriate Hearing Authority.

Comment Response 13-55: Please see Comment Response 13-54.

Comment Response 13-56: Text has been revised in Section 4.9.4.3 to indicate project approval by the Planning Commission and consideration of an appeal to the Board of Supervisors.

Comment Response 13-57: Please see response to comment 13-3.

Comment Response 13-58: . Please see Comment Response 13-54.

Comment Response 13-59: See Comment Response 13-14. The DEIR analysis assumes that one dog per member is a reasonable average for focused dog training activities as proposed.

Comment Response 13-60: The DEIR text has been revised to include discussion on classes and workshops and reads: In addition to individual member day use, contract trainers and other dog-related service providers would be able to use space at CCSC for classes and workshops. Classes would be open to non-members, though non-member participants would have limited access to CCSC facilities outside the specific class/training areas as described under section 2.4.3.2 *Daily Operations*.

Comment Response 13-61: The Project assumptions are based on anticipated/estimated schedules. The DEIR evaluates reasonably foreseeable impacts consistent with CEQA.

Comment Response 13-62: The Project’s noise impacts, including cumulative impacts, are fully analyzed and disclosed in Section 4.10.4.3, and mitigation measures and alternatives are provided to address these impacts. Competition (Special Event) noise impacts are discussed on page 4.10-13, lines 26-39.

Comment Response 13-63: The proposed Project would continue agricultural use on the majority of this non-agriculturally zoned site, adding a temporary, non-agricultural, recreation-commercial use that could provide a supplemental income stream to maintain or enhance agricultural viability for this site. Given overall trends towards conversion of agricultural lands to residential or other developed uses, the proposed Project’s continuance of the site’s agricultural uses would preserve agricultural resources in the Carmel Valley.

Comment Response 13-64: Comment has been incorporated. The DEIR will include and reference MCC 10.60.040. However, CSCC would not be operational between the hours of 10:00 P.M. and 7:00 A.M., with the exception of 24 event days annually when vehicles could enter between the hours of 6:00 A.M. and 7:00 A.M.. Sound levels at this hour and associated with 132 vehicle trips would result in a sound level of 52 to 54 dBA.

Comment Response 13-65: See Comment Response 13-64.

Comment Response 13-66: Event days will be clarified and consistent with Project Description.

Comment Response 13-67: The noise analysis was based upon the typical daily operations of the site, which would include approximately 100 members and employees and volunteers. Table 4.12-6 also includes those scenarios when there will be classes offered in the site. A restriction has not been placed on the number of trips because the modeling is based on what is expected, on a typical day. The traffic analysis presents a worst case scenario.

Comment Response 13-68: Refer to Comment Response 13-64. The County confirms that the Applicant-prepared noise study conforms to County methodology and CEQA-adequate analysis.

Comment Response 13-69: Three days over one weekend would result in two nights (i.e., Friday night and Saturday night), thus 2 nights over eight weekends would result in 16 overnights.

Comment Response 13-70: . Permitting electrical power is not part of this Project Description, but may be installed at a later date and would be subject to County permitting regulations.

Comment Response 13-71: The County confirms that the Applicant-prepared noise study conforms to County methodology and CEQA-adequate analysis. Noise levels from both individual and multiple generators operation are included on Page 4.10-13, lines 15-18.

Comment Response 13-72: The County confirms that the Applicant-prepared noise study conforms to County methodology and CEQA-adequate analysis. Sound levels associated with traffic, barking dogs, generators, and loudspeakers are provided at the closest sensitive receptors. Sound levels are either given as a maximum (e.g., generators) or daily-average (e.g., traffic). Given that sound levels do not exceed County sound level criteria at the closest sensitive receptors, those receptors at a greater distance would be subject to lesser levels.

Comment Response 13-73: The Special Events Management Plan will address multiple resource, planning, and zoning compliance requirements and as such will be a project condition of the Conditional Use Permit. The condition will require the submittal of an Applicant-prepared and funded annual compliance report to the County. If the County determines that permit conditions or Project mitigations are not implemented or are determined to not sufficiently address project-related effects, the County may re-open the conditional use permit. Such a re-opener would require a publicly noticed hearing before the Planning Commission and may result in a revised project (e.g. project description, conditions of approval, or mitigations). If the County determines that no sufficient revisions or amendments are feasible and the permit findings can no longer be supported, the County is empowered to conduct a publicly noticed permit revocation hearing to vacate the conditional use permit approval. Additionally, should the County determine that a public nuisance exists, the County may summarily abate a public nuisance, and County Counsel or the District Attorney, upon order of the Board of Supervisors, may bring civil suit, or other action, to enjoin or abate the nuisance.

Comment Response 13-74: . Refer to Comment Response 13-73.

Comment Response 13-75: Refer to Comment Response 13-73.

Comment Response 13-76: Comment noted.

Comment Response 13-77: Comment incorporated. MCC 10.60.040 will be included both by reference/criteria and analysis.

Comment Response 13-78: Text will be clarified. Maintenance activities would be part of agricultural activities occurring during daily operations.

Comment Response 13-79: . Table 4.11-1 has been revised to include the Laguna Seca Regional Park.

Comment Response 13-80: Section 4.11.2.3 has been revised to indicate the existing facilities are located within Carmel-By-The-Sea and Monterey. As described in Section 4.11.2.3, the facilities provide training and obedience services with some indoor agility trainings, as well as daycare and overnight boarding services. Some facilities uses local venues, such as school fields, for canine breed competition activities. However, none provide outdoor dog herding activities or established competition arenas, as proposed by the Project.

Comment Response 13-81: Please see response to Comment Response 13-3.

Comment Response 13-82: The DEIR clearly describes the proposed private membership-based use, as well as the public use opportunities offered through classes/workshops and special events.

Comment Response 13-83: Comment noted.

Comment Response 13-84: The proposed Project would provide a recreational resource for owners to train and exercise their dogs in an enclosed outdoor facility not otherwise available within the County. Although access would be membership-based, the Project would provide a unique recreational resource locally and regionally. A discussion on benefits relative to income levels of members is not the scope or within purview of the EIR or CEQA.

Comment Response 13-85: Comment noted.

Comment Response 13-86: Please refer to MM TRANS-3, which describes that the Applicants would need to seek agreements with private road holders in order to shift traffic to the signalized Rancho San Carlos Road & Carmel Valley Road intersection. In lieu of those agreements the Applicant would be required to fund 2 deputy sheriffs or other licensed public safety personal to direct traffic throughout the duration of special events at the Project site.

Comment Response 13-87: See Comment Response 13-86.

Comment Response 13-88: Please refer to Section 2.4.2.2, Site Access and Parking as well as Section 2.4.3.3, Events. An unpaved overflow area, shown in Figure 2-2 would serve up to 70 RVs or as general overflow parking when RVs are not present. The parking plan has been reviewed by the County and tentatively approved.

Comment Response 13-89: Refer to Comment Response 13-8.

Comment Response 13-90: The scope of the transportation analysis was developed in coordination with the County Traffic Engineer. For further details regarding the scope of regional analysis please refer to the Memorandum from County Traffic Engineer dated 17 July 2015...

Comment Response 13-91: The posted speed limit on Laureles Grade Road is 55 miles per hour (mph) unless otherwise noted.

Comment Response 13-92: As described in Section 4.12.2.3, *Area Roadway Network*, Carmel Valley Road varies from two-lanes to four-lanes. This statement is intended to describe the road along its entire length, including the segment 1.5 miles from the Project area.

Comment Response 13-93: Please refer to Comment Response 13-86.

Comment Response 13-94: See Comment Response 13-86.

Comment Response 13-95: Impacts to transit facilities are discussed under Impact TRANS-6. As described under that impact bus headways would likely experience only negligible changes.

Comment Response 13-96: . Refer to Comment Response 13-95.

Comment Response 13-97: See Comment Response 13-67.

Comment Response 13-98: . Please refer to Comment Response 13-20.

Comment Response 13-99: Refer to Section 4.12.4.2, *Impact Assessment Methodology*. The special event estimates are conservative as they assume single occupancy in all vehicles. It is likely that some portion of that attendees would carpool, thereby reducing the number of new vehicle trips.

Comment Response 13-100: Comment noted. Refer to Comment Response 13-86.

Comment Response 13-101: . See Comment Response 13-3.

Comment Response 13-102: Following construction and implementation of the proposed Project compliance with all mitigations would be carried out consistent with the Mitigation Monitoring and Reporting Program. Any non-compliance issues would be resolved through zoning enforcement and the County's mitigation monitoring program (Monterey County Zoning Ordinance 21.84). A mitigation has been added to require the submittal of an Applicant-prepared and funded annual compliance report to the County. If the County determines that permit conditions or Project mitigations are not implemented or are determined to not sufficiently address project-related effects, the County may re-open the conditional use permit. Such a re-opener would require a publicly noticed hearing before the Planning Commission and may result in a revised project (e.g. project description, conditions of approval, or mitigations). If the County determines that no sufficient revisions or amendments are feasible and the permit findings can no longer be supported, the County is empowered to conduct a publicly noticed permit revocation hearing to vacate the conditional use permit approval.

Comment Response 13-103: Comment noted. Refer to Comment 13-3.

Comment Response 13-104: See Master Comment Response 1 – Water Use.

Comment Response 13-105: Comment noted. Policy C-1.1 applies to County Roads and Intersections. The proposed Project is consistent.

Comment Response 13-106: CV-2.17 requires that improvements be made to address impacts to road sections and intersections or an EIR be prepared. This EIR satisfies that policy requirement.

Comment Response 13-107: See Master Comment Response 1 – Water Use.

Comment Response 13-108: See Master Comment Response 13-90.

Comment Response 13-109: See Master Comment Response 1 – Water Use.

Comment Response 13-110: Refer to Comment Response 13-3 and 13-5.

Comment Response 13-111: Per CEQA Guidelines §15126.6(a), an EIR shall describe a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project.” As described in Section 7.4, the Applicant engaged in an extensive site selection process prior to identifying the proposed Project site. CEQA Guidelines state that “among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Specifically, regarding Laguna Seca Regional Park, the proposed project would require a location that supports special events, as well as construction and daily operation of a canine training facility, rather than a public park. .

Comment Response 13-112: See Comment Responses 13-3 and 13-5.

Comment Response 13-113: See Master Comment Response 1 – Water Use.

Comment Response 13-114: See Comment Response 13-14.

Comment Response 13-115: . Refer to Comment Response 13-30.

Comment Response 13-116: See Comment Response 13-4.

Comment Response 13-117: See Comment Response 13-86.

Comment Response 13-118: See Master Comment Response 1 – Water Use.

Comment Response 13-119: Comment noted. The scope of work including study locations and analysis time periods were developed in consultation with County RMA and Public Works staff consistent with the County’s Guide for the Preparation of Traffic Impact Studies. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details.

Comment Response 13-120: The comment incorrectly notes that a traffic count sheet is not provided for the Carmel Valley Road & Valley Greens Drive intersection. The sheet is provided, for the dates referenced in the comment, after the Rancho San Carlos Road/Carmel Valley Road count sheet in Appendix A of the TIS, which is included as Appendix H of the DEIR.

Comment Response 13-121: Comment noted.

Comment Response 13-122: The DEIR incorrectly states the dates when traffic counts and field observations were collected, and has been revised to correct the dates when traffic counts were

collected. Intersection counts were collected in November 2014 and segment counts were collected in June and October 2014. The segment volumes used in the analysis were obtained by taking the average of the mid-week and weekend counts as appropriate for the analysis time period. This approach was developed in consultation with County Public Works staff.

Comment Response 13-123: The threshold used in the DEIR was applied based on consultation with the County Traffic Engineer. The application of a standard where any movement operates at LOS F without also meeting signal warrants was determined to be unreasonably restrictive and would likely result in inmitigable impacts where a traffic signal is not a feasible mitigation because the signal warrant is not met. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details.

Comment Response 13-124: Heavy vehicle percentages for Highway 1 were obtained from Caltrans and for Carmel Valley Road were obtained from the County.

Comment Response 13-125: The scope of work including study locations and analysis time periods were developed in consultation with County RMA and Public Works staff consistent with the County's Guide for the Preparation of Traffic Impact Studies. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details.

Comment Response 13-126: The EIR has been updated to note that the Project shall fund the preparation and implementation of a detour plan for special events.

Comment Response 13-127: There is adequate capacity at the Rancho San Carlos Road & Carmel Valley Road intersection to accommodate the shifted traffic. This intersection would operate at LOS B or better with shifted project traffic.

Comment Response 13-128: Comment noted. MM TRAN-5 has been revised to include the P.M. peak hour.

Comment Response 13-129: The County has a project in place to improve Carmel Valley Road & Valley Greens Driver intersection sight distance. This project is funded in the 2015/2016 budget. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details.

Comment Response 13-130: The proposed Project would be required to pay all appropriate impact fees in accordance with County policies.

Comment Response 13-131: The County does not apply PCE adjustments when preparing signal warrant analysis. Refer to Memorandum from County Traffic Engineer 17 July 2015 for further details.

OttoneLeach&Ray LLP

MATTHEW W. OTTONE

ANNE C. LEACH

GARY R. RAY

May 18, 2015

By Hand Delivery

David J.R. Mack
John Ford
Monterey County Planning Department
168 W. Alisal Street
Salinas, CA 93901

Re: PLN130352 – Carmel Canine Sports Center
Matter:9037.004

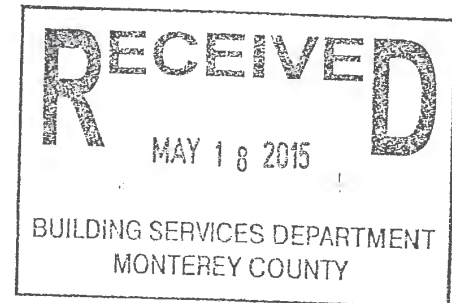
Dear Mr. Mack and Mr. Ford:

The applicant submits this letter pursuant to CEQA Guideline 15204(a) to address the sufficiency of the DEIR in providing information necessary for the decision maker in identifying the analyzing the possible impacts by the proposed project and particularly on how those impacts could be best mitigated or avoided. My clients strongly believe that Environmental Impact Reports are informational documents in nature, and therefore must be both factually correct and complete for purposes of providing decision makers information necessary to identify the impacts.

Applicant submits the following comments in sequential order as the various chapters appear in the DEIR. Comments are numbered consistent with the section of the DEIR which they reference for convenience.

In addition, each comment will be designated as either "Clerical" or "Substantive" to assist the reader in prioritizing major policy issues versus simple typographical or informational misstatements and reporting errors.

Finally, a general comment pertaining to the imposition of conditions and requirements that are not tied to existing regulations. Applicant took great care in designing a project that was intended to address the complex regulatory framework that currently exists within Carmel Valley. To propose additional mitigation requirements and regulatory requirements, not applied against existing projects located within Carmel Valley, is patently inequitable, and could be construed to deprive my clients of their constitutional rights to due process.



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Chapter 2: Project Overview

Comment 2-1 (Clerical and Possibly Substantive): On page 1-2, Figure 1-1 is improperly labeled. Hacienda Hay & Feed abuts Carmel Valley Road immediately adjacent to and west of the Valley Hills Shopping Center, not where it is shown on the map. Earthbound Farms includes the area between where it is labeled and Carmel Valley Road as well as the area to the east of Williams Ranch Road currently labeled HH&F. The Tehama reclamation pond is part of the Canada Woods Water Company operation, not a separate entity. The Baja Cantina is a restaurant within the Valley Hills Shopping Center and not part of the proper name of that development. Also, on this particular map view the Valley Hills Nursery and the Drought Resistant Nursery both located adjacent to and east of Cypress Lane are clearly visible and should be labeled to better depict the abundance of commercial development in the immediate project area.

14-1

Comment 2-2 (Clerical): On page 2-1, it is my understanding that the Wolters have operated an organic farm on this property since the 1930's, first under lease then owned by the Wolter Family.

14-2

Comment 2-3 (Clerical): On Page 2-1, the description of the project location reflects the confusion depicted on the figure and described above. Rana Creek Nursery leases land from the Canada Woods Water Co/Carmel Development Co to the east of the water company building across Williams Ranch Road but does not technically abut the Wolter properties. Also the approved Canada Woods Commercial development parcel seems relevant here, and should be accurately described.

14-3

Comment 2-4 (Clerical): On Page 2-2, labels for the photos provided include incorrect information. Currently the sod/irrigated pasture is located to the west of the site in the area closest to Valley Greens Drive and is being used to pasture livestock and test organic weed control methods. Additionally approximately 20 acres of grass hay was planted in the northern/eastern portions of the site in fall 2013 and is being cultivated to date.

14-4

Comment 2-5 (Substantive): On page 2-3, the current use of the property is inaccurately described. The current use of the property described in the paragraph below the table should reflect the agricultural activities listed above in Comment 2-4. Also note that remaining grading for the pond is minimal, related only to conditioning the surface and installing plumbing and the liner.

14-5

Comment 2-6 (Clerical and Possibly Substantive): On page 2-4. The project overview does not adequately recognize or explain that the entire site would be used both for farming/agriculture and for canine related activities. The uses are not separate as described, but mixed and intrinsically linked to one another. As an example, fenced MTAs

14-6

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will be rotationally grazed to control weeds, while the hay fields will be used for dogs training when crop management allows.

14-6
 cont.

Comment 2-7 (Clerical): On page 2-7, at Line 20, it should read as follows: “no more than 50 sheep and/or goats *resident* onsite total” (Emphasis added.)

14-7

Comment 2-8 (Clerical): On page 2-7, lines 29-34 incorrectly describe the proposed wood fence. The wood fence for screening is intended to be located in addition to the food safety fence and placed outside it along the property line generally where the existing barbed wire fence is currently located. The food safety fence is not proposed to be replaced in any location except in the immediate vicinity of the proposed new gate where it will be relocated as needed and repaired to match the existing fence. This should be corrected consistently throughout the document.

14-8

Comment 2-9 (Clerical): On page 2-14, Table 2-3 as included is an incomplete copy of an applicant submission provided for illustrative purposes. Besides removing various explanatory columns and comments, one major proposed three-day event - a Signature Agility trial - has been omitted. This provides an incomplete illustration of our intent and should be corrected so to provide a complete and accurate example of the kinds events proposed for the site.

14-9

Comment 2-10 (Substantive): On page 2-17, at line 21 the document reports grading far in excess of that remaining for this project and should be corrected to reflect reality. The approximate 6,253 cubic feet of grading associated with excavating the irrigation reservoir has already been done as is clear to any visitor to the project property. It should be noted that said grading was done with concurrence by various County agencies, and was present as of the date of the Notice of Preparation, and consequently should be considered as part of the baseline for purposes of analyzing the impacts.

14-10

Furthermore, no leveling is required for MTAs. Grading would only consist of the septic system, installation of modular units and plumbing/piping/electric as required. This is a global correction needed and should be carried consistently throughout the document for purposes of accurately describing the project and purposes of impact analysis.

Comment 2-11 (Substantive): On page 2-18, at lines 10-12, there is a reference to work already done (see above in Comment 2-10). As discussed above, this work would not need to be performed again.

14-11

Comment 2-12 (Clerical): On page 2-18, at line 15, there is reference to, in Applicant’s opinion, unduly restrictive work hours for unknown reasons. Applicant contends that work hours should be consistent with those of other adjacent projects, specifically the work hours for the extensive Quail Lodge Golf Course renovation project currently underway with construction staging and worker parking located immediately adjacent to the project location.

14-12

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Comment 2-13 (Substantive): On page 2-18, at lines 19-20, there are continued suggestions that the reservoir grading is a future activity. As described in Comment 2-10, it is not.

14-13

Comment 2-14 (Clerical): On page 2-19, at lines 1-5, there is an incorrect reference to the wooden fence location as replacing the food safety fence. Please see Comment 2-8 above.

14-14

Chapter 3: Cumulative Project Scenario

Comment 3-1 (Substantive): On page 3-1, the Cumulative Projects scenario provided does not list, describe or analyze existing and ongoing events in the project vicinity. The special events, including numerous events during "Car Week", festival, etc. are referenced and described in our complaint letter, dated May 2, 2014, a copy of which is attached to this letter and labeled **Attachment 1**. The failure to analyze the impacts caused by these special events could be considered an error for purposes of analyzing cumulative impacts and for describing the baseline conditions (i.e. the ongoing regular conduct of intermittent very large special events) present in the immediate vicinity of the project location at the time of the issuance of the Notice of Preparation.

14-15

The proposed events are demonstrably significantly smaller (in some cases by orders of magnitude) than the events currently allowed to proceed regularly without review, limitation or regulation as described in Attachment One. In comparison to the events of similar size or larger regularly occurring on adjacent properties, impacts from CCSC's proposed permitted events must be considered as allowable, safe and legal without further mitigation. If such mitigation were required to address impacts of events, in particular traffic impacts, they would already have been implemented. The project cannot be required to mitigate impacts imposed by existing conditions whether individually or cumulatively, nor can mitigations be properly proposed on the CCSC project based on ignoring known existing conditions.

Section 4-1: Aesthetics and Visual Resources

Comment 4-1-1 (Substantive): At page 4-1.2, lines 23-24 in reference to the scenic qualities of Carmel Valley, there is an omission of a principal viewing opportunity for the site, and a great portion of Carmel Valley itself, namely from the from the elevated area of Carmel Valley Road west of Valley Hills Drive including the posted 'turnout'.

14-16

Comment 4-1-2 (Clerical): At page 4.1-3 describing the visual character of the project site, it would be helpful to include that the surrounding areas include numerous ponds, both in the Quail Lodge are, as well as the Tehama reclamation pond. In addition,

14-17

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lines 22-24 make reference to the “mature pines” lining Valley Greens Drive. From our observation, there are no pines lining Valley Greens Drive in the vicinity of the Project Site. This should be a global correction throughout the document, as it is often repeated, including at page 4.1-9, lines 34-35. We believe that this is simply an error, and the document may be referring to the partial line of 25-35’ pepper trees.

14-17
 cont.

Comment 4-1-3 (Clerical): At page 4.1-3, line 25, there is reference that the project site is an approximate “48.6 acre lot.” This is incorrect. The project site consists of 48.6 acres, spanning 8 lots of record.

14-18

Comment 4-1-4 (Clerical): At page 4.1-3, line 32, there is reference to “deer exclusion fence.” The existing 8’ fence around much of the site is a food safety fence installed in response to leafy green vegetable contamination concerns and should be referred to as such consistently throughout the document.

14-19

Comment 4-1-5 (Substantive): At page 4.1-4, lines 11-25 in the section entitled “Views of the Project Site”, there is an important view that have been omitted from the description. The most important and visible viewing area of the Project Site are experienced by those travelling east on Carmel Valley Road west of the intersection of Carmel Valley Road & Valley Greens Drive. A significant view of the project site from the designated turnout on Carmel Valley Road just east of Carmel Valley Road Mileage Marker 3.2 is omitted from this analysis. This site provides a stationary lookout for observation offering both long views eastward up the Valley and local views of the immediate area, encompassing Quail Lodge & Golf facilities as well as roadways and other commercial and residential areas. Some of the proposed project site is visible from the turnout.

14-20

Comment 4-1-6 (Substantive): At page 4.1-4, lines 19-25 are confusing and should be clarified, in particular the reference to “Goodrich Trail” as a publically accessible trail. Goodrich Trail is the name of a private roadway within the Quail Meadows development, located at some distance to the west and south of the project site across Rancho San Carlos Road. The applicant is not aware of any public access allowed on this roadway nor that any views of the project site are possible from that location. In addition, at page 4.1-5, line 5 reference is made to “hikers using nearby trails.” It should be clarified that none of these have views of the project site.

14-21

Comment 4-1-7 (Substantive): At page 4.1-6, line 26 references the Carmel Valley Master Plan as “...aiming to preserve the region’s rural character.” This seems to imply a generalized but unstated goal. In fact however it is a specifically stated policy objection of the Carmel Valley Master Plan (“CVMP”). The CVMP’s very first policy, Policy 1.1, reads in its entirety: “*CV-1.1 All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley’s rural character. In order to preserve the rural character of Carmel Valley, development shall follow a rural architectural theme with design review.*” Consistent with the treatment of other policies included for reference

14-22

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in the DEIR, this seminal policy statement should be included as written rather than summarized.

14-22
 cont.

Comment 4-1-8 (Clerical): At page 4.1-9, line 11 should be edited to include reference to Five KVLs, as the Carmel Valley Road eastbound turnout located just west of Mile Marker 3.2 should be added and analyzed.

14-23

Comment 4-1-9 (Clerical): At page 4.1-10, Figure 4.1-1 should include and label the location of KVL5 as described in Comment 4-1-8.

14-24

Comment 4-1-10 (Clerical): At page 4.1-11, line 27, it should be clarified that tops of *some* RVs may be visible. A majority of the area proposed for RV parking will not be visible from this location.

14-25

Comment 4-1-11 (Clerical): At page 4.1-12, lines 6-8, the document makes reference to the average height of the several Monterey Pines along the road and within the fairways. While it may be technically accurate to refer to an "average" height, it does not offer an accurate understanding of site conditions. Some of the mature pine trees along the fairway boundary with the proposed project site reach 100' in height and well over 36" in diameter at breast height, though we note for the record that since the initiation of this project review a number of these very large trees have been removed.

14-26

Comment 4-1-12 (Substantive): At page 4.1.16, *Impact AES-2* describes that the Project may be visible from Carmel Valley Road, east of the project site. It should be noted that some views of the project site from Carmel Valley Road will be impacted, if not entirely obscured, by the construction of the 28,000 square foot 2-story Canada Woods Commercial Development project on parcel 169-221-023, zoned CD-D-S-RAZ, for which the building permits are on file, and for which the project description includes the parking and storage of RV's.

14-27

Comment 4-1-13 (Substantive): At page 4.1-17, lines 30-37, it should be noted that the California HCD imposes requirements on overnight RV campsites that include outdoor required path and safety lighting. The applicant has provided these requirements to the County, and all analysis should reflect compliance with them. As written *Mitigation Measure MM NOI-3*, appears to be in conflict with the California HDC requirements, rendering the mitigation measure infeasible.

14-28

Section 4.2: Agricultural Resources

Comment 4-2-1 (Clerical): At page 4.2-2, line 27, please note that in addition to the 8.5 acre portion planted with turf-grass, an additional approximate 20 acres of the site was planted in grass hay in November 2013.

14-29

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Comment 4-2-2 (Substantive): At page 4.2-3, lines 1-6 reflect the writers' interpretation of the SWRCB proceedings and findings with regards to water use history. The applicant would suggest that the actual situation with regards to water use history in this case is significantly more complex than described here, in particular as the determination of historical water use was arrived at specifically in conjunction with the Table 13 reservation process and cannot be therefore evaluated without a full understanding of the purpose and status of that process. Partial discussions of complex policy surrounding water use and rights should be avoided in this document as they may create confusing or inconsistent understanding of the issues involved.

14-30

Comment 4-2-3 (Clerical and Possibly Substantive): At page 4.2-7, line 4 reflects that implementation of the project would require 90 cubic yards of grading. This is the correct figure for additional grading and should be reflected consistently throughout the document. Please see Comment 2-10 above.

14-31

Section 4.3: Air Quality and Greenhouse Gas Emissions

Comment 4-3-1 (Clerical): At page 4.3-2, Table 4.3-1 should also reflect that 8193 Valley Greens Drive is a residence and also that it constitutes existing employee housing on the project site.

14-32

Comment 4-3-3 (Clerical and Possibly Substantive): At page 4.3-10, line 35 creates a continuing ambiguity regarding the total amount of grading to implement the proposed project. It should be clarified (see Comment 2-10 above), that approximately only 90 cubic yards of the grading remains of the original 6,253 cubic yards necessary for the project site. Grading amounts should be corrected to reflect this consistently throughout the document and any appropriate changes to analysis should be provided.

14-33

Comment 4-3-3 (Clerical and Possibly Substantive): At page 4.3-11, line 29 reflects "a maximum of 264 vehicular trips daily". Please see Comment 4-12-9 pertaining to trip generation, and please ensure all trip numbers anywhere in the document used are consistent with the traffic analysis.

14-34

Section 4.4: Biological Resources

Comment 4-4-1 (Clerical and Substantive): Attached to this letter, labeled **Attachment 2** is a letter dated May 11, 2015 from Nikki Nedeff, project Biologist. Ms.

14-35

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Nedeff's letter provides both specific comments and corrections, as well as comments referring to the identified Impacts and proposed Mitigation Measures. Applicant submits the following comments in addition to the comments provided by Ms. Nedeff.

14-35
cont.

Comment 4-4-2 (Clerical and Substantive): At page 4.4-24, at line 7, there is reference to the water demand per Table 2-4 being 63.4 AFY, but the Table actually identifies it as 63.35 AFY.

It should also be noted that Applicant's water usage is a function of the riparian rights secured by the Applicant on behalf of the landowner. Please see Appendix F, Letter to Henrietta Stern from Fran Farina, dated February 21, 2014 (**Attachment 3** to this letter.) If the applicant was relying upon appropriative water rights, the flow maintenance restrictions discussed below could be applicable. However, due to the Applicant securing riparian rights, proposed flow restrictions are not applicable to this project.

In lines 16-25 the consultant appears to specifically rely on the imposition of this speculative condition proposed by SWRCB staff members in negotiation with the landowner over perfection of appropriative water rights as part of the evaluation of potential impacts to aquatic resources. As noted, this condition does not apply to this application so it should not be used as a basis for analysis. In addition we would note that it has not been imposed thus far on this landowner or any other Table 13 applicants by the SWRCB or any other entity to date. Since it would preclude irrigated agriculture on the site for a majority of the year, it is not something to which the landowner could agree.

Analysis of this project's potential impacts cannot rest on speculation about the outcome of ongoing negotiations with the state agency having jurisdiction over the resource. To illustrate, a discussion of actual conditions imposed on granted Carmel River appropriative extraction permits, such as the Eastwood property near Highway One, may be helpful. The public record reflects that conditions imposed on that permit include requirements to stop pumping for 48 hours at critical times when required for the health of the river. Attached please find a copy of the Order Affirming the Issuance of Permitted Application 30497 pertaining to the Odello family application 30497, which was later assigned to the Margaret Eastwood Trust, labeled as **Attachment 4**. The State Board stated in their order as follows:

14-36

"In circumstances such as this where: (1) the applicant has the riparian right and seeks only to divert water which has been historically diverted and (2) the surface water course is dry during the critical summer months of most year, the SWRCB finds that it is not in the public interest to adopt conditions prohibiting the permittee from pumping subsurface water when the surface water is dry."

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The flow requirement condition described in the DEIR was not imposed in this prior matter. This permit was appealed and upheld, and the discussion of the rationale for not including a flow requirement seems relevant to this permit application. In fact it is this condition and discussion, in conjunction with a prior SWRCB suggestion that the Wolters constructed an off-channel seasonal water storage facility, which prompted this project's proposed multi-use irrigation reservoir to provide short-term water availability when such interruptions in regular pumping may be required.

14-36
 cont.

Further, because the project site has been both farmed and fallowed over the previous several years, it has been conclusively demonstrated that the Carmel River channel in the vicinity of the project site dries entirely annually whether or not the site pumps water in any amount, thus empirically demonstrating the lack of impact of the site's water use on aquatic resources. Finally, concerns regarding flow requirements have been previously addressed. Moreover, the Applicant is relying upon riparian rights to the Carmel Valley aquifer, the Table 13 allocation of 96 AFA, although the subject of an application for appropriative rights before the SWRCB, is not necessary for the operation of Applicant's facility. (Please see Comment 4-9-5).

Comment 4-4-3 (Substantive): At page 4.4-26, in the discussion regarding the proposed *Mitigation Measure BIO-3*, it should be noted that the timing of this condition should technically be "before the creation of designated animal concentration areas." As there are current animals on-site, albeit small in numbers, for which Applicant is currently managing the collection and disposal of waste. A manure management plan is unnecessary at this time. However when the facility is opened and use areas become more formalized, there will be relatively permanent designated animal concentration areas established, and the submittal and approval of a manure management plan prior to that time appears appropriate.

14-37

Comment 4-4-4 (Clerical): At page 4.4-26, the reference on line 2 to a "maximum of 30 dogs allowed at any one time" should refer to the proposal, which is for a total of no more than 30 dogs per day during the initial monitoring period. In addition, there is a reference to *Impact BIO-5* in line 31, and that should be *Impact BIO-6*.

14-38

Comment 4-4-5 (Clerical): At page 4.4-27, line 22 refers to "bear" ground. This should probably read "bare."

14-39

Comment 4-4-6 (Substantive): At page 4.4-27, on lines 21-28, the document incompletely characterizes the Brand (2008) study, its conclusions and its relevance to the project proposal. The proposed project's constrained uses are not directly comparable to the uses evaluated in this study, though some reasonable conclusions can be made from the information provided. The Brand study was conducted in Colorado in an uncontrolled public park settings accessed by hundreds of dogs daily. Additionally the study only considers on leash vs off leash uses as a binary option and does not provide the numbers of dogs present in either case. Referenced literature however does include another study

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evaluating habitat impacts in a different public park. This study compares the impacts of >620 dogs using the trail on one side of a river with 14 not using the trail on the other side, concluding that dogs tend to use trails if provided. Further, both studies' conclusions support the continuance of off-lead dog use as a significant public amenity while proposing to introduce some structural provisions regarding erosion control at particularly popular river access points that showed wear and tear. It is worth noting that unlike the situations covered in these studies, CCSC is located within private property and proposes very controlled and managed access for a strictly limited numbers of dogs (<30 per day outside the fence, <8 at a time at the river vs hundreds.) No studies have been found specifically evaluating potential impacts of these very low use levels, though it seems reasonable to conclude that they are likely to be much less than the impacts of the larger numbers that were studied. A list of some further studies generally on the topic is provided as **Attachment 5** to this letter to further illustrate the current best thinking on the topic, which generally supports continuation of such uses.

14-40
 cont.

Comment 4-4-7 (Substantive): At page 4.4-27, lines 35-37 (*Mitigation Measure BIO-4a*) there is no data provided to refute the effectiveness of the Project's proposed management approach, including proposed numbers of dogs using the areas, a requirement for keeping dogs on leash or under immediate voice control outside the food safety fence, and adaptive management approach in cooperation with MPWMD and its ongoing monitoring of the restoration project area in mitigating potential impacts to the protected riparian area. Restrictions proposed in mitigations on the use of the ruderal area, outside the food safety fence where the picnic tables are proposed to be located are not justified and appear entirely arbitrary, or a lack of understanding the current restoration project in effect for this area at the present time. In particular no evidence or rationale is provided to support alternative numbers or management proposed by the DEIR consultant as more effective than those proposed by the applicant.

14-41

Comment 4-4-8 (Substantive): At Page 4.4-28 in the continued discussion of *Mitigation Measure BIO-4a and 4b*, in addition to the comments by Ms. Nedeff submitted herewith, please note that the timing of any mitigation measure should not be prior to the issuance of a use permit, but prior to the provision of access to the riparian area for CCSC members. It should be noted that Applicant's proposed project contains a number of amenities to be offered to its membership, including a reservation system for access to the ruderal and riparian areas, clubhouse, bathrooms, use of the irrigation reservoir, etc. Applicant asserts that upon the issuance of a Use Permit, it can begin providing basic services to the membership (e.g. agility training, dog walking, etc.) without these amenities necessarily being offered. Therefore the timing of conditions should be modified to reflect that reality and should require mitigation measures to address impacts be in place prior to that portion of the use that would potentially allow the impacts to actually occur.

14-42

Comment 4-4-9 (Substantive): At page 4.4-31, line 18 again references speculative SWRCB staff proposed impositions as if they are a) adopted and b) the only possible way

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the SWRCB (the agency with subject matter jurisdiction) could go about protecting river flows and aquatic resources cumulatively. This is demonstrably inaccurate and the reference to flow dependent pumping restrictions per se should be removed and any dependent analysis addressed. Please see Comment 4-4-2 above.

14-43
cont.

Section 4.5: Cultural Resources

Comment 4-5-1 (Clerical and Possibly Substantive): At page 4.5-9, line 33 again creates confusion and ambiguity in referencing 6,253 cubic yards of grading remaining to complete the project. (Please see Comment 2-10 above). The total grading remaining is approximately 90 cubic yards. This should be corrected consistently throughout the document.

14-44

Section 4.7: Hazards and Hazardous Materials

Comment 4-7-1 (Clerical): At page 4.7-1, the document includes a discussion of hazards in the project vicinity which should also include the hazards imposed on the subject property by the ongoing introduction of golf balls at high velocity to well within the property boundaries from the golf course fairways neighboring the site to the south and west. Further, observation of regular bulk fuel and chemical deliveries to the Quail maintenance yard adjacent to the project site to the south via the paved pathway adjacent to the boundary fence line suggest the possible presence and storage of bulk fuel and other potentially hazardous materials needed for golf course equipment, maintenance and repair in that location.

14-45

Comment 4-7-2 (Clerical): At page 4.7-11, in the discussion of *Impact HAZ-1*, please note that while as stated the proposed project would certainly increase the number of people present over the baseline condition (a fallowed farm field) thus potentially offering more ignition sources, it would also provide beneficial vegetation management such as irrigated cropped turf and irrigated/harvested hay that would reduce the potential fuel load of a weed filled field.

14-46

Section 4.8: Hydrology and Water Quality

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Comment 4-8-1 (Clerical): At page 4.8-18, lines 11-15 state that 9.3 acres of soil will be exposed and 6,253 cubic yards of grading remain to complete proposed project improvements. The amounts of soil exposure and grading required to implement the project are approximately 0.3 acres and 90 cubic yards as discussed in prior Comments. This correction should be implemented consistently throughout the document and associated analyses corrected to reflect the correct number.

14-47

Comment 4-8-2 (Clerical): At page 4.8-19, lines 7-19 reflect analysis and requirements based on the incorrect grading amounts reflected above. This analysis should be reviewed based on the correct grading amounts. In addition, it should be noted that the previous grading discussed herein was performed with the County's consent, who regarded such work as ongoing and ordinary agriculture related grading, which is exempt from the requirements of a SWPPP permit.

14-48

Comment 4-8-3 (Substantive): At page 4.8-22, lines 5-7 (discussing *Impact HYD-3*) reflect in incomplete understanding of both the current status of water use on these properties and the SWRCB requirements with regards to Table 13 reservations. There is an existing right for this property to irrigate, and water is being used presently. This right is riparian in addition to the appropriative right permit being addressed with the SWRCB through the Table 13 reservation process. Please see Page 4.8-10 of the EIR, and the Water District's conclusions in the letter dated February 21, 2014 (attached as Appendix F to the Draft EIR):

The Project site currently has a riparian right. The property's riparian right is based on historic water use on the property and the property's location adjacent to the Carmel River and overlying the CVAA; this right has been confirmed by MPWMD's legal counsel (see Appendix F). . . . After reviewing the permit application submitted by the property owner of the Project site, MPWMA's legal counsel determined that the property has a riparian right to water from the subterranean stream below the Carmel River (Appendix F)."

14-49

For purposes of clarity, Applicant does not assert that they have riparian rights to the river itself, but rather the rights are based upon the lands overlying the Carmel Valley Aquifer.

The sole proposed change in use that triggers the need for a MPWMD water distribution permit is the request to use approximately 2AFY of water from the current irrigation allocation for potable uses. In addition, it should be noted that the proposed irrigation reservoir does not constitute 'seasonal water storage' as it will only store water for less than 30 days at a time. The water stored in the pond will be continually used for irrigation purposes: it will hold sufficient water for approximately three weeks of irrigation needs.

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Please see **Attachment 6** which contains the original water demand calculations by Lee & Pearce. Also attached is the topo map prepared by Landset Engineers and previously submitted to the County. Based on the topographical map, the calculated volume of the irrigation reservoir is 3.876 acre feet of water. This is assuming that it is filled to the edge, which is not possible because the liner of the reservoir does not extend the top edge. Instead, it only lines the reservoir sufficient to maintain a capacity of 70%, or 2.71 acre feet of water.

14-49
 cont.

In the Lee & Pearce Report (Page 1), it is calculated that the total water demand from the irrigation reservoir on an annual basis will be 34.85 AFY. The engineer reported on page 3 in the first paragraph that the estimated evaporation of this reservoir to be a total of 2.44 AFY. This would then provide us with a total of 37.29 acre feet per year, and a monthly use of water from the irrigation reservoir of 3.11 Acre Feet of water.

As the reservoir holds 2.71 acre feet of water, and the Applicant's water usage is an average of 3.11 acre feet of water monthly, it follows that the reservoir will be emptied on a monthly basis in order to provide the water to the areas noted in the report.

Comment 4-8-4 (Substantive): There is no discussion or analysis of return flows to the river. These are customary in hydrology studies for parcels that have riparian rights. Return flows are one of the principal reasons why Riparian Right holders have superior rights to appropriators. Since a significant amount of the water used onsite for irrigation will flow back into the river, or recharge the aquifer lying immediately beneath the subject parcels, there should be some discussion of the benefits of a return flow, and possibly some measurement for purposes of determining actual water usage net of return flow to the river.

14-50

Comment 4-9-5 (Substantive): Applicant believes that the discussion regarding water usage is important, but for purposes of proposed water usage, Applicant asserts that with a slight change in the irrigation/agricultural use, it can demonstrate that water demand is less than the water usage measured by the 10 year average excluding fallow years. For purposes of determining a baseline water usage for analyzing impacts, Applicant suggests that the baseline be fixed as the 10 year average excluding fallow years, 62.91 afa. It must be noted that Applicant is contractually bound to the landowner to take no active measures that could impact their current application before the SWRCB for appropriative rights. Consequently, this baseline should only be employed for purposes of analyzing the impacts of the proposed project, and not be utilized in the discussions regarding the landowners' pending permit under Table 13.

14-51

Section 4.9: Land Use and Planning

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Comment 4-9-1 (Clerical): At page 4.9-3, lines 9-40, the description of the project site suffers from the same inaccuracies explained in the previous sections. All project descriptions should be corrected to accurately reflect surrounding uses and ownerships consistently throughout the document.

14-52

Comment 4-9-2 (Clerical): At page 4.9-3, we note for the record that the illustration, a view from within the project site looking over Valley Greens Drive toward Quail Lodge seems very oddly chosen with regard to the caption.

14-53

Comment 4-9-3 (Clerical): At page 4.9-9, at lines 17-18, reference is made to the necessity of consideration for recommendation by the Planning Commission to the Board of Supervisors for certification of the EIR. The process in Monterey County is that the Planning Commission, in cases of discretionary permits, may certify an EIR. Only upon the filing of an appeal by an interested party, will the matter proceed to the Board of Supervisors.

14-54

Comment 4-9-4 (Substantive): At page 4.9-10, at lines 33-38, as previously discussed in Comment 4-1-13, *Mitigation Measure NOI-3* needs to be re-evaluated since the Project must comply with HCD requirements with regards to safety lighting for overnight stays.

14-55

Comment 4-9-5 (Substantive): At page 4.9-11, at lines 15-16, (discussion of *Impact LU-1*) Applicant disagrees with the conclusion that special events would add a contrasting source of noise and night time lighting to the surrounding area. Noting that a vast majority of the site is bordered by non-residential uses many of which routinely host visitors and include special events lasting until at least 10:00 PM, the Applicant contends that in fact special events and the impacts thereof characterize the surrounding land use now.

14-56

Section 4-10: Noise

Comment 4-10-1 (Substantive): At page 4.10-3, lines 1-13 fail to include the impacts of noise generated by activities at the Quail maintenance yard adjacent to the project site to the SW, between the project site and the residences located on Poplar Lane. Activities in this yard include regular chipping and chain-sawing of very large woody debris, sound associated with the maintenance and operation of large construction & golf course maintenance equipment, and other more sound-intensive uses than would be generally included under the description of 'maintenance activities'. In addition, observations tell us that golf course maintenance activities typically occur very early in the morning, most likely to avoid interfering with golfers' uses. Thus the descriptions of the noise environment currently experienced in the project vicinity are significantly understated.

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Comment 4-10-2 (Clerical): At page 4.10-3, Figure 4.10-1 suffers from the same inaccurate labeling as prior figures. For example, please see Comment 2-1. Corrections should be made consistently throughout the document.

14-58

Comment 4-10-3 (Clerical): At page 4.10-5, line 4: I believe there is a typo, "Caramel" should read "Carmel."

14-59

Comment 4-10-4 (Clerical): At page 4.10-5, line 6: There is an incorrect reference to "Quail Lodge residential units". These are not residential units, but rather hotel rooms.

14-60

Comment 4-10-5 (Substantive): At page 4.10-14, *Mitigation Measure NOI-3* requires significant clarification and revision. Lines 13-14 need to be reviewed for consistency with HCD requirements for safety lighting, as mentioned above. In addition, lines 19-24 are overly open-ended, arbitrarily restrictive and lack a clear specified administrative process including an appeal process (applicant suggests that the Director be authorized to review the reports). This renders them unpredictably costly, and ultimately ineffective. Lines 27-29 propose that the required event management plan be approved prior to issuing the use permit. Applicant suggests that a more appropriate schedule would be prior to the initiation of any special events, as 93.4% of the time the proposed project would not host any special events and the impacts identified in NOI-3 giving rise to the mitigation measure occur during special events.

14-61

Section 4.11: Recreation.

Comment 4-11-1 (Clerical): At page 4.11-2, Table 4.11-1 should be corrected to reflect that Jacks Peak Park & Mission Trail Park allow dogs on leash only, while Garrapata State Reserve does not allow dogs at all.

14-62

Comment 4-11-2 (Clerical): At page 4.11-4, Figure 4.11-1 is labeled "Local Public Recreational Resources". It includes mapping of semi-private and private facilities such as Quail Lodge Golf Club, Rancho Canada Golf Club & Carmel Valley Ranch.

14-63

Comment 4-11-3 (Clerical and Possibly Substantive): At page 4.11-7, lines 13-15 read, "*Increased visitation and recreation within the Carmel River riparian corridor could degrade the recreational value of the waterway, as well as its biological resource value...*" We suggest that increased visitation and recreation under controlled circumstances could also enhance the recreational value of the waterway. Further, we hold that overly restrictive policies regarding access to and enjoyment of this resource significantly degrade the recreational value of this resource and further that they tend to erode public support for conservation in general.

14-64

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Comment 4-11-4 (Clerical): At page 4-11-7, line 10 should be corrected to insert the word “be” between “would” & “temporary” and remove the words “10 year”.

14-65

Comment 4-11-5 (Substantive): *Impact REC-1*. Please see Comments 4-4-6, 4-4-7 and 4-4-8 pertaining to *Mitigation Measures BIO-5(a), (b) and (c)*.

14-66

Section 4.12: Traffic and Transportation.

Comment 4-12-1 (Clerical): At page 4.12-1, there is reference that the traffic study was made in consultation with City Staff. Please correct the reference to County Staff.

14-67

Comment 4-12-1a (Substantive): At page 4.12-1, lines 13-21 describe the timing and location of data gathering activities. Applicant notes that field activities were conducted during a period when traffic on Carmel Valley Road was affected by construction related traffic associated with the transient San Clemente Dam removal project, scheduled for completion by the end of 2015. How are trips associated with this project accounted for in the overall traffic analysis including cumulative analysis? Attached (labeled **Attachment 7**) is a log of the visits to the site at the time of the actual traffic study (June 15-21, 2015). These should be considered to be baseline trips and they should not be added to the total for any cumulative analysis as they will be covered as project trips upon the operation of CCSC. In other words; they should not be counted twice.

14-68

Comment 4-12-2 (Clerical): At page 4.12-3, lines 11-12, reference is made that the intersection of Carmel Valley Road & Highway 1 is officially recognized as “beyond safe capacity”, but offer no commentary on proposed policy responses to this condition nor any information about how this condition or such policy responses inform consideration of the proposed project.

14-69

Comment 4-12-3 (Clerical): At p 4.12-3, at lines 13-15, there is reference to the designed speeds of about 25 miles per hour, but it should be noted that the posted speed on the Laureles Grade is up to 50 mph. It is unclear what evidence is provided pertaining to the statement that the design speed is 25 miles per hour. In addition, there is reference to the steep grades and the impact that has on slow-moving trucks, but there is again no evidence supporting such statements, particularly that truck traffic causes lengthy delays on Laureles Grade. As regular users of this roadway, the Applicants attest that they have not experienced such delays in any but exceptional circumstances.

14-70

Comment 4-12-4 (Clerical): At page 4.12-3, lines 30, there is reference that the posted speed limit on the majority of Valley Greens Drive & Rancho San Carlos Drive is 25 miles per hour. This is inaccurate. The posted speed limit is generally 35 miles per hour.

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However, it should be noted for purposes of creating a clear record that specific areas on each road contain lower limits & other restrictions (e.g. the pedestrian/cart crossing at the Quail Clubhouse and the Carmel River Bridge on Rancho San Carlos Road).

14-71
 cont.

Comment 4-12-5 (Clerical): At page 4.12-3, line 36 to page 4.12.4, line 1 there is reference that Rancho San Carlos Road is a private road owned by the Santa Lucia Preserve, but it should be noted that it is maintained by the Santa Lucia Community Services District and the costs of the maintaining the road are shared per agreement between the Preserve, Carmel Valley Athletic Club, Quail Meadows and the Quail Lodge.

14-72

Comment 4-12-6 (Clerical and Substantive): At page 4.12-4, lines 19-20 suggest that the general public has existing access to MPWMD trails in the riparian corridor. Access to these trails on the Wolter property is limited to the MPWMD and requires prior notification to the landowner. General public access requires trespass. Legal public access to this area is currently only available within the river channel.

14-73

Comment 4-12-7 (Substantive): At pages 4.12-9 to10, Section 4.12.2.7 provides a cursory description of local event traffic that fails to adequately convey the accepted ongoing regular impacts of these activities. Besides information easily available online, and not addressing the ongoing conduct of numerous events of similar size to those proposed held as part of the normal operations of Quail Lodge, the Quail Clubhouse and the Baja Cantina, the applicant has previously provided substantial information for the record concerning the impacts of some of the very large events that have occurred the immediate area. This information is attached again for reference as **Attachment 1** to this document. This information is not reflected in the EIR analysis. The Applicant remains unclear as to why the traffic impacts of the carefully defined proposed project, limited as they are to a maximum of 250 people total on site - less than 10% of the publicly stated size and scope (no regulatory documents exist so firm figures are not available) of these observed events - over far fewer days and with all associated vehicles to be accommodated within private property, should require mitigation not required for much larger events with their demonstrated greater impacts to the exact same surrounding roadways.

14-74

Comment 4-12-8 (Substantive): On page 4.12-10, at lines 14-15, states that the listed events "...may create additional trips along segments of Highway 1 that are identified as functioning at LOS F per the 2010 General Plan..." What are the policy consequences of this determination? Applicant reiterates its concern that absent analysis of the impacts of special events currently held in the immediate Project vicinity the EIR may not provide the decision makers with complete information for purposes of identifying impacts and proposing mitigation measures specific to this project. Again, the Applicants reiterate that this project cannot be held to a unique standard not required to mitigate impacts of other special events held throughout Carmel Valley and elsewhere served by deficient segments of Highway One.

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Comment 4-12-9 (Substantive): On page 4.12-14, at lines 15-21 and Table 4.12-6, along with associated notes do not fully reflect the project as proposed and are therefore potentially misleading. Special event arrivals and departures are typically spread over the course of the day as individuals' events occur, and will be scheduled to minimize impacts. Attendees of the events with RVs, upon registration, will be assigned a specific arrival time and departure time to coincide with the events in which they will participate. Said arrival and departure times will be structured so as to spread out the arrivals and departures over several hours. Further, the proposed project does not contain a "single tenant office" or any approximation thereof, but is instead a canine focused country club combined with a farm with a total of 700 sq ft of administrative space proposed. Staffing proposed is specifically described in the project description and includes a total of up to 8 FTEs in any one day for both uses arriving and departing over a period from 6:30 a.m. to 9:00 p.m. At least one FTE resides on the project site in supplied employee housing. Trip estimates assuming 15 employees arriving and departing at peak hours is more than double the employee trips proposed and therefore do not supply an accurate basis for analysis. These assumptions should be corrected and the analysis reviewed.

14-76

Further, we note that the "daily use by member" trip estimate supplied based on the CVAC operations is inclusive of classes, which are primarily provided as a service to members though non-members may be admitted to some classes if space allows. Classes in fact are therefore not generally in addition to the daily trip estimate but part of it, so trip estimates based on classes generating entirely additional trips are very conservative indeed. The trip generation table assumes that classes will be held essentially continually and no class participants will be included within the 100 members that are estimated to use the facility on a daily basis. Additionally classes are said to require two instructors, which has never been proposed and is not required for classes of 10 persons, so that estimate is excessive and inaccurate as well. Further, memberships can be assumed to reflect the make-up of those who have already reserved a space on the waiting list for membership thus far. Approximately 48% of these live within 5 miles of the project site and approximately 20% will not require access to Carmel Valley Road in order to reach the site. Trip generation analysis should make reference to these mitigating factors, which continue to suggest the average daily trip total provided in this analysis is conservative by approximately 100%.

Comment 4-12-10 (Substantive): At page 4.12-15, lines 2-5, Applicant asserts utilizing a traditional single tenant office building with 15 employees for purposes of trip generation is flawed. It should be noted that proposed operating hours from 0700-2030 were designed to provide members with the ability to access the site during non-peak AM and PM hours, and employees would need to be present throughout the operating hours as well as before and after opening. Therefore, the longer hours and staggered staff shifts should positively impact the peak AM and PM analysis significantly, again rendering the current analysis extremely conservative.

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Comment 4-12-11 (Substantive): At page 4.12-15, there is continued reliance on flawed trip generation assumptions, while we find the formula used for timing of trips related to special events obscure and not consistent with our experience of canine events as described above. Applicant strongly disagrees with the conservative assumption present in lines 29-31. In fact, due to the nature of the special events, many cars and most RVs generally carry two or more passengers, as do vendor vehicles - again rendering the analysis provided conservative by a factor approaching 100%.

14-78

Comment 4-12-12 (Substantive): At page 14.12-16, Table 4.17-7 contains a reference to trip generation estimates for RVs attending Special Events, and double-counts the daily trips created by the RVs during the event days. Other than the arrival at the beginning of the Event, and the Departure at the end of the Event, there will be no "in and out" privileges afforded the RV owners. If they have brought an accessory vehicle with them to the project site, these are included in the trip generation created by the total of 250 vehicles. Therefore, these are being double-counted as estimated trips.

14-79

Comment 4-12-13 (Clerical): At page 4.12-18, again, there is reference made to an incorrect area & volume of grading required to complete the project. Grading remaining to complete the project is approximately 90 cubic yards. This correction should be made consistently throughout the document and associated analysis and requirements reviewed accordingly.

14-80

Comment 4-12-14 (Substantive): At page 4.12-19, lines 15 to 21 utilize flawed trip generation numbers as discussed above. Furthermore, it is suggested that the project, with a goal of 500 memberships at build out, will generate approximately 496 total traffic trips per day due to daily operations. While understanding that traffic analysis is a specialized and complicated discipline, this overall result appears nearly double the likely actual trip generation, for the reasons outlined in earlier comments.

14-81

Comment 4-12-15 (Substantive): At page 4.12-23, the discussion of *Mitigation Measure TRANS-3a* is not clear to the applicant. First, why are mitigation measures required for the proposed Project for activities that are less in scope and impact than those routinely allowed to occur in the same locations without mitigation? Second, what is actually required that the applicant do by lines 29-32? Are permanent signs envisioned or the provision of temporary signs for use during events, as is the practice of neighboring event holders now? If the latter, what 'pro rata funds' would be appropriate? Why not simply require portable temporary signage for use associated with events and specified as part of applicable Event Management Plans? Third, Applicant suggests that the timing of completing mitigation measures related to special events be prior to the commencement of special events rather than at the time of the approval of the use permit for the project.

14-82

Comment 4-12-16 (Substantive): At page 4.12-23, in the discussion of *Mitigation Measure TRANS-3c*, at lines 6-18, it is provided that these measures be in place 'prior to the issuance of a building permit'. Applicant suggested that the timing of completing

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mitigation measures related to special events be prior to the commencement of actual special events, and not prior to the issuance of a grading and/or building permits. There is no rational nexus between the imposition of the condition prior to the issuance of permits, because the impacts identified do not exist until such time as special events occur.

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Comment 4-12-17 (Clerical): At page 4.12-28, lines 9-11 could be interpreted as limiting the use of RVs as personal vehicles to access the project site during daily operations. RVs are legal personal vehicles. The Project does not propose to limit the personal use of legally operated vehicles with the exception of RVs present onsite for overnight camping. It should be noted that RVs are currently utilized by private individuals throughout the Quail Lodge area, and can be seen in the vicinity on a daily basis now.

14-84

Comment 4-12-18 (Substantive): At page 4.12-28, in the discussion regarding *Mitigation Measure TRANS-7*, the mitigation measure as written is confusing and does not appear to address the impacts identified. First, the precise actions required of the applicant in order to comply with this mitigation measure are not clear. Further, it seems significantly inappropriate to require funds deposited to execute a discretionary action on the part of the Board of Supervisors prior to that action being approved, particularly given that alternatives are not identified in the event that the proposed action is not approved. Thirdly, this measure is being proposed to mitigate the impacts of special events and should be timed prior to initiation of special events vs prior to 'issuance of building and grading permits'. There is no rational nexus between the imposition of the condition prior to the issuance of permits, because the impacts identified do not exist until such time as special events occur. Fourth, since it is only required for mitigating special events allowed <96% of the time, there is little justification for a permanent vs event-specific mitigation, and temporary signage provided – as is typically used by other entities conducting special events using these roadways - as part of the special event management plan should be considered.

14-85

Comment 4-12-19 (Substantive): At page 4.12-29 to 4.12.35, the Cumulative Impact section of the traffic analysis remains obscure at best, and the conclusion that the proposed project would impose significant and unmitigated cumulative impacts not otherwise present without the project's approval is not supported with the evidence provided for a number of reasons. It is unclear what potential projects, if any, have been analyzed for contributions to cumulative traffic. Only currently approved projects and permitted activities (including permitted events) should be included in the analysis of new traffic over time. The impacts attributable to projects and events that require discretionary approvals not finalized prior to the consideration of this project cannot be included until such time as they may be approved. Impacts from transient projects such as the San Clemente Dam removal should be removed. Please clarify more precisely what projects, developments and activities are included in the projection of future traffic levels.

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Comment 4-12-20 (Substantive): At page 4.12-29 at lines 9-10, the document states that cumulative traffic volume forecasts were developed using the 2014 AMBAG RTDM and the 2007 CVMP traffic study (emphasis added). This study was performed as part of the process to update the CV-TIP, and its date precedes the currently effective General Plan including the Carmel Valley Master Plan (CVMP). The 2010 General Plan contains specific, stringent new limits on development in Carmel Valley not present in 2007 or the updated SEIR in 2009. The General Plan/CVMP as amended thru the settlement of litigation with the Carmel Valley Association in February 2013 contains further reductions in allowable growth in Carmel Valley. It is unclear whether these new limits are reflected in the provided analysis of cumulative traffic conditions.

14-87

Comment 4-12-21 (Substantive): If the new limits described above are reflected in the analysis, where are the potentially allowed 190 new lots located for the purposes of this analysis within the CVMP, and how is this applied to predict growth in traffic volumes on Valley Greens Drive? As an example, the Project site consists of > 48 acres and is currently divided into 8 lots (3 large enough for second units). It is zoned LDR-2.5. It contains one house now. Setting any consideration of any traffic generated by resumed full scale organic row crop farming (as was the condition in 2007 at the time of the 2007 CVMP traffic study), was traffic generated by one house, a potential 11 homes on the existing lots, or even 19 homes that could be allowed on the property if subdivided to the density allowable under the existing zoning included in the referenced cumulative traffic analysis? If residential building was evaluated, was traffic associated with agricultural operation subtracted? Given that the subject property represents the only significant un-built residential property on Valley Greens Drive this determination appears important in understanding the analysis provided.

14-88

Comment 4-12-22 (Clerical): What growth if any is analyzed in the activities associated with commercial properties served by Valley Greens Drive? What is the basis for this analysis?

14-89

Comment 4-12-23 (Substantive): *Impact TRANS-10* appears to contend that even with the adoption of the proposed mitigations rendering the impacts of event traffic less than significant, transient event traffic would still contribute to cumulatively significant increases in traffic at vicinity intersections. This conclusion appears illogical. If the identified impacts of event attendees only occur 6.6% of the time (24 days of events / 365 days per year) and are mitigated to a level of insignificance at the time of their occurrence, specifically what cumulative impacts remain to area roadways from them?

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Section 7: Alternatives

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Comment 7-1 (Substantive): Overall, the analysis of alternatives provided in the document could be improved to provide a better understanding of the situation. We believe the following comments should be considered and included in the analysis and comparisons, including all charts so that decision makers and members of the public can more clearly understand the potential impacts of their decisions about this project:

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Comment 7-2 (Substantive): The 'no event' alternative 2, identified as 'environmentally superior' is not feasible as described. It fails to achieve fundamental project objectives. It is not financially feasible due to the loss of event related revenue (approximately 20% of overall income), and it substantially impedes the intangible yet critical benefits associated with hosting prestigious events, fundraisers and social gatherings that allow non-members to experience the facility, bring recognition to the facility, and provide increased value to membership in CCSC. Events allow CCSC members to experience the benefits of exposure to national and international level judges, instructors and competitors, an essential component of training to the highest levels. Therefore this alternative is not realistic in this particular case. Further, unavoidable impacts would still exist anyway so it does not really provide an effective environmental solution.

14-92

Comment 7-3 (Substantive): In order to provide a feasible alternative incorporating the general approach outlined in Alternative 2, CCSC proposes the following be considered and analyzed instead:

Modified Special Event Alternative (refer to Fig 2.2) :

- Six Large event days annually with no more than 70 RVs onsite
- Six Medium event days annually with no more than 50 RVs on site
- Twelve Small event days annually with no more than 20 RVs on site

14-93

By reducing the maximum number of RVs allowed to stay overnight as described, negative environmental impacts associated with overnight stays will be reduced while still allowing the project to achieve its fundamental objectives. It would seem likely that analysis would therefore potentially identify this feasible option as the 'environmentally superior alternative'.

Comment 7-4 (Substantive): Section 7.5.1 entitled "Alternative Sites contains descriptions of the various sites that CCSC investigated prior to deciding to submit an application for a Use Permit at the Project Site. All these sites were deemed infeasible for various reasons. A discussion of Alternative Sites needs to consider the project objectives. This project was consistently intended to serve both the goals of the landowner and the goals of the project applicant. In light of this standard, additional discussions could clarify whether CCSC's use of each site could be designed to meet the goals of the particular

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property owner as well as the Applicant in connection with its use. In all cases except the proposed Project Site, this was not feasible.

Alternative sites were investigated, including the Carmel Valley Hillside Equestrian Site located near the project site. However, it was determined that this site is within the Santa Lucia Preserve and would therefore require a General Plan Amendment in order to accommodate the proposed Project. Also, the Carmel Valley Equestrian Site, located on the north side of Carmel Valley Road near the project site, would have required direct access off Carmel Valley Road, which would have caused significant safety issues.

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Comment 7-5 (Substantive): Applicant asserts that the discussion and analysis of the No-Project alternative is significantly incomplete. It appears that the Consultant has confused the CEQA baseline condition, a fallowed farm field, with the likely results of denying the proposed project's use permit. As stated in the document, under CEQA Guideline 15126.6(e), the decision-maker is required to consider what can be reasonably expected to occur in the foreseeable future if the project is not approved. **Applicant fundamentally disagree that it is reasonable to assume that the landowner would, or could, afford to leave this property as a single fallowed agricultural field for the next ten years and more.** This is an unsustainable and transitional situation. Rather, setting aside the possibility of any other uses that might also be permitted on each of the 8 legal lots of record under LDR zoning or the potential for subdivision to LDR-2.5 as conjectural, it can and should be reasonably expected that one of two most easily possible uses (scenarios) currently allowed without further discretionary permits are likely to occur. Under CEQA, the impacts associated with both these possibilities must therefore be identified and analyzed as part of the No-Project Alternative, compared with the baseline condition, and discussed more completely. The results of this analysis should then be reflected in all comparisons provided as project information including charts and tables.

14-95

Applicant asserts that the two reasonable *scenarios* that should be analyzed in detail: 1) the resumption of full-scale farming on the project site; and the 2) the development of homes pursuant to current zoning classification and the existence of 8 legal lots of record.

The document provides a very cursory discussion of this potential outcome. We believe a more complete analysis is warranted and should be part of all alternative comparisons, particularly as the existing discussion conflates the baseline condition with the resumption of production agriculture. The landowner may resume full-scale agricultural operations on the property at any time without further permitting. While this is a condition that has been present for many years in the past and as such does not be subject to review or limitation beyond that normally required of farmlands, physically it would have real impacts as compared to the baseline condition of a fallowed farm field. We feel that in order for the public and decision makers to have a clear picture of the choices before them, these impacts must therefore be outlined in the environmental documents.

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Below is an example of some of the necessary analysis of the resumption of full scale farming no project alternative scenario (Scenario 1):

- Aesthetics
 - The site would likely remain generally in its existing condition and would retain its current visual character as an agricultural operation, though farm related development such as fencing, changing crops, livestock, barns, wind breaks, equipment storage, work areas, greenhouses and other farm related activities could occur. Also unlike the visual condition of the baseline fallowed farm field, a return to full-scale active agricultural production may include additional lighting. Lighting is not limited in amount or timing for agricultural operations. Farm operations can and do occur at night and particularly early in the morning. Additionally, safety and security for farm workers and equipment, supplies and stock may dictate additional structures and lighting that are also allowed on farmland without further permitting as part of routine and ongoing agricultural operations. Workers will need to park their personal vehicles in the vicinity too. Thus this scenario would include some impacts to aesthetics. These impacts would probably not be considered significant impacts to aesthetic and visual resources under this alternative compared to the baseline or the proposed Project, but this is not the same as 'no impact'.
- Air Quality and Greenhouse Gas Emissions
 - Emissions during temporary construction and Project operation would not be generated. Significantly increased agricultural cultivation and grading would occur however, with any air quality impacts associated with the generation of fugitive dust from disturbed soils and diesel particulates associated with heavy farm equipment. These emissions would be likely be deemed nominal and negligible but would certainly be greater than those generated by the baseline condition of a fallowed farm field. Additionally, the carbon sequestration benefits of continued vegetative cultivation & cover would be experienced within the framework of agricultural activities.
- Biological Resources
 - Existing allowed use of the site would continue. There would be no increased potential for disturbance of sensitive or endangered species because no construction or operational activities would occur except those associated with agricultural operations. There would be a more intensive use of the property for agriculture over the baseline condition of a fallowed farm field, which does include potential for increased erosion in the vicinity of the river

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as ground is disturbed for cultivation, as well as the potential use of chemical fertilizers and pesticides should the operation choose to use conventional vs organic farming methods: however overall this scenario is unlikely to result in significant new impacts to biological resources since it has been done historically.

- However, the use of the area outside the existing food safety fence is currently not limited, nor for that matter is the ongoing existence of the fence itself either in its present location or at all. It seems appropriate to note that the fence itself was installed relatively recently as direct response to food safety concerns around leafy green vegetables. Agricultural operations have historically made extensive use of areas currently outside the existing fence for a variety of agriculturally related activities including farm related structures and operations including for example growing crops, siting the pig barn, storing equipment and green waste composting. Additionally, if the use permit is not approved with additional limitations, the landowner retains the unlimited right to use the riparian area trails they allowed to be installed by the MPWMD on their property for the (voluntary) erosion control/restoration project as well as to enjoy the river in whatever manner they choose, including the entertainment of guests with or without dogs. The proposed project and mitigations would more specifically define the uses of this area and offer additional scientific, educational, and recreational benefits during the life of the project while keeping the existing requirement that MPWMD personnel notify the landowner prior to entering the property unchanged. Therefore, this alternative would include the potential for increased use of this area over the baseline condition of a fallowed farm field, and further cannot be deemed insure less potential for impact to any sensitive biological resources in these areas as compared to either the baseline condition or for that matter the proposed Project. Rather, it lacks the beneficial provisions of proposed project mitigations, and may in fact provide the potential for more such impacts than the proposed Project does with its more structured approach to management and use of these areas and its further commitment to monitoring activities and environmental education.
- The keeping of livestock is allowed on agricultural land as well as in LDR zoning. Roughly up to 104 animal units could be maintained on the property under this scenario, within the most restrictive interpretation of the allowable density for such animals in the zoning code, one animal unit per 20,000 sq. ft. (The site consists of 47.8 acres or 2,082,168 sq ft, divided by 20,000 sq ft per animal = 104.1 animal units.) The Project as proposed limits the number of resident livestock animals on site to no more than 50. In

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addition it should be noted that the term "animal units" generally refers to one horse, a cow/calf pair or up to 4 smaller animals such as sheep or goats. Therefore, this scenario would allow a minimum of 54 more animal units on site than the Project proposes, this option cannot be deemed to avoid all potential impacts from livestock animals on site in comparison with the proposed Project, much less the baseline condition of a fallowed farm field.

- Hazards
 - Under this scenario, the site would retain its agricultural land use, and no construction or operational activities unrelated to agricultural operations would occur. No Project-related hazardous materials would be exposed or introduced, and no fire hazards would occur. Hazardous material use associated with agriculture, such as fertilizers or pesticides, is expected to continue. However, since the baseline condition is fallowed farmland, there would be some additional transport, use, storage, or risk of exposure to hazards of this sort as the fields are more intensively cultivated.

- Hydrology and Water Quality
 - With the resumption of full scale farming, project-related construction would occur and drainage patterns on the Project site would not be altered beyond that normally associated with routine and ongoing agricultural activities. However it should be noted that these routine and ongoing agricultural activities have in the past included grading that significantly changed the topography of the site in order to better accommodate irrigation and specific desired cropping patterns.
 - Under this scenario, water demands would potentially increase significantly compared to the baseline condition of a fallowed farm field. The production of row crops has historically required up to 96 acre feet per year (AFY) of water. In fact, Applicant has been engaged in permissible agricultural activities on-site since 2013, utilizing water for irrigation. Attached and labeled **Attachment 8** is a picture of the current (as of May 15) hay field that has been irrigated. Under this scenario, water demand would be significantly higher than that even used for the current hay crop on the property. Therefore physical impacts to an over-drafted groundwater basin from this alternative would potentially increase by as much as 96AFY as compared to the baseline condition of a fallowed farm field, which in any reasonable analysis must be considered as a significant consideration. (Since 96AFY of water use is presently allowable on this site as determined in conjunction with historical SWRCB deliberations, this level of use or any lesser amount

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must technically be deemed to create a less than significant impact.) It should be noted that the <64AFY water use as proposed under the Project would remain at least 33% below the allowable use for the life of the Project which would be a practical benefit to the basin as compared with this scenario, and this benefit would not be obtained under the No-Project alternative.

- Noise
 - With the resumption of full scale farming, construction and operation of a canine training, recreation, and event facility would not occur and would not result in construction noise on sensitive receptors. However, the baseline state of the Project site as a fallowed farm field with little active agricultural activity would change significantly with a resumption of more intensive agricultural operations. The Project area would generate considerably more noise from farm equipment and personnel and other ancillary uses related to routine and ongoing agricultural operations. Agricultural operations are exempted from most aspects of Monterey County noise ordinances, including night-time noise limitations. Agricultural noise levels are listed in the County noise guidelines as acceptable up to 70dB SNEL, identical to the levels provided for the neighboring golf course. Since the proposed Project would limit night-time uses and mitigate overall noise generation, the resumption of full scale farming still has the potential to allow more noise than either the baseline condition or the proposed project – though in all cases the noise impacts are likely to remain insignificant.
- Transportation and Circulation
 - Agricultural operations, particularly organic row crops, require the presence of significant numbers of agricultural workers who do not reside on the site, as well as agricultural equipment, supplies and transport vehicles not present under the baseline condition, a fallowed farm field. Should full agricultural production resume, these vehicles would add significant traffic to local and regional roadways over the baseline of traffic conditions as measured for a fallowed farm field. Since it is the County's stated policy that any possibility of added trips on the segments of Highway One identified as LOSF in the 2010 General Plan EIR are by definition significant impacts, the resumption of full scale farming scenario, would in actuality create a significant and unavoidable impact to traffic over the baseline condition, though no permits would be needed or CEQA analysis required. Thus this alternative cannot realistically be considered as a way to avoid this physical impact. Real impacts to Carmel Valley Road and associated intersections would also occur over the baseline condition of a fallowed farm field which

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would not be mitigated as the Projects' impacts would be, and an honest and complete analysis should make this clear.

- Utilities and Public Services
 - With the resumption of full scale farming, some new demands for police protection and emergency services would occur over the baseline condition of a fallowed farm field with the presence of additional farm workers, equipment, supplies and facilities as well as ongoing farm operations. Therefore, there would be an impact to public services and utilities over that of the baseline condition. However, that impact will remain less than significant.
- Other Resources
 - With the resumption of full scale farming, there would not likely have any impact on Mineral Resources or Population and Housing, excepting that any increase in workers over the baseline condition of a fallowed farm field would incrementally increase the already over-stretched demand for employee housing in Carmel Valley.

No-Project Alternative (Scenario 2):

Under the second scenario, the landowner may choose to develop single family residences on the existing eight large residential lots as shown in the approved map (**Attachment 9**.) Because of the location, water availability, size, level topography, large areas out of the flood plain, absence of trees or habitat considerations, easy access to public roadways and existing public services, these lots would seem likely to be attractive for estate homes similar to those present in the area. These include large equestrian estates. In addition, since the traffic impacts and other impacts of residential development on the Project Site has been analyzed under the 2010 General Plan, the development of residential real property would require only nominal environmental review. The following discussion explores some of the potential impacts of such development:

- Aesthetics:
 - Residential development would completely alter the current open space appearance of this property over the baseline condition of a fallowed farm field, significantly impacting the rural character of the area. Homes, fences, privacy hedges, roads, driveways, garages, barns & other outbuildings, gardens and other normal components of residential development would replace the farm fields. Residential development also includes and indeed often requires nighttime lighting not currently present. Such impacts would not preclude residential development since the construction of single -family

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residences on existing lots of record is technically an activity exempt from CEQA, so these potential impacts should certainly be considered when comparing the No-Project alternative to the baseline condition as well as the proposed Project.

- Agricultural Resources
 - With the development of residential property on-site, the Project site would not remain agricultural land. The permanent loss of prime farmland would be a significant impact to agricultural resources. This should be pointed out in particular to Policy_1.1 of the Carmel Valley Master Plan which seeks to maintain the rural character of the Carmel Valley.
- Air Quality and Greenhouse Gas Emissions 10
 - With the development of residential property on-site, emissions during construction would be generated. Emissions from residents' vehicles including equipment needed to maintain large estate homes would be added. These emissions are generally expected to be nominal and negligible, but would likely be greater than those of the baseline condition of a fallowed farm field.
- Biological Resources
 - Under this scenario, the existing food safety fence would be removed to reflect the existing residential lot configurations increasing access to the lower portions of the site over the baseline conditions. This could allow increased potential for disturbance of sensitive or endangered species since construction, landscaping and ongoing residential activities including the presence of pets and livestock would then be likely to occur in areas closer to the riparian corridor. (For example, we note many existing local properties use areas edging the riparian corridors for horse arenas and pastures.) Also, under LDR zoning up to four dogs may be kept per dwelling unit, which could easily result in 16 or more dogs freely roaming the properties that include the riparian corridor within their lot boundaries, and not subject to any resource protection mitigation. Therefore, under the development of the property for residential purposes, there would be a potential for increased initial and ongoing impacts to biological resources. (Note: the map of existing riparian areas included in this report as Fig 4.4-1 depicts the current extent of riparian and associated habitat areas in golf course and residential parcels near the site. It is notable that these areas appear significantly narrower than does the corridor within the site itself, supporting the supposition that this is a reasonably predictable consequence of such development.)

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- Cultural Resources
 - Although no cultural resources are known to be present within the Project site, under the development of residential properties, there would be potential for disturbance or damage to any potential unknown sites or human remains from construction of site improvements such as foundations that would extend beyond the depth associated with ongoing cultivation. Therefore, there is an added potential for impacts to cultural resources with this scenario as compared with the baseline condition or the proposed Project, though such activities are generally monitored for cultural impacts during construction.
- Geology and Soils
 - Under this scenario, Project construction work, structures, and activities would occur on the site. It is possible that the activity associated with residential construction could expose people or structures to adverse impacts resulting from geologic or seismic hazards. Therefore, it cannot be stated that no direct geology and soils impacts would occur under this scenario compared with the baseline condition of a fallowed farm field, though - similar to the Project - the impact associated with geologic hazards and seismicity would most likely remain less than significant.
- Hazards
 - Under the residential build-out scenario, construction and operational activities would occur. While no Project-related hazardous materials would be exposed or introduced outside of those normally associated with residential development, fire hazards would occur as they do in any residential development both during construction and when occupied. Hazardous material use associated with residential uses, such as household chemicals, petroleum products, small engines and fuel, fertilizers or pesticides, would be likely to occur and there would be minimal additional transport, use, storage, or risk of exposure to hazards. However, since most homes, barns and garages do not burn down nor vehicles explode, this impact would likely remain less than significant though greater than that presented by the baseline condition of a fallowed farm field. It is however worth noting that hazards presented by the proximity of the golf course, particularly the intermittent delivery of golf balls at high velocity, would be of concern for any residential development on the subject property.
- Hydrology and Water Quality
 - Under this scenario, drainage patterns on the Project site would be significantly altered by the construction of homes, outbuildings, access roads and driveways and associated infrastructure, and the overall increase in

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impermeable surfaces. Building requirements can be expected to maintain these impacts as less than significant with mitigation, but they would be much greater than the baseline condition of a fallowed farm field or the proposed Project.

- Under this alternative, water demands would increase over the baseline condition of a fallowed farm field. Water use for estate homes even with equestrian facilities seems likely to remain less than purely agricultural use, and regulations in place would enforce this. However, all these parcels appear to have riparian water rights to the Carmel River as well as some level of appropriative rights. There will be water used for such homes and ancillary facilities, particularly if they become equestrian estates, and this water use is less elastic than is agricultural use. Overall, actual impacts to the groundwater basin from this alternative would potentially be less than the proposed Project or resumption of full-scale agriculture though more than the baseline condition of a fallowed farm field.
- Since the sewer line does not extend across the Carmel River to serve these parcels, onsite wastewater disposal or treatment facilities would be required. This would increase wastewater associated impacts beyond the baseline of a fallowed farm field, though similar to the Project it seems likely such impacts would remain less than significant given existing regulations.
- Land use & Planning
 - The build-out of residential properties scenario would be consistent with the zoning and general plan land use designations for the Project site, and it appears would not be inconsistent with any plans or policies. However, land use impacts would occur under this alternative in stated areas of land use planning concern, such as preservation of rural character, farmland and open space. The significance of such impacts are difficult to quantify, as the construction of single family residences on existing lots of record is an activity exempt from CEQA.
 - Allowable lot coverage in this area is up to 25%. Full residential build-out of the lots associated with this project could therefore allow roughly 11.96 acres of lot coverage, or approximately 520,978 square feet not including shared infrastructure such as roadways or water systems. For comparison, the proposed Project consists of approximately 54,873 sq ft of impermeable surface coverage including the 1.2 acre lined irrigation reservoir and approximately 11,313 square feet of built structures and required paving, or approximately 10% of the total allowed for residential build-out. Thus it is clear that potential land use impacts from this alternative far surpass those at the baseline condition of a fallowed farm field as well as anything proposed as part of the proposed Project being considered.

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- Noise
 - Under the build-out of residential properties scenario, construction and operation of up to 10 new residences and associated infrastructure would result in construction noise on sensitive receptors. Once completed, the Project area would produce noise associated with residential uses which are generally less than those for agricultural use and less than allowed for the surrounding uses but more than the baseline condition of a fallowed farm field. Night-time noise potential would be regulated under the County noise ordinances for residential areas, which is more restrictive than the baseline condition.

- Recreation
 - Under this scenario, construction and operation of a canine training, recreation, and event facility would not occur. Beneficial effects of providing a new recreational resource in the Carmel Valley would not occur. Additional residents will however create an incremental increase in demand for recreational facilities in the area.

- Transportation and Circulation
 - Under the full build-out of residential properties scenario, pursuant to policy CV-1.6(c), “Existing lots with five (5) acres or more may have the first single family dwelling plus one accessory dwelling unit...” APN #169-431-007 (10.19 acres), 169-431-008 (12.13 acres) & 169-431-011 (7.9 acres) would be allowed accessory dwelling units. Given one existing residence on lot 169-431-011, current conditions would allow the development of up to 10 new dwelling units on the existing eight lots as well as non-habitable structures such as barns, garages etc. within the 25% lot coverage allowance.

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 cont.

APN #	Acreage
169-431-001	3.74
169-431-002	2.69
169-431-003	3.15
169-431-006	4.69
169-431-007	10.19
169-431-008	12.13
169-431-011	7.98
169-431-012	3.28
TOTAL ACREAGE	47.85

- Each dwelling unit is usually assumed to create 10 additional traffic trips per day. This would mean that for purposes of calculation allowable build-out of the current lots would increase existing traffic by 100 trips per day. These impacts should have been included as part of the 2010 GPU EIR evaluation and therefore included in that document’s Statement of Overriding Considerations. However, it remains that the County’s stated policy is that a

David J.R. Mack
John Ford
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possibility of adding any trips on the segments of Highway One identified as LOSF in the 2010 General Plan EIR is by definition a significant impact, and the baseline condition of a fallowed farm field is assumed to create no trips. Practically speaking for the purposes of comparison with the Project, the full build-out of residential properties scenario would in fact create additional physical traffic trips beyond the baseline condition, though since residential build-out is not subject to CEQA analysis and these impacts will have been considered under the GPU EIR these might not technically be deemed significant.

- Estate homes in this area frequently include provisions for equestrian activities and/or the storage and enjoyment of collectable automobiles as well as personal recreational vehicles. Equestrian estates include the need to access the site with large horse transport vehicles and supply deliveries as well as passenger automobiles. Collectible motor vehicles are frequently transported using large specialty transport vehicles. These kinds of non-standard vehicles should be included in a practical consideration of ongoing added vehicle trips for this alternative, though no consideration is given for them in the usual traffic calculations.
- Construction activities for the residential build-out of these lots would far exceed that of the baseline or the proposed project in both scope and duration and have the potential to add trips to the impacted LOSF sections of Highway 1.
- Utilities and Public Services
 - Under this scenario, new demands for police protection, fire protection, landfill, wastewater treatment/disposal, and storm water drainage would occur due to the addition of new residences. Therefore, there would be incremental impacts to public services and utilities. While again practically speaking these impacts would exist, they are considered less than significant by definition since the construction of single family residences on existing lots of record is an activity exempt from CEQA.
- Conclusion and Relationship to Project Objectives
 - Due to the transitional and conservative nature of the CEQA baseline condition of a fallowed farm field, no likely outcome of the No-Project alternative would avoid all adverse environmental impacts. Both reasonably predictable scenarios for what would happen if the Project is not approved include *significant and unavoidable impacts* to traffic and circulation, practically if not technically. The No-Project alternative may also result in significant impacts to aesthetics, water and hydrology and land use/planning as compared to the baseline condition of a fallowed farm field and, in some cases, the proposed Project.

14-96
cont.

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- o Additionally, the No-Project alternative would not result in the beneficial impacts of the proposed Project, including the continued agricultural use of the site and provision of a new quasi-public recreational resource, and depending on the option could result in more allowed water use than the proposed Project. This alternative would also not achieve any of the Project objectives, such as additional revenue source from a temporary outdoor recreational use to support ongoing agriculture onsite; creation of a new local recreational resource for canine activities; provision of recreational canine-related activities for members compatible with nearby uses; and contribution to the local economy with creation of employment opportunities onsite.

14-96
 cont.

Example of a summary table comparing potential real physical impacts of no-project alternative with baseline conditions and proposed project:

	Baseline impacts	No-project Alternative impacts:		Proposed Project impacts
		Scenario 1: resumed full-scale agricultural production	Scenario 2: residential build-out of existing lots	
Aesthetics	none	slight	significant	slight
Agriculture	none	none	significant	slight
Air Quality	slight	slight	slight	slight
Biological resources	slight	slight	moderate	slight
Cultural resources	none	none	slight	none
Geology & soils	none	slight	slight	slight
Hazards	none	slight	slight	slight
Hydrology	none	significant	Slight-moderate	moderate
Land use	none	slight	slight	slight
Noise	slight	moderate	slight	moderate
Recreation	none	none	slight	positive
Traffic	none	significant	significant	significant
Public services	slight	slight	slight	slight
Beneficial Impacts	none	none	none	moderate

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Thank you for the opportunity to comment on the Draft Environmental Impact Report for this project.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Matt Ottone", written over a horizontal line.

Matthew W. Ottone
For OTTONE LEACH & RAY LLP

/mwo
cc: Clients

Attachment 1

OttoneLeach&Ray LLP

MATTHEW W. OTTONE

ANNE C. LEACH

GARY R. RAY

May 2, 2014

By Hand Delivery

Mike Novo, Director
Monterey County RMA – Department of Planning
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: PLN130352 – Carmel Canine Sports Center (Traffic Report Requirements)
Our Matter: 9037.003

Dear Mike:

Please consider this letter as a **formal complaint** pertaining to the proposed conduct of events that have the potential to significantly impact local and regional roadways without permits. It is our sincere hope that these actions will focus public attention on addressing this issue. We very much regret the need to take this step, as we believe many of these events are important parts of the fabric of our community's character and economy. However, we feel strongly that the issues involved must be treated generally, comprehensively and promptly with the concentrated help of all affected parties, not only in the setting of the Carmel Canine Sports Center application. This complaint is part of our efforts to enlist this help from the County, event hosts, and the wider community to collect the necessary information and come up with an appropriate and fair solution.

My clients have recently been told by the Planning and Public Works Departments that due to the identification of segments of Highway One as having a LOS of "F" in the 2010 General Plan EIR, even one trip generated by any project that requires a discretionary permit under Title 21 of the Code results in a "significant impact" that will require the preparation of an Environmental Impact Report. This determination appears to have been triggered by a letter from traffic engineers Hatch Mott Macdonald employed by the law firm of Anthony Lombardo and Associates on behalf of Quail Lodge to evaluate the provided project traffic impact of the proposed CCSC project. This letter is attached for reference. In addition, Dr. Tim Sanders representing the Carmel Valley Association had included this same information in his comment letters on the CCSC traffic study and had also contends there are other errors in the manner in which the County Planning Department has evaluated cumulative traffic impacts along Highway One and on Carmel Valley Road. In our review of the 2010 General Plan EIR, while it identifies these issues, it does not identify any proposed solution for the observed congestion on Highway One.

During the course of the review of our application, County staff has repeatedly requested that we review and analyze the cumulative impacts created by our project. However, one of the main requirements with which we struggle is the requirement to evaluate cumulative traffic impacts, which we are told must include the impacts of other events. Our proposed events would include a maximum of 250 people on site a maximum of 24 days per year (including setup and takedown). Since mid-2013 we have diligently attempted to determine what regular events and activities are currently permitted, scheduled and allowed in the affected area in order to be able to make the required evaluation of the impact of our

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Mike Novo, AICP
May 2, 2014
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proposal. We have filed numerous public records requests with the County for any and all permits relating to the large, regular events we know about that might describe the allowed scope, frequency and expected levels of activity on the roads both in the immediate vicinity of our proposed project and in the larger region deemed to be affected by activities here. To date we have been unable to locate any permits, descriptions, or traffic analysis of any kind relating to area special events, including but not limited to:

The Quail Motorcycle Gathering (Quail Lodge & area roadways)
The Quail, Motorsports Gathering (Quail Lodge & area roadways)
Legends of the Autobahn (Rancho Canada)
Concours de Elegance (Pebble Beach & area roadways)
Carmel Concours on the Avenue (Carmel)
Pebble Beach Food & Wine (Pebble Beach)
Rio Grill's Resolution Run (Carmel)
AT&T National Pro-Am (Pebble Beach)
Big Sur International Marathon (Big Sur/Carmel & Highway 1)
2014 Amgen Tour of California (various area roadways)

These events, most attracting thousands of people, are all much larger than anything that could possibly have been anticipated under use permits that may have been obtained for the hosts' regular operations. We assume that arguments will be made that these types of events are ancillary to the permitted uses obtained in the original use permits issued for these various locations. However it cannot be reasonably be argued that these "special events" activities of such size and scope were likely to have been considered when said original permits for the hosts' operations were granted. In any event, the special events have grown significantly over time and far surpass what could be considered normal and ancillary to the operation of the facilities that host the events. As such, these events now clearly all create additional trips along the segments of Highway One that are identified as functioning at a LOS of "F" per the 2010 General Plan EIR. It is my clients' understanding, again based on our significant efforts to locate permits to use as guidance for our own application, that most if not all these events operate now without a permit. Indeed, we had understandably believed (as would most reasonable members of the public) that since they have been conducted so openly over a number of years and acknowledged in the Planning Department's own publications as having "Special Event Permits"¹, they were in fact permitted. However when we made that point we were specifically informed by your department that this assumption is not valid.²

Therefore, using the same criteria being applied for my client's project application, *if an event has the potential to generate even one additional trip along critical segments of Highway One operating at a LOS of "F" as determined in the 2010 General Plan EIR, this represents a significant environmental impact. Traffic impacts of these events must therefore be properly studied and evaluated in an Environmental Impact Report if a statement of overriding considerations is to be made and a permit is to*

¹ See RMA 4/11 Newsletter (attached) under 'Special Event Permits'

² Please see attached correspondence between our office and the Planning Department regarding the 2013 Quail Motor event in August for reference.

Mike Novo, AICP
May 2, 2014
Page 3

be granted to conduct them. This requires among other things clearly and publically describing the events' locations, sizes, conduct, and duration as well as analyzing the impacts of any required preparation and clean-up activities. Numerous smaller events too many to list occur continually throughout the areas served by Highway 1 as well, and each of these would also seem to require similar evaluation under the stated criteria. We also understand that the County is currently working toward a new ordinance affecting the permitting of events and short-term rentals. Given that either has the potential to add a trip to the identified impacted segments of Highway One, any such ordinance would also seem to require an Environmental Impact Report analyzing traffic impacts of the proposed uses prior to its final consideration.

Specifically and immediately, the upcoming Quail Ride, Quail Motorcycle Gathering, Motorcycle Marketplace, and all the surrounding activities advertised and scheduled for May 16th & 17th 2014 at Quail Lodge and Golf Club³ including the setup and takedown of temporary event facilities in the weeks surrounding the event anticipates thousands of participants according to its advertisements, and will clearly create significant impacts to traffic on Highway 1, Carmel Valley Road, and Valley Greens Drive. This event is unpermitted and therefore cannot be allowed to go forward unless and until an appropriate use permit is obtained and such impacts are evaluated and addressed. We believe that the County Planning Department cannot, in good faith, continue to allow such clearly non-permitted events that will impact Highway One traffic to move forward without a complete Environmental Impact Report.

In conclusion, in order to analyze the cumulative impacts created by our project in addition to the existing impacts caused by the numerous special events in the area, my client must have actual data as to the impacts caused by these events. Since these events are apparently operating without permits, it's impossible for my clients to accurately evaluate the cumulative impacts. We request that the County work towards a solution on these unpermitted uses for purposes of permitting my clients to accurately analyze the cumulative impacts caused by their project. If the County is not able or willing to do so, we will be left with no option but to seek an injunctive relief in connection with any event that is scheduled to take place from this date forward in the impacted areas that fails to have an approved use permit, or whose application for a permit fails to disclose all the information necessary for the evaluation of the traffic impacts of the event, particularly those impacts along the impacted segments of Highway One discussed herein. We reiterate that we have no desire to do this. We request the County to proactively address this issue.

Very Truly Yours,



Matthew W. Ottone
For OTTONE LEACH & RAY LLP

³ <http://signatureevents.peninsula.com/en/Motorcycle/Motorcycle.html>

Mike Novo, AICP
May 2, 2014
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MWO/sb

cc: Mike Novo, AICP, Director of Planning
Benny Young, RMA Director

Attachments:

1. Lombardo/Hatch Mott traffic study review
2. RMA May 2011 Newsletter
3. County letter dated Nov 8th 2013 re treating discussion of Quail event as a complaint
4. Ottone Nov 11th 2013 letter clarifying intent

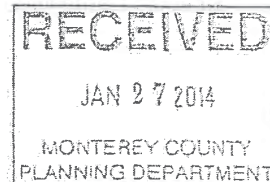


Hatch Mott
MacDonald

1300-B First Street
Gilroy, CA 95020
T 408-848-3122 www.hatchmott.com

January 23, 2014

Dale Ellis
Anthony Lombardo & Associates, Inc.
450 Lincoln Avenue, Suite 101
Salinas, CA 93901



RE: Carmel Canine Sports Center, Monterey County, California

Dear Mr. Ellis:

At your request, I have reviewed the traffic study and initial study for the Carmel Canine Sports Center and this letter provides observations and recommendations concerning the traffic study technical procedures, findings and conclusions. The following documents pertaining to the traffic analysis have been reviewed:

1. Carmel Canine Sports Center Mitigated Negative Declaration (MND), County of Monterey, December 23, 2013.
2. Carmel Canine Sports Center Traffic Analysis, Hexagon Transportation Consultants, August 19, 2013.
3. Carmel Canine Sports Center Traffic Analysis Amendment, Hexagon Transportation Consultants, December 6, 2013.
4. Carmel Canine Sports Center Project Description, Paul Davis Group, August 7, 2013 (rev.).

Overall, the traffic analysis for the Carmel Canine Sports Center (CCSC) project does not adequately evaluate traffic impacts associated with the project. The CCSC traffic analysis includes technical procedures and assumptions that require additional explanation and justification. It appears that some technical procedures utilized in the study do not conform to professional standards and County of Monterey procedures bringing into question the validity of the analysis results and conclusions. In addition, the significance of impacts to regional facilities are not analyzed in the traffic study, but it is likely given the characteristics of the project that the project will significantly impact elements of the regional road network that have no improvements programmed for implementation. These impacts would require findings of overriding consideration, which would probably necessitate the preparation of an Environmental Impact Report.

Based on the applicant's trip generation assumptions, the traffic generated by the Carmel Canine Sports Center on a daily basis during normal operations will be equivalent to the trips generated by a 30-unit subdivision. The traffic generated by the Carmel Canine Sports Center on a daily basis during a special event will be equivalent to the trips generated by a 44-unit subdivision, with about 20 percent of the trips on a Friday Special Event made by recreational vehicles.

Specific comments regarding the traffic analysis are provided below.

1. The trip distribution pattern utilized in the traffic analysis reflects the regional orientation of the project with 55 percent of the traffic generation originating outside of Carmel Valley. However, the traffic analysis only analyzes project impacts at the Carmel Valley



Hatch Mott
MacDonald

Road/Valley Greens Road and Carmel Valley Road/Rancho San Carlos Road intersections and Carmel Valley Road. Analysis of impacts to Highway 1, Laureles Grade, Highway 68 and potentially some intersections on these facilities is warranted given the impact of this project over a wide geographic area and because the project will add traffic, including recreational vehicles, to facilities that are indicated in recent environmental documents to currently operate at Level of Service (LOS) F. The scope of intersections and segments to be analyzed for the study should apply the scoping criteria documented in the "Guide for the Preparation of Traffic Impact Studies," County of Monterey, October 2003.

2. Cumulative traffic conditions are not analyzed in the traffic report or discussed in the MND. Justification for not including an analysis of Cumulative Conditions should be explained in the documents.
3. The analysis does not utilize existing Friday peak hour volumes to analyze impacts associated with conditions during the Friday special event peak hours. Volumes collected on Thursday, June 6, 2013 are used to evaluate Existing Plus Project conditions for both normal activities and Friday Operations with a Special Event at the Valley Greens Road intersection. Volumes collected on Tuesday, February 26, 2013 are used to evaluate Existing Plus Project conditions for Friday Operations with a Special Event at the Rancho San Carlos Road intersection. Use of existing Tuesday/Thursday peak hour data as a basis for evaluating Existing Plus Project conditions for a Friday condition is not discussed or justified in the traffic study. The analysis of special event traffic conditions on a Friday should utilize existing AM and PM peak hour traffic volumes collected on a Friday. If not, the use of traffic volumes collected on a Tuesday/Thursday to represent Friday traffic conditions should be justified in the traffic report.
4. The traffic study analyzes segment operations on Carmel Valley Road for the AM peak hour and PM peak hour. However, the same traffic volumes were used in each analysis with the directional volumes reversed. There is no discussion in the traffic study to substantiate that AM and PM peak hour volumes on Carmel Valley Road are the same, but reversed on each Carmel Valley Road segment. The accuracy of the traffic volumes used in the traffic analysis for the Carmel Valley Road segment analysis should be verified. The analysis should utilize field collected traffic counts for the analysis of Carmel Valley Road segment operations.
5. The traffic study states on page 9: "In addition, the County's Level of Service Policies and Carmel Valley Master Plan are applicable to only the standard weekday AM and PM peak commute periods." The relevant County and Master Plan policies should be cited to substantiate this statement.
6. The traffic study analyzes impacts during the AM and PM peak commute periods for the Friday event day. According to information provided in the traffic study, the highest project trip generation during the afternoon/evening would occur on Friday between 3:00 pm and 4:00 pm (64 trips). During the peak commute period, the special event would generate an estimated 48 trips during the PM peak hour and impacts associated with this trip generation was analyzed.



Hatch Mott
MacDonald

Based on the traffic volumes that are documented in the appendix of the traffic study, the highest volume of traffic on Carmel Valley Road west of Valley Greens on Friday at the project site occurs between 2:30 pm and 3:30 pm (1,448 vehicles). This is 123 vehicles higher than the highest one-hour traffic volume on Carmel Valley Road during the Friday commute period (1,325 vehicles between 4:15 pm and 5:15 pm). Based on the project's trip generation analysis and the Carmel Valley Road volumes presented in the traffic study, peak existing Friday afternoon traffic conditions on Carmel Valley Road occur coincident with the peak afternoon trip generation for the project. It is recommended that the traffic analysis include an analysis of peak traffic conditions that will occur during the 3 pm to 4 pm hour.

The MND recognizes that the peak trip generation for the project and peak traffic flows on Carmel Valley Road extend beyond the PM peak commute period by requiring the traffic control mitigation measure to extend between 3 pm and 6 pm. However, analyzing peak conditions in terms of both traffic flow on CVR and project trip generation is important to provide a proper evaluation of project impacts including warrants for traffic signalization.

In addition, it is not certain based on the information provided in the traffic analysis and the MND that there would not be significant impacts on Sunday when the predominate traffic flow will be outbound from the project site in the afternoon. The outbound flow on Sunday would include RV's that are larger than passenger cars and have slower operating characteristics than passenger cars. While traffic volumes on Carmel Valley Road may be lower than experienced on a Friday, that doesn't eliminate the possibility that the project impact on Sunday would not be significant, particularly when the project will be contributing traffic to the Valley Greens Drive approach to Carmel Valley Road. Analysis of traffic conditions on Sunday is recommended.

7. The significant impact criteria described in the report text does not accurately state County of Monterey significance criteria and should be revised.
8. Additional justification of the project trip generation should be provided in the traffic analysis. While the Institute of Transportation Engineers does not publish trip generation rates for this type of use because of the uniqueness of the use, similar facilities currently exist and information may be available from the permitting process for existing facilities that could be applicable for this project. A survey of the trip generating characteristics of a similar type of use would be helpful if trip generation data for a dog training and event center is not available. The proposed use is similar to a horse training facility that provides lessons and holds events on weekends. There are several horse events conducted in Central California throughout the year and trip generation surveys of these events may be useful if attendance and event schedules are similar to the proposed project. Lacking empirical data to justify the distribution of trips throughout the day, additional detail should be provided in the project description regarding the schedules of training classes and the schedule of special event activities. Specific trip generation issues include the following:
 - a. Will additional trips be made by RV attendees to local retail and visitor serving destinations using a second vehicle towed to the event?

Dale Ellis | 01/23/14

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Hatch Mott
MacDonald

- b. Information describing the format/schedule of the special events should be provided to explain/justify the arrival and departure distribution of attendees.
 - c. Additional information regarding the schedule of training classes should be provided to explain the reasonableness of the trip generation estimates. The trip generation table contained in the traffic study (Revised Table 3) shows 10 arrivals for a training class between 2 pm and 3 pm, no arrivals or departures between 3 pm and 6 pm, 10 arrivals and 20 departures between 6 pm and 7 pm.
 - d. What is the basis for assigning a different arrival and departure distribution for RV attendees versus other event attendees?
 - e. Does the trip generation and parking estimates consider non-participant attendees (spectators) might arrive throughout the day?
9. The parking analysis and site plan may not account for the parking demand create by RVs with second vehicles.
 10. Striping the 25 angled parking spaces shown on the east side of the Event Field might provide better operations as it appears the aisle serving these spaces is two-way and the most direct exit path for motorists exiting these space is to the north to Valley Greens Drive.
 11. It is recommended that the RV parking area be evaluated using RV turning templates to demonstrate that the layout can adequately allow RVs to enter and exit the parking stalls, circulate in the parking area and enter and exit the parking area from the access road.
 12. The traffic report states, "The events will be held within the property, generally but not exclusively on weekends (Fri-Sun)." This statement requires clarification as it implies some special events will be conducted on weekdays.
 13. Impacts to regional roadways – The study concludes that the project will have only a minimal effect on the surrounding regional roadways, but does not state if the impact will be significant. The project will generate new vehicle trips that impact the regional road network as evidenced by the project's trip distribution pattern that indicates 32 percent of the project traffic will utilize Highway 1 north of Carmel Valley Road and 23 percent of the project traffic will utilize Laureles Grade. The traffic analysis should analyze impacts to regional roadways (Highway 1, Highway 68 and Laureles Grade) using the County of Monterey impact significance criteria to determine if the impacts to these facilities will be significant.

The MND addresses impacts to regional facilities by stating:

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.

This statement is not consistent with traffic impact analyses prepared for other projects in Monterey County. It is accepted that payment of the TAMC Regional Development Impact Fee mitigates a project's cumulative impact. However, payment of the fee does not necessarily mitigate a project's direct project level impact. The traffic analysis

Dale Ellis | 01/23/14

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Hatch Mott
MacDonald

should include an analysis of impacts to Highway 1, Laureles Grade and Highway 63 using the County's impact significance criteria.

14. The level of service calculations should consider the operating characteristics of RV vehicles by converting the RV trips to passenger-car equivalencies or including a RV vehicle conversion factor in the level of service calculation.
15. In the traffic analysis, intersection sight distance is calculated using the "stopping sight distance" formula published by the American Association of State Highway and Transportation Officials (AASHTO). The stopping sight distance is the minimum distance required to stop a vehicle before reaching a stationary object in its path. Stopping sight distance provides the minimum acceptable sight distance for intersection corner sight distance. Providing a corner sight distance that at least equals the stopping sight distance ensures that a vehicle approaching Valley Greens Drive on Carmel Valley Road can stop before reaching the intersection in the event a vehicle is pulling out from Valley Greens Drive onto Carmel Valley Road.

For intersections of two public roads, Caltrans recommends that the corner sight distance be evaluated using the 7½ second rule, which provides a corner sight distance equal to a gap of 7½ seconds between the intersection and a vehicle approaching the intersection on the major road. This gap allows the driver entering the major road to complete the turning maneuver while the approaching vehicle travels at the assumed design speed of the major road. The 7½ second gap provides adequate time for the motorist on the minor road approach to cross the road or enter the major road without requiring through traffic to radically alter their speed. Caltrans recognizes that sometimes the cost to obtain 7½ seconds of corner sight distance may be excessive due to right of way acquisition, building removal, extensive excavation or inmitigable environmental impacts. In these cases, the corner sight distance based on the stopping sight distance may be used.

Based on Caltrans standards and a 50 mile per hour design speed, a corner sight distance of 550 feet should be provided at the Carmel Valley Road/Valley Greens Drive intersection. This compares to a sight distance of 425 feet recommended in the traffic study based on the AASHTO stopping sight distance standard.

It is recommended that the corner sight distance for the Carmel Valley Road/Valley Greens Drive intersection be evaluated on the basis of the 7½ second rule. This is especially important because project trips turning from Valley Greens Drive onto Carmel Valley Road will be recreational vehicles and the acceleration rate for most recreational vehicles is less than standard passenger vehicles. It is also recommended that a spot speed study be conducted to verify the prevailing travel speeds on Carmel Valley Road at Valley Greens Drive. Finally, the measurement of corner sight distance from the Valley Greens approach to Carmel Valley Road should consider the height of the eye of the driver of an RV vehicle as well as the eye of the driver of a standard passenger vehicle.

16. The mitigation measure proposed in the MND for impacts to the Carmel Valley Road/Valley Greens Drive intersection during a Friday Special Event would allow the applicant to either close the site and schedule no activities on the site between the hours of 3 pm and 6 pm or contract with a law enforcement agency to control the intersection of Valley Greens Drive and Carmel Valley Road between the hours of 3 pm and 6 pm.

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Hatch Mott
MacDonald

Closing the site for a three hours on a Friday during a special event does not appear to be a practical mitigation measure. Motorists arriving to the site during this time would park on Valley Greens Drive or in the parking lots of adjacent commercial properties. Attendees knowing that they will be leaving during this time would also park on Valley Greens Drive or adjacent properties to be locked in.

Traffic control by a law enforcement officer is a more practical approach, but there are safety related issues with this alternative. Installation of advance warning signs should be installed on Carmel Valley Road to alert motorists of the possibility of stopped traffic on Carmel Valley Road, especially given the limited sight distance on the west leg of Carmel Valley Road.

If you have any questions regarding this information, please do not hesitate to contact me.

Very truly yours,

Hatch Mott MacDonald

A handwritten signature in black ink, appearing to read "Keith B. Higgins".

Keith B. Higgins, PE, LE
Vice President
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jdt
Enclosures

RMA NEWS

RESPECT INTEGRITY INNOVATION PROFESSIONALISM

April 2011, Volume 5, Issue 4

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Achievements

RMA VISION

To be the leader in the delivery of exceptional customer services and the employer of choice.

DIRECTOR'S CORNER

*By Shawne Ellerbee
Finance Manager*



As a transplant to California (moved to the West Coast 12 years ago) I have yet to be consciously aware of feeling the effects of an earthquake even though several minor quakes have occurred during those 12 years. I have never paid much attention to these minor earthquakes and never took the time to make sure I was prepared in case of such an event. The number of recent natural disasters, from earthquakes to landslides to tornadoes to Tsunamis, has hit hard for me the realization of how quickly life as we know it can change abruptly.

Being from the East Coast the worst, most common events that Mother Nature dished out were hurricanes, and normally there was plenty of time to leave the area or hunker down and prepare to wait out the storm. By wait, I mean, wait and wait, and wait!!

Not so with an earthquake. This got me thinking, how well prepared am I in the event of an earthquake? The answer is, I'm not! The Bay Area has more than eight fault lines capable of generating a magnitude 6.5 or greater earthquake so knowing what to do in case of an earthquake is essential.

Since there is no advance warning of a quake, our best defense is preparation. Several websites recommend putting together an emergency kit that takes into account equipping the home, nutrition, hydration, health, clothes, tools, and personal documents. As I read about what to do in preparing for an earthquake, it dawned on me that the majority of items discussed were the same items I would pack to go camping.

Typically, I keep all my camping gear stored together so the thought of putting together a survival kit became a little less daunting as most of the work was already done. All I would need to add is a supply of food, water, batteries, an emergency radio, a backup supply of prescription medications, and personal documents. Everything else was already part of my camping gear such as tools, first aid kit, tarps, rope, a tent, sleeping bags, hiking books, flashlights, lanterns, gloves, clothing, and cooking utensils including a can opener, blue tip matches and a lighter.

Continued on page 4



HAPPENINGS

- ❖ Got a PSA expiring June 30? Project Managers should please call Contracts Administration at 755-4899 for any anticipated extensions or renewals
- ❖ May 1 - Big Sur International Marathon, contact Dennis Taylor at 646-4344
- ❖ May 2, 16, & 23 - Weekly Hot Topics with Supervisor Jane Parker, 883-7570
- ❖ May 7 - SPCA Wag n' Walk, Shoreline Park, Monterey, contact Debbie Stein, x6684
- ❖ May 9-15 - Monterey County Bike Week, contact TAMC, Kaki Cheung, at 775-4413
- ❖ May 11 - AMBAG Final draft FY 2011-12 Overall Work Program scheduled for approval at the AMBAG Board of Directors meeting. Contact Bhupendra Patel at 264-5091
- ❖ May 11 & 25 - Planning Commission (2nd and last Wednesday of the month), call 755-5025
- ❖ May 25 - TAMC Board Meeting (4th Wednesday of each month), call 775-0903

Special Event Permits:

- ❖ April 29 & May 1 - Wildflower Triathlon Festival, Lake San Antonio, Bike Race & Foot Race, Lake San Antonio, sponsored by County Parks Department
- ❖ May 14 - Quail Motorcycle Gathering Show at Valley Green Drive, Carmel Valley
- ❖ May 15 - Strawberry Fields Benefits Bike Ride - Bicycle Ride from Santa Cruz County to North Monterey County
- ❖ May 19 - Amgen Tour of California - Bicycle race from King City to Hunter Liggett to Nacimiento to SH-1 ending at Cambria
- ❖ May 21-22 - Castroville Artichoke Festival, contact Loretta Rider, 755-4828
- ❖ May, June, July, August - Castroville Midnighters Car Club, Car Show

"The Most Dangerous Thing You'll Do All Day"

Medicine & Science in Sports & Exercise reported that scientists at the Pennington Biomedical Research Center in Louisiana analyzed the lifestyles of more than 17,000 men and women over about 13 years, and found that people who sit for most of the day are 54 percent more likely to die of heart attacks.

"That's right - I said 54 percent!"

Dr. Peter Katzmarzyk, lead researcher at Pennington, a

wasn't the first study to link sitting and heart disease. Similar research actually dates back to 1953, when British researchers found that (sitting) bus drivers were twice as likely to die of heart attacks as (standing) trolley operators.

Here's the most surprising part: "We see it in people who smoke and people who don't," Katzmarzyk said.

Continued on page 8

RMA Staff “HELPing” in Our Community

By Laura Lawrence, Planning Department



As RMA employees, we are committed to the work we do for Monterey County. Away from work, our employees are equally committed to working in our communities. I am a volunteer and the Co-Chair of the Interfaith Homeless Emergency Lodging Program (I-HELP) at St. George’s Episcopal Church in Salinas.

I-HELP is a faith-based, rotating shelter program through Shelter Outreach Plus that offers homeless men shelter, food, and support through the generous and continued support of over 60 Monterey County churches, synagogues, temples, and religious organizations. I love my work with I-HELP and wondered if other RMA employees also had a connection to I-HELP. I was pleased to find that Josh Bowling (Building Services) and his family run the I-HELP Program at First Baptist Church in Salinas. Joann Iwamoto’s (Building Services) mother-in-law initiated the I-HELP Program years ago at the Buddhist Temple in Salinas. Alana Knoster’s (RMA) synagogue Congregation, Beth Israel, hosts I-HELP on the first Sunday of the month. Anna Quenga (Planning) and her family have volunteered at the St. George’s I-HELP.

I-HELP operates two separate programs, one in Salinas and one on the Peninsula. Every night an organization provides shelter, a hot meal, and breakfast the next day for homeless men in the program. Some locations go the extra mile and provide extras such as clothing, blankets, and toiletries to make life just a bit easier. Volunteers are encouraged to talk and eat with the men. This small deed reinforces the individual’s humanity during a time when the homeless condition may strip a person of basic dignity.

Without this program, many homeless men would not have an opportunity to shower, wash clothes, get a hair cut, or eat a hot meal. Besides the stability of the shelter and amenities offered, the men can use Shelter Outreach Plus’s mailing address and phone

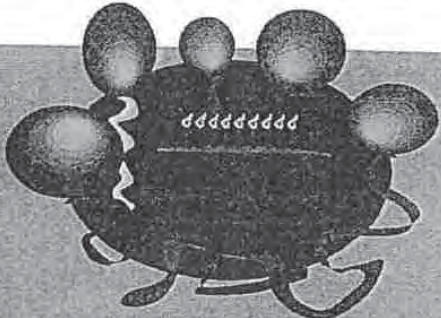
number for potential employers to contact them. I-HELP has never missed a night of offering services for the homeless in its 17 years of operation. The Monterey County I-HELP program has also spread beyond the state borders. The Tempe Community Action Agency in Tempe, Arizona, has modeled their I-HELP Program after Monterey County’s program.

I-HELP makes the community safer because this program addresses the basic daily needs of these men. The program could not be successful without the unsung volunteers who show up throughout the year to serve a meal and provide fellowship.

If you would like to volunteer your time or donate to I-HELP, please contact Linda Forkash at Shelter Outreach Plus at (831) 384-3362 or by e-mail at LForkash@sopinc.org. You can learn more about Shelter Outreach Plus at their website: www.shelteroutreachplus.org.



May Birthdays



Marlo Ginez 5/2	Rick Sauerwein 5/12	Loretta Rider 5/26
Marlene Zamudio 5/3	Connie Mendoza 5/13	Bill Dunn 5/27
Liz Gonzales 5/4	Brandon Wall 5/14	Ole Fernandez Jr. 5/28
Lori Kapwell 5/6	Albin Lupisan 5/15	Wendi Reed 5/28
James Machado 5/6	David Pratt 5/16	Manuel Sanchez 5/28
Steve Mason 5/9	Joann Fuentes 5/18	Ron Adams 5/29
Thomas Apear 5/10	Bill Hopkins 5/21	Steve Sagrero 5/29
Jorge Gomez 5/10	Felicidad Jaramillo 5/21	Beth Shirk 5/29
David Carnero 5/11	Vanessa Calderon 5/22	Justin Light 5/31
Armida Ruano 5/11	Nadia Amador 5/24	
Domil Hernandez 5/12	Raul Martinez 5/24	

Director's Corner from page 1

Realizing that I was not as unprepared as I had initially thought came as a bit of a relief to me.

For those people like me who have never thought about preparing for a natural disaster, with the spring season upon us, it is the perfect time to include preparing an emergency kit while cleaning out the closets and garages. Several websites are available that provide information on what to do to prepare for an emergency as well as advice on other survival tips. Accessing this information is as easy as typing "emergency preparedness" into your internet search engine. Don't get caught off guard, take the time to prepare today because it may save your life tomorrow.

Departures

Dave Sullivan

New Hires

John Villalpando
John Huntley

Carmel River Floodplain Restoration Board Approves Grant Application

On April 12, 2011, the Board of Supervisors approved Public Works' submittal of a Stormwater Flood Management grant application for \$7,475,000 to the California Department of Water Resources, Integrated Regional Water Management Division. If awarded, the grant, funded by Proposition 1E, would provide financial assistance for the restoration of historic coastal wetlands, enhancement of upland and riparian habitat within the lower reaches of the Carmel River; prevention of flooding, and protection of structures within the County Service Area 50.



The proposed Phase 1 of the project consists of the design and construction of a causeway under State Highway 1 and mass grading within the Odello east property to connect the floodplain south of the Carmel River and the Carmel Lagoon. Phase 2 of the project includes the restoration of the floodplain and environmental enhancement element south of the river including removal of existing south bank levees.

County Water Resources, Monterey Peninsula Water Management District, California Department of Parks and Recreation, and the Big Sur Land Trust for the purpose of coordinating planning activities for the Carmel River Floodplain Restoration and Environmental Enhancement Project on the 131-acre historic floodplain located just upstream of the Carmel River Lagoon and east of Highway One on land known as the Odello fields.

The project is consistent with the Memorandum of Understanding entered into between the County, Monterey



Monterey County Resource Management Agency

National Public Works Week

May 15 - 21, 2011

National Public Works Week is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works.

This year's poster is an artistic rendition of the American Public Works Association's theme, "Public Works: Serving You and Your Community" by illustrator Murray Kimber. ~www.apwa.net



ARTS COUNCIL
for
MONTEREY COUNTY

On behalf of the Monterey County Health Department, the Arts Council is seeking original works of art for a juried show at the Monterey County Health Department Building, 1270 Natividad Road, Salinas.


Forty (40) winners will be selected whose paintings or photographs celebrate Water Works theme.

All works are on loan to the Arts Council for a period not to exceed one year. All accepted works are insured -- from the time of delivery

to the County building until time of pick up -- for a value not to exceed \$4,000. All works are on sale to the public via the Arts Council website (unless prohibited by the artist). The Arts Council retains 30% of the total proceeds to support arts education programs throughout Monterey County

Guidelines :
Submit CD or flash drive and entry form; mail entry fee of \$35 payable to Arts Council for Monterey County.

Schedule:
Deadline to Submit Entries:
Sunday, May 8
Notification will be by phone or email: May 23 - 24
Drop off and pick up Artwork:
May 31 - June 3
Installation: June 6 - 10
Reception -- TBA
More information is available at
<http://www.artscouncilformontereycounty.org>



HIGH FIVES

To: Yazdan T. Emrani
 Director of Public Works
 Fr: Margaret Hientzlemin and Carol Leon

To: Gene Rogers
 Interim, RMA Director
 Fr: Margaret Camara

They both live on Tassajara Road where on Sunday two trees fell. They both wanted to commend the Maintenance staff who were out there--particularly John Huerta--for the great job they did. It was great to watch them work together and do a perfect job. They are a true value to the County. They wanted to express their thanks to John Huerta, Ulises Calvillo, Steve Sagrero, John Lecheminat, Gavino Valle, Hector Mendoza, Blas Chavarria, and Philip Aguinaga.

I want to thank you for having such competent, kind, knowledgeable and professional staff. I had an opportunity to interface with Mr. Thomas Smith, Mr. Luis Osorio, and Ms. Maria Lopez since I purchased a home with some violations. They were helpful in guiding me to correct these items. Their professionalism is a very positive reflection of their supervision and training I am sure.

To: Veronica Serrano
 Fr: Leslie McGaster
 Waste Management

To: Sheila Castillo, Public Works
 Fr: Ed at Monterey County Petroleum

Thank you Veronica Serrano, Bill Vermilyer, and District 1 Maintenance Crew for a job well done. Everyone is so thankful for the completion of the pothole repairs on Blackie Road in Castroville.

I want everyone to know what an awesome job the San Adro District is doing keeping the Nacimiento Fergusson Road to Big Sur open and clean for traffic. It scares me just being on it occasionally, but your men are on it daily through storms and traffic and still manage to keep it in good condition. It never ceases to amaze me what great crews you have throughout the County.



TOOT'N OUR HORN

To: Yazdan T. Emrani
 Director of Public Works
 Fr: Randy Korsgaard
 Managing Park Ranger

The Monterey County Parks Department would like to express our sincere appreciation for assistance provided by Rita Hickman, Architectural Services, on the Boat Launch Facility Improvement Project at Lake Nacimiento.

Rita's knowledge and expertise guided us through the maze of requirements for taking our projects from bid through completion including bid challenges and numerous inquiries by labor groups. Rita's guidance also included the patience to explain and train us in all things required for our process.

We are grateful for her invaluable assistance with our projects and look forward to working with Rita and your department on future projects.

To: Yazdan T. Emrani
 Director of Public Works
 Fr: Randy Korsgaard
 Managing Park Ranger

Wanted to thank you and Shawn Atkins for keeping Margie Love safe during the storm. You and Shawn told her that you would be monitoring her property and it has been done. She wanted you to know that she appreciates it.

"Dangerous Thing" from page 2



"We see it in people who are regular exercisers and those who aren't. Sitting is an independent risk factor."

In other words, it doesn't matter how much you exercise or how well you eat. If you sit most of the day, your risk of leaving this world clutching your chest—whether you're a man or woman—as much as doubles.

This raised a rather obvious question: Why? Truth is, the researchers aren't sure. But Marc Hamilton, Ph.D., one of Katzmarkzyk's colleagues, suspects it has to do with an enzyme called lipoprotein lipase (LPL), which breaks down fat in the bloodstream and turns it into energy. Hamilton found that standing rats have ten times more of the stuff coursing through their bodies than laying rats. It doesn't matter how fit the rats are; when they leave their feet, their LPL levels plummet. Hamilton believes the same happens in humans.

So what's a desk-bound worker to do? First, Hamilton suggests you change how you think about fitness. We have a tendency to segment our lives—work, home, and downtime. Exercise falls into the last category, something we squeeze into our busy schedules when

possible. But if you stop thinking about exercise as an activity, and instead think of it as a lifestyle, it's easier to make healthy choices throughout the day.

In other words: Stop trying to be fit, and start trying to live fit.

Second, of course, is to stand more throughout the day. These strategies will get you up on your feet more often:

Strategy #1: Take two quick breaks an hour. Stand and stretch for a minute. A European Heart Journal study of 5,000 men and women found that the quarter who took the most breaks during the day were 1.6 inches thinner than the quarter who took the least.

Strategy #2: Stand during phone calls. You burn 60 more calories an hour when standing versus sitting. It may seem like a small thing but, as Hamilton told Masters: "Small choices will help move you in the right direction. . . . It all adds up, and it all matters."

Strategy #3: Don't write long emails. If crafting an email will take longer than 15 minutes, go talk to the person instead. Or stand up and call them.

The entire special report is available at <http://health.yahoo.net/experts/menshealth/most-dangerous-thing-youll-do-all-day>

Achievements

Congratulations to the following Public Works' employees who recently completed the two-day MS Project Advanced class:

- | | |
|------------------------|---------------------|
| Raul Martinez | Dave Pratt |
| Neal Thompson | Judy Jeska |
| Brenda Villanueva | Chad Alinio |
| Albin Lupisan | Ed Muniz |
| Douglas Poochigian | Enrique Saavedra |
| Oga Carranza | Rick Sauerwein |
| Florence Kabwasa-Green | Jonathan Pascua |
| Alberto Mejia-Ceja | Isabelo Dela Merced |
| Billy Issa | Barney Guzman |
| Tony Mitre | |



Kudos to Wendi Reed, RMA Human Resources, for coordinating this informative course through the RMA Employee Development Program and the Learning & Development Network.

RMA News

A publication of the Resource Management Agency Monterey County

RMA News Team

- Sheila Castillo
- Sharon Distance
- Lisa Harris
- Linda Rotharmel
- Rennie Toribio

To submit an article contact Co-Editors Lisa Harris (831)755-4879 harrislm@co.monterey.ca.us or Sharon Distance (831)755-4806 distances@co.monterey.ca.us

This publication is available electronically on the Monterey County RMA Intranet and on the Internet at <http://www.co.monterey.ca.us/rma/newsletters.htm>

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Salinas, CA 93901
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Michael Novo, AICP, Director of Planning

Robert K. Murdoch, P.E., Director of Public Works



168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

November 8, 2013

Matthew W Ottone
Ottone Leach Olsen & Ray LLP
17 East Gabilan Street
Salinas, CA 93901

Subject: PLN130352 – Carmel Canine Sports Center (Water Supply and Traffic Report Requirements)

Dear Matthew:

This letter is to address the following points: 1) Clarification of our October 29, 2013 conversation as expressed in your letter of November 1, 2013, 2) Response to questions raised during that same meeting and 3) Identify an inconsistency between the traffic report and current level of service information.

We provide the following to clarify the points raised in your letter:

1. Water Supply: We understand that the historic water use on the site is 96 acre feet but this may not be the final water right granted to the site. CCSC is applying for a riparian right determination and an appropriative right permit. Each of these will be reviewed by Monterey Peninsula Water Management District staff. In the past we have not initiated environmental work until the MPWMD staff has given us an initial read that the applications are likely to proceed to approval. Based upon the MPWMD staff's comments, we can prepare an Initial Study based upon the worst case scenario identified in these documents. Please provide this information to us when they are submitted to MPWMD and we will coordinate with MPWMD staff to complete the initial study.
2. Water Supply: We need to know the total water usage for the site. The C-3 report identifies the amount of water to be utilized for the CCSC use but does not reflect the amount of water to be used for irrigation. The total water usage on the site needs to be addressed as part of the environmental analysis. Please update the report to show complete water usage for the site, including CCSC (restrooms, drinking, vendors and RVs), irrigation and evaporation from the pond (as well as water gain from storm water retention in the pond.)
3. Traffic. The traffic report identifies 100 members per day average attendance distinct from trips generated by deliveries, classes, and employees. Clarification of how all these will interrelate is needed to provide a complete picture of trip generation.

Matthew W. Ottone
Carmel Canine Sports Center
November 8, 2013
Page 2

4. Traffic. We confirm that the 250 visitors during events include employees, members, observers, participants, deliveries and vendors. The trip generation between different visitors does not need to be segregated in the traffic study.
5. Traffic. You questioned why the County requires eliminating credit given for historic trips to the site. The County standard for determining the traffic baseline is based on site activity within the last two years. Given that the site has not been used for agricultural production for more than two years, there is no credit given for trips that may have been associated with the site in the past. This is the standard applied to all projects.
6. Traffic. The traffic study shows that during the PM peak hours the LOS is not affected and remains at LOS E. On Friday during events the LOS is degraded to LOS 'F'. The traffic report does not address weekend event traffic. Weekend event traffic also needs to be evaluated in the traffic study. The conclusion of the traffic study needs to identify the traffic impact of the proposed use during both daily usage and during special events.

The traffic study indicates that the existing LOS at the Carmel Valley Road and Valley Greens Intersection is 'E' but our most recent traffic data shows this intersection operating at LOS A/B. This discrepancy needs to be addressed. We recommend Hexagon work directly with the Public Works Department to resolve the issues associated with the traffic study.

Your letter expresses dissatisfaction with the lack of work on the Initial Study to date. It is County practice to work on applications as they are ready to move forward. Upon receipt of all necessary information applications are placed in the queue to be worked on. Each planner is responsible for managing many different projects. The most equitable way to prioritize projects is by date when all information is received. This especially applies to preparation of environmental documents because the findings of required reports can influence the type of environmental document needed. In this case, your request for Planning to work on the Initial Study prior to receiving all the information needed would redirect effort away from projects that are ready to move forward.

We have received your information regarding the special events that have been taking place at Quail Lodge in Carmel Valley. We are treating this as a complaint. This has been referred to Code Enforcement to determine if a violation exists. Your letter desires that the requested Carmel Canine Sport Center be treated "the same as" the special events taking place at Quail Lodge. The Carmel Canine Sports Center requires a Use Permit (including appropriate environmental analysis) to operate in the Low Density Residential Zoning District. The events at Quail Lodge do not diminish or change this requirement. The County will investigate the circumstances associated with the Quail events and address them as appropriate.

During our conversation, the County was asked about scheduling the project for hearing at the December 11, 2013 Planning Commission meeting. It is not possible to prepare an Initial Study and circulate it for 30 day public review and make the December 11, 2013 meeting. The critical path to scheduling a public hearing is as follows:

Matthew W. Ottone
Carmel Canine Sports Center
November 8, 2013
Page 3

1. Provision of information related to water and traffic as previously discussed and defined in this letter.
2. County review of information to determine that it adequately addresses all impacts. (2 weeks)
3. Preparation of Initial Study (2 weeks)
 - a. Preparation of Mitigated Negative Declaration (2 weeks)
 - b. Preparation of EIR (6 months – 1 year)
4. Scheduling of project with Carmel Valley LUAC.
5. Public Review of environmental document
 - a. Mitigated Negative Declaration (30 days)
 - b. DEIR (45 - 60 days)
6. Schedule for Public Hearing.

If we receive all necessary information by November 15, 2013; and if the information demonstrates that no significant environmental impacts will result from the project; it would be possible to target the January 29, 2013 Planning Commission hearing. If the information indicates the potential for a significant environmental impact, an EIR will be required and the January date cannot be achieved. If you disagree with this critical path or the information being requested, staff will facilitate an earlier hearing at the Planning Commission but without the completion of a publicly reviewed environmental document cannot provide a favorable recommendation.

If you should have any questions, please contact me

Sincerely



John H. Ford
Senior Planner

cc: Mike Novo, AICP, Director of Planning
Benny Young, RMA Director
Carl Holm, RMA Deputy Director
Robert Murdock, RMA Public Works Director
Wendy Strimling,

OttoneLeachOlsen&Ray LLP

ANNE FRASSETTO OLSEN

ANA C. TOLEDO

ANNE C. LEACH

GEORGE E. MCINNIS OF COUNSEL

MATTHEW W. OTTONE

GARY R. RAY

November 11, 2013

Via email to FordJH@co.monterey.ca.us

John H. Ford
Monterey County Planning Department
168 W. Alisal Street
Salinas, CA 93901

Re: PLN130352 – Carmel Canine Sports Center
Matter: 9037.003

Dear John:

Thank you for your letter of November 8th clearly outlining the Planning Department's approach on the information needed to continue with the preparation of the Initial Study. We are on track to have the requested items in your hands by the November 15th date or sooner.

One point of clarification on the issue of the Quail Lodge special events that take place on their adjacent sites, you misinterpreted our conversation. My letter was not a complaint that they are violating any zoning codes or are operating outside their use permit. In actuality, it's quite the reverse. Our point is not that we believe these events are illegal, but rather that the County does not require that the landowner have any permits or put into place any mitigation measures to deal with the impacts that these events create. Given their size, scope and extremely public nature over the past ten plus years without any referrals to code enforcement, we have to assume that they are legal or something would have been done long before now.

Given this, they clearly demonstrate an acceptable, ongoing use of the area's infrastructure. Our point is that the much smaller events we propose at CCSC (250 people total vs. 2000-3000 attendees plus exhibitors, delivery vehicles, car carriers, semi-trucks, staff, etc.) could not possibly create anywhere near the impacts of these existing events. Therefore any discussion of requiring mitigations for CCSC's events based on our proposed use of the area's roads, or for that matter other infrastructure, cannot be justified if we are to be treated similarly to our neighbors across the street.

LAW OFFICE

17 EAST GABILAN STREET . SALINAS CA 93901

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831.758.2028 F

WWW.OLORLAW.COM

John H. Ford
November 11, 2013
Page 2

Consequently, we would like you to withdraw any "complaints" that may have been registered with Code Enforcement as a result of the above misunderstanding. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,



Matthew W. Ottone
For OTTONE LEACH OLSEN & RAY LLP

/MWO

cc: Mike Novo, Director of Planning (via email)
Benny Young, RMA Director (via email)
Carl Holm, RMA Deputy Director (via email)
Robert Murdock, RMA Public Works Director (via email)
Wendy Strimling, Assistant County Counsel (via email)
Clients (via email)

Attachment 2

May 15, 2015

David Mack
John Ford
Monterey County Resources Management Agency
Planning Department
168 West Alisal Street
Salinas, CA 93901

SUBJECT: Comments - Draft Environmental Impact Report
Carmel Canine Sports Complex, PLN 130352

Dear David and John,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Carmel Canine Sports Complex (CCSC).

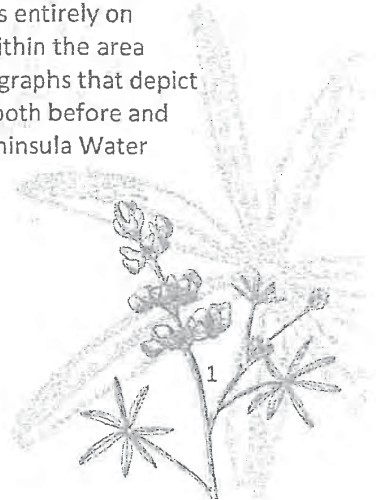
As you know, I prepared the initial Biological Assessment for the proposed project and my February 2014 report was heavily referenced by the firm hired to prepare the environmental review documents required under CEQA. I have academic background, as well as a long professional history that uniquely qualifies me to comment on the CCSC proposal.

- My graduate studies focused on the riparian plant ecology of California streams.
- After a period of time working for The Nature Conservancy on preserve design and management, I was hired as the first Naturalist/Ecologist for the Monterey Peninsula Regional Park District. I was based at Garland Ranch Regional Park for five years, where I witnessed dogs in the riparian corridor of the Carmel River on a daily basis.
- In 1993, I began working for the Monterey Peninsula Water Management District, where I coordinated and supervised riparian habitat restoration efforts on the Carmel River. I was directly responsible for managing the revegetation, irrigation and monitoring of the Valley Hills Restoration Site between 1993 and 2000. This riparian restoration site is entirely on property owned by the Wolter Properties Limited Partnership, and occurs within the area leased by the Carmel Canine Sports Complex. I've attached a series of photographs that depict the development of the Valley Hills Restoration Site during the mid-1990's, both before and after high river flows in 1995. Photographs are courtesy of the Monterey Peninsula Water Management District.

Nicole Nedeff
Consulting Ecologist

11630 McCarthy Road
Carmel Valley, CA 93924

(831) 659-4252
nikki@venianaview.net



I have the following Clerical and Substantive comments pertaining to Biological Resources material presented in the Draft Environmental Impact Report for the CCSC:

Chapter 2:

PAGE	LINE	COMMENT
4	4	CLERICAL - The contract between the Monterey Peninsula Water Management District and the Wolters LLC for the Valley Hills Restoration Project was executed in 1993. Maintain consistency with page 9 line 4, and Bio Section 4.4 page 3 line 34

Biological Resources, Section 4.4:

PAGE	LINE	COMMENT
1	23	CLERICAL - The Carmel River flows to the west..
2	19	CLERICAL - <i>Platanus racemosa</i> is the species of sycamore. Western sycamore.
3	8	CLERICAL - equipment was (not were)
3	20	CLERICAL - The scientific name of periwinkle is <i>Vinca major</i>
3	23	CLERICAL - The new scientific name for Monterey cypress is <i>Hesperocyparis macrocarpa</i>
3	38	CLERICAL - The alder species is <i>Alnus rhombifolia</i> . White alder.
3	40	CLERICAL - The wild blackberry species is <i>Rubus ursinus</i> .
3	40	CLERICAL - The scientific name of manroot is <i>Morah fabacea</i> , not Ipomea
4	1	CLERICAL - The scientific name of mugwort is <i>Artemisia douglasiana</i> .
4	36	CLERICAL - The scientific name of black cottonwood is <i>Populus trichocarpa</i> .
4	37	CLERICAL - No red alder, only white alder in this reach of the Carmel River.
4	39	CLERICAL - The species composition noted in the DEIR is inappropriate for this elevation along a coastal stream in Central California. Remove grand fir, Sitka spruce, Douglas fir, western red cedar and western hemlock from the text.
6	5	SUBSTANTIVE - There is no Monterey Pine Forest in the project area, only a few invasive trees that have recruited in the Ruderal Upland and Riparian zone. Remove this Plant Community type from Section 4.4.3.1 -- Sensitive Natural Communities.
6	36/37	CLERICAL - Potential habitat..... is abundant in the multi-layered riparian habitat.
8	8	CLERICAL - The Carmel River is not the southernmost population of steelhead -- steelhead are known from the Big Sur River and even farther south.
13	35/36	CLERICAL - The Project Area appears to be is located.... Is it in, or not?? Does it appear to be, or is it???
14	27	CLERICAL - The text notes that the western pond turtle is thoroughly aquatic. However, this species is known to overwinter, as well as lay eggs in terrestrial habitat on terraces some distance above the river channel. See lines 37-39.
18-22	Section 4.4.4.3	SUBSTANTIVE - The Project is consistent with Monterey County General Plan Goal OS 05-5 and all Policies noted in the DEIR. The Project is consistent with Carmel Valley Master Plan Policies CV-3.7 -- 3.12. The proposed project will not impact special status species or natural communities and will maintain sensitive biological resources.
23	11	CLERICAL - backhoe, not backhouse...
26	10	SUBSTANTIVE - MM BIO-3, Dog Waste Management Plan. Modify the proposed DAILY collection of waste language to... collection of accumulated dog waste on a REGULAR BASIS, DEPENDING ON USE of facilities (see Section 2.4.1.3 page 8 line 38, and Section 4.8.4.3 page 20 line 17, and MM HYD-2 for consistency).

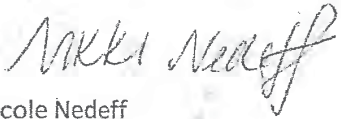
27	6-9	SUBSTANTIVE - CLARIFY that the picnic tables are in the Ruderal Upland habitat area, not in the 2.5-acre riparian floodplain area. The Ruderal Upland area historically supported agricultural equipment storage, a pig farm, manure and compost piles, and other farm-related activities.
27	13-20	SUBSTANTIVE - CLARIFY that proposed use of the Ruderal Upland area is different than use of the Riparian area, and that activity in the Ruderal Upland area where the picnic tables are will not disrupt wildlife or steelhead found in the riparian floodplain area.
27	36	SUBSTANTIVE - MM BIO-4a. MODIFY MITIGATION MEASURE and remove "all dogs be kept on leash at all times outside the food safety fence", to read "all dogs will be kept on leash, or under immediate voice control at all times outside the food safety fence". This provision is consistent with policies at Garland Ranch Regional Park, where hundreds of dogs can access the Carmel River and riparian corridor on a daily basis. For example, recent anecdotal observations made between 10:45 and 12:45 at Garland Park on the morning of Mother's Day 2015, noted at least 74 dogs entering the park near the Visitor Center, with approximately 40% off-leash. At least 16 dogs entered the Carmel River during that 2-hour period. I do not know of any documented take of special status species resulting from canine activity at Garland Park, or from any other section of the Carmel River riparian corridor. REMOVE TEXT ..."prohibit canine use of the Carmel River", and substitute with "control canine use of the Carmel River in the riparian area to reduce potential negative impacts to streambanks and sensitive species. Dogs should be under immediate voice control at all times". In my opinion, site control by the CCSC will actually reduce potential negative impacts associated with dogs off-leash in this portion of the Carmel River riparian corridor, since CCSC visitation will be limited, by reservation only and educational information will be required prior to gaining access. Most importantly, the overall CCSC presence will reduce public trespass through the property and unconstrained access to the Carmel River channel (public access along the river channel from upstream or downstream locations will remain unrestricted).
28	10	SUBSTANTIVE - MM BIO-4b. Retain cap of 30 dogs per day during first year, however MODIFY MITIGATION MEASURE to allow between 6 to 12 dogs visiting the Riparian area at one time, and up to 12 dogs at one time visiting the Ruderal Upland area where the picnic tables are located (the 12-dog limit allows for the size of dog classes noted in Section 2.4.3.2 page 12 line 7). The upper limit of 12 dogs visiting the Riparian area at one time should apply only to organized training exercises and classes. That said, there do not seem to be substantive scientific reasons to have limits on numbers of dogs visiting the Riparian area, and in fact Bekoff and Meaney reported that dogs off-leash generally did not wander far off of established trails in natural areas and rarely entered adjacent bodies of water. They concluded from their research that unruly people are more problematic and have a greater negative impact on the environment than unruly dogs (Bekoff, M. and C.A. Meaney. 1997. Interactions Among Dogs, People, and the Environment in Boulder, Colorado: A Case Study. Anthrozoos. 10(1):23-31).
28	21	SUBSTANTIVE - MM BIO-4c. MODIFY MITIGATION MEASURE TEXT to read... "The CCSC will facilitate the on-going monitoring and riparian vegetation management efforts already in-place and conducted by the MPWMD, including photo monitoring for site assessment, measurement of vegetative health, and analysis of soil moisture". The CCSC should not be the primary entity to coordinate a resources management program or monitoring plan of the Valley Hills Restoration site, since the area is maintained as an active restoration site by the MPWMD and their staff already monitors and manages

		<p>habitat resources. No control/reference site is needed, since the MPWMD already has substantial baseline data and monitoring information collected since the inception of the project in the early 1990's. The opportunity for increased attention by members of the CCSC during visits to the riparian corridor will provide the MPWMD with timely information of irrigation equipment failures, vandalism or trespass. The coordination between CCSC and MPWMD staff will result in enhanced habitat values, as the CCSC has indicated it would welcome the opportunity to conduct weed eradication activities under MPWMD guidance. REMOVE LANGUAGE that pertains to requirements for the Habitat Management Plan, semi-annual monitoring and coordination with resources agencies. SUBSTITUTE with text ... "The CCSC will work with MPWMD to immediately implement corrective action if on-going MPWMD monitoring reveals degradation of riparian habitat conditions resulting from CCSC operation."</p>
29	11-12	<p>SUBSTANTIVE - Correctly identify the Ruderal Upland vs. the Riparian area.</p>
29	37	<p>SUBSTANTIVE – MM BIO-5a. ELIMINATE MITIGATION TEXT regarding requirement for amphibian fencing around the irrigation reservoir. Biological information and supporting documents for the adjacent Quail Lodge Golf Course pond renovation project became available after the preparation of my February 2014 Biological Assessment for the CCSC project – the precedent and protocol for the CCSC irrigation reservoir should be modeled for consistency after the approved permit and conditions for the adjacent Quail Lodge Golf Course ponds. Both the CCSC irrigation reservoir and the adjacent Quail Lodge Golf Course ponds are man-made features that have the potential to attract native, as well as non-native amphibians. The approved Quail Lodge Golf Course pond renovation project does not require amphibian fencing around the newly filled golf course ponds to prevent the potential recruitment of native amphibians. The Quail biological assessment was updated with a letter report submitted in March 2014 by consultant Patrick Regan and, in addition, Mr. Regan prepared a Pond Management Plan for the Quail water features in June 2014. In the June 2014 Pond Management Plan, the protocol for pond draining to eliminate the potential establishment of bullfrogs is outlined on page 7. Suggested CCSC reservoir draining protocols are discussed below in MM BIO-5b. I also note that the Tehama (Cañada Woods North) water reclamation pond immediately to the east of the CCSC property does not have amphibian fencing.</p>
30	5	<p>SUBSTANTIVE - MM BIO-5b. CHANGE TIMING OF DRAINING the irrigation reservoir to "periodically, if necessary to remove non-native bullfrogs", rather than "once during late fall". The draining protocol should be modeled on the approved pond draining measures for the adjacent Quail Lodge Golf Course pond renovation project. If non-native bullfrogs are confirmed in the CCSC irrigation reservoir, a gradual draining process should be nearly completed by October, at which time the remaining water pool should be surveyed by a qualified biologist to determine whether native amphibians are present. Once native species are properly removed, the reservoir can continue to be drained to trap and dispose of adult bullfrogs and disrupt the life cycle of larval bullfrogs. In addition, in deference to water conservation, particularly during drought, it is not prudent or defensible to eliminate irrigation water that helps maintain the agricultural operation at CCSC. Periodic draining, when appropriate, is sufficient to address the potential occurrence of bullfrogs, in the event they become established.</p>

The adoption of suggested mitigations, with the corrections and modifications I've recommended above, will result in the CCSC project having a less than significant impact on special status biological resources in CCSC project area.

Please contact me if I can provide further information or elaborate on any of the comments above.

Sincerely,



Nicole Nedeff

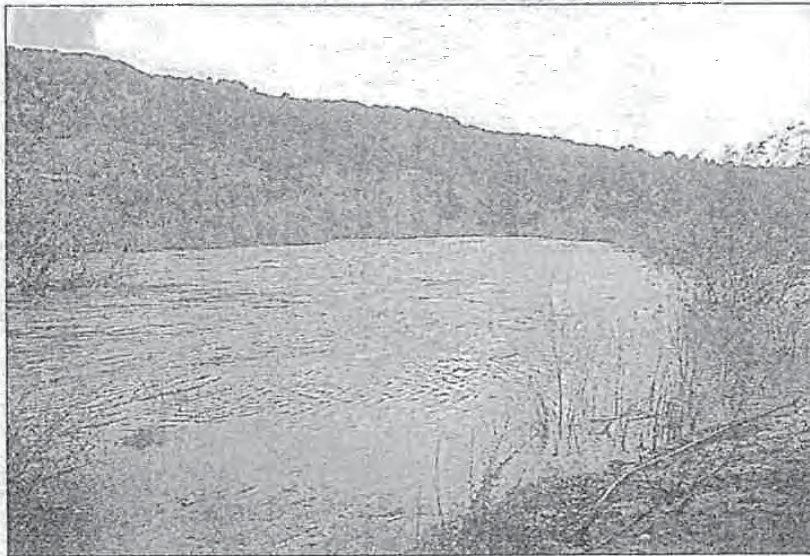
ATTACHMENTS: Photographs from the Valley Hills Restoration Site near the access trail to the Carmel River, Wolters property, 1993 - 1996.



November 1993 – Installing the channel grade control structure and post/wire revetment.



September 1994 – Irrigated plantings are robust.



January 10, 1995 – High river flow inundating the entire restoration area.



March 2, 1995 -- Recovery two months after January 10 flood.



March 10, 1995 -- Same view of Valley Hills Restoration Site from access road on Wolters property. Slightly greater flood magnitude than January 10, 1995.



July 1996 – Valley Hills Restoration Site recovery, with 16 months of growth after two major high flow events the previous year.

Attachment 3

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February 21, 2014

TO: Henrietta Stern
CC: Dave Laredo
FROM: Fran Farina
RE: CARMEL CANINE SPORTS CENTER (WOLTER PROPERTIES) WATER RIGHTS

We have been asked to review documentation in support of water rights for The Carmel Canine Sports Center, LLC, a California Limited Liability Company, lessee/optionee of real property owned by Wolter Properties Limited Partnership, a California Limited Partnership (Wolter) at Carmel Valley Road and Valley Greens Drive in Carmel Valley¹. Documents reviewed include a water rights opinion from attorney Aengus Jeffers, Schedule A to the CTLA title policy issued to Aengus L. Jeffers, Esq. dated June 26, 2013 entitled "Chain of Title Guarantee," each conveyance instrument referenced in Schedule A, and other documents and communications as specifically referenced herein.

Regarding questions of fact relevant to this memo, we have relied only upon our examination of the documents identified herein, and we have made no independent investigation or verification of such factual matters, except where explicitly noted herein. We have relied exclusively upon the title work and documentation provided by Aengus L. Jeffers from the title insurer he retained. We have assumed the genuineness of all signatures, the legal capacity and authority of all natural persons signing the documents, and the authenticity and completeness

¹ The title report references 7180 and 7200 Carmel Valley (Road) as street addresses. Other street references include 8400 Valley Greens Drive (MPWMD Staff) and 8100 Valley Greens Drive (County Planning).

CARMEL CANINE SPORTS CENTER (WOLTER) WDS
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of those documents submitted. We have further assumed the execution and delivery of the documents were free from fraud, misrepresentation, mistake, duress, or criminal activity. We have not made an independent investigation or examination of any other records or conducted historical research except as noted nor have we made any attempt to locate any additional documents. The conclusions of this memo are as of the date hereof. Any changes of law or fact after this date may affect our legal analyses or conclusions herein.

The Setting

The property consists of nine (9) parcels totaling about 40 acres in unincorporated Monterey County. There are two (2) existing wells² located on APN 169-431-007. The parcels originated from two separate tracts. Parcels from **Rancho Canada de la Segunda (a/k/a Hatton Partition, Lot 9)** include APN 169-431-001, -002, -003, -006, -007, and -011. The remaining parcels are part of the **James Meadows Tract, Lot 6** and include APN 169-431-008, -012, and -013.

Preliminary review indicates clear title placing ownership in the Wolter Properties Limited Partnership with access to Carmel Valley Alluvial Aquifer (CVAA) for irrigation to all parcels. There are, however, two caveats:

First, the proposed project references a reservoir on the property approximately 1.2 acre in size. As noted in the State Water Resources Control Board (SWRCB) comment letter on the Mitigated Negative Declaration (MND) for the Carmel Canine Sports Center Project,³ “[s]easonal water storage for irrigation purpose of use *cannot be accomplished under riparian rights.*” [Emphasis added.]

Second, if a storage element remains as part of the project, an appropriative right permit would be required. This would trigger analysis of the proposed flow rate and its impact on public trust resources. The SWRCB letter notes that Wolter’s prior Table 13 status is lost due to prolonged fallowing of the property. An appropriative permit would restrict water availability to a four month winter diversion period.

Property Description

Given the history of the property arising from two separate tracts, this review will follow each tract separately until they are all owned by Luis F. Wolter and Martha Winslow Wolter, predecessors in title to Wolter Properties Limited Partnership.

A. Rancho Canada de la Segunda

The original Rancho Canada de la Segunda tract of land began with an 1835 Mexican land grant to Lazaro (or Lozano) Soto. The tract consisted of almost 4400 acres in Carmel Valley from

² Attorney Aengus Jeffers represents that Russel and Karen Wolter have confirmed that existing wells on APNs 169-431-012 and -013 also contributed toward the irrigation of the common farm.

³ Letter from Katherine Mrowka dated January 29, 2014 with comments on the Mitigated Negative Declaration for the Carmel Canine Sports Center Project in Carmel Valley, Monterey County, California.

Highway One east to Canada de la Segunda canyon and from the ridgeline south to the Carmel River.

A U. S. patent was secured for the property by Fletcher Haight on February 4, 1859 and signed by President James Buchanan. By February 1869, the entire tract was conveyed to Dominga G. de Atherton. After subsequent transfers in 1893, the property vested with the Hatton heirs in 1901. A partition and final distribution of the property occurred in 1926.

Effect of Partition

A partition judgment divides and apportions the preexisting rights and estates, transforming the right of common possession into a right to exclusive possession of an interest or share in severalty. Each party thereafter holds in severalty the interest he previously held in undivided form, under the same title and subject to the same obligations, covenants, and contracts as before.

Where a large tract of riparian land is divided into several parcels by judicial decree, each parcel retains an undivided interest in the riparian right of the original tract, whether the resulting tract abuts on the stream or not and regardless of the failure of the decree of partition to mention water rights.

The Hatton partition created 17 lots. **Lot 9** containing about 44.91 acres went to **Howard D. Hatton** in 1927. Hatton and his wife conveyed to Luis F. Wolter and Martha Winslow Wolter all of Lot 9 in a document recorded January 7, 1943. The entire property was riparian to the Carmel River.

Water Rights Conveyance

There is only one document in this portion of the chain of title addressing water rights. A deed from Mrs. Kate H. Hatton, Anna Hatton Martin, Harriet H. Hatton, William Hatton, Frank Douty Hatton, Howard Hatton, E. G. Hatton, and Sarah Hatton McAulay to Pacific Improvement Company conveyed "the water of the Carmel River" and "the *right to appropriate* for any purpose whatever" with the right to take it wherever and use it for whatever purpose. [Emphasis added.]

The document referenced existing pipes on the Hatton property owned by Pacific Improvement Company and authorized the transport of water through this pipe or a "different and larger pipe or pipe lines" including the right of ingress and egress for inspecting, repairing, and renewing the pipes. The consideration given was that grantors (i.e. the Hatton family), their heirs and assigns would "at all times have the right to draw from said pipe or pipe lines through taps or cocks" placed by Pacific Improvement Company, its successors and assigns, "water for dairy, stock and domestic purposes, at the upper and lower dairies, upon said lands without charge..." If the water in the pipe or pipe lines was insufficient because of drought or the river drying up to meet daily water needs, it was not considered to be a breach of the contract.

CARMEL CANINE SPORTS CENTER (WOLTER) WDS
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Status of Rancho Canada de la Segunda/Hatton Partition Lot 9 Riparian Rights

It is apparent from the 1906 grant that rights to appropriate water from the Carmel River were given to California-American Water Company's (Cal-Am) predecessor in title and that the riparian rights were not severed from the parcel. However, the language in the deed subordinated the riparian right to Cal-Am's appropriative right in return for free water from the utility's pipeline.⁴ There was no impairment to overlying rights to the CVAA which is the current water source for the two wells on APN 169-431-007.

B. James Meadows Tract

The original James Meadows Tract consisted of 4581 acres in Carmel Valley from Canada de la Segunda canyon east to Berwick Canyon and from the ridgeline south to the Carmel River. Following the procedures resulting from the Treaty of Guadalupe Hidalgo and Act of Congress, a patent from the United States to James Meadows was granted and eventually recorded in 1904.

Partition Action

James Meadows died intestate with many heirs. Pursuant to court order based on a 1905 survey and map (referred to as the Partition Map of the James Meadows Tract), the property was partitioned. Of the multiple lots created, what is now the Wolter property is located on a portion of Lot 6.

Lot 6 originally contained 80.82 acres and was owned by **Frank Y. Meadows**. His widow, Pauline, owned the **west half** (40.41 acres) as homestead and conveyed it to her children and grandchildren. Ultimately, it vested in **Thomas C. Meadows**. Beginning in 1936, multiple conveyances were made to Luis F. Wolter and Martha Winslow Wolter. The property eventually vested in the four Wolter children who subsequently conveyed their interests to the Wolter Properties Limited Partnership.

Water Rights Conveyance

There is only one document in this portion of the chain of title addressing water rights. A deed in 1906 from Frank Y. Meadows and his wife, Pauline, to Pacific Improvement Company conveyed "the water of the Carmel River" and "the *right to appropriate* such portions of the waters of the Carmel River and its tributaries" with the right to take it wherever and use it for whatever purpose. [Emphasis added.]

In addition, the Meadows granted "*all our rights under the laws known as riparian laws* and otherwise, to the waters of said Carmel River" together with the right to convey the water in

⁴ Subordination affects the relationship of the grantor and the grantee, not their relationship in regard to third parties. *Duckworth v. Watsonville Water and Light Co.*, 150 Cal. 520, 526 (1907).

pipes already installed or in other pipes running through the Meadows' property as well as the right of ingress and egress for inspecting, repairing and renewing the pipes. [Emphasis added.]

The consideration given for these appropriative and riparian rights was the requirement that Pacific Improvement Company install a tap in the pipe "to furnish us with sufficient supply of water for domestic and stock uses" without charge. If the water in the pipe or pipe lines was insufficient because of drought to meet domestic and stock uses, it was not considered to be a breach of the contract.

Status of James Meadows Partition Lot 6 Riparian Rights

The 1906 deed granted both the right to appropriate water from the Carmel River to California-American Water Company's (Cal-Am) predecessor in title and the riparian rights attached to the parcel. This would have severed the riparian right for purposes of direct diversion from the surface water of the river; it would not, however, impair the overlying right to the CVAA⁵ as the knowledge of the parties at that time was that everything outside of the river's surface water was percolating groundwater.⁶

Subdivision; Lot Line Adjustments

Newly created parcels without physical continuity to the stream can lose riparian status unless preserved in the conveyance document⁷ or the history shows that at least a portion of each of the subdivided parcels always had been dependent for irrigation on the waters of the stream and was irrigated by it.⁸

The chain of title shows Wolter's family acquiring nine (9) parcels beginning in 1936. The largest conveyance of 44.91 acres was all of Lot 9 from the Hatton Partition. Acreage from Lot 6 of the Meadows Partition was acquired in multiple conveyances, the largest containing 16.90 acres. All together, the acreage exceeded 65 acres.

Even if all of the separate conveyances from the Meadows partition Lot 6 to Wolter lacked any reference preserving the riparian rights, each overlies the CVAA⁹ and at the time of such conveyance the lots no longer contiguous to the river were thought to have percolating groundwater.

There have been three Lot Line Adjustments (LLA) to the Wolter property over a period of years¹⁰. Each LLA involved four existing lots of record that were subsequently reconfigured into four lots of record. Carmel Valley zoning requires each lot to be at least 2.5 acres and

⁵ "[R]iparian land owners and the overlying land owners may be said to possess a right to the stream, surface and subsurface, analogous to the riparian right. *Peabody v. Vallejo*, 2 Cal.2d 351, 375 -- 376 (1935).

⁶ It was not until the SWRCB's Order No. WR 95-10 that the Carmel Valley Alluvial Aquifer was confirmed as underflow of the Carmel River.

⁷ *Anaheim Union Water Co. v. Fuller*, 150 Cal. 327, 331 (1907).

⁸ *Strong v. Baldwin*, 154 Cal. 150, 156 -- 157 (1908).

⁹ *Peabody v. Vallejo*, supra.

¹⁰ Partial records were provided for the Lot Line Adjustments (LLA) in 2001, 2003 and 2005.

several of the existing lots were undersized¹¹. In addition, the reconfigurations were apparently done for estate planning purposes.

Riparian Water Use on Multiple Contiguous Parcels

In this instance, each parcel is contiguous to the other and all are owned by the same legal entity. The current wells are located on a parcel that, for the most part, is “upstream” of the others. Were the downstream parcels under separate ownership, there could be an issue that the diversions on the well parcel were unreasonable and interfered with the flow of subsurface water. That is not an issue here.

Given the single ownership of contiguous parcels having a water use history where all parcels have received irrigation, there is no restriction on the use of water from the well parcel to the other parcels.

State Water Resources Control Board Activity

Wolter has an extensive history with the SWRCB including a protest against MPWMD’s New Los Padres Dam. In Decision No. 1632¹², no water was reserved for Wolter and no application was pending at the time.

By 1996, Wolter filed Application 30511¹³ (Application) and Decision No. 1632 was modified to show a Table 13 reserved quantity of 37.4 AF. The Application requested 96 acre-feet per year.

In early 2012, Katherine Mrowka, SWRCB Chief of Inland Streams Unit, provided a status report on the Application. A protest to the Wolter Application by the California Department of Fish and Game (DFG) conditioned its dismissal on compliance with the National Marine Fisheries Service (NMFS) flow regime for the Carmel River. This would require a storage component that was not part of the Application. Wolter objected because storage would occupy the land required for cropping.

Wolter’s attorney, Alexander Hubbard of Hubbard & Hubbard LLP, responded to Ms. Mrowka on March 12, 2012, formally objecting to the condition requiring Wolter to “cease pumping water for an indeterminable period of time when minimum daily in-stream flows are below a certain limit...”¹⁴ Hubbard cited the SWRCB Order on Application 30497 for Eastwood’s Odello property that did not prohibit pumping subsurface water when the surface water course was dry. He argued that the Wolter Application should be treated the same as Eastwood’s. The 2014 Mrowka response on the MND indicates that the Application has lost its Table 13 status due to prolonged fallowing and diversions would be limited to a four month winter diversion period.

¹¹ For example, in the 2003 LLA, the four existing lots contained 0.25, 0.50, 0.88, and 40.88 acres, more or less.

¹² Decision No. 1632 was issued by the State Water Resources Control Board on July 6, 1995 for MPWMD’s New Los Padres Project (Application 27614 and Permit 7130B).

¹³ Wolter filed Application 30511 on February 29, 1996 for 96 acre-feet.

¹⁴ Letter from Alexander F. Hubbard to Katherine Mrowka dated March 27, 2012.

Conclusion

Our preliminary assessment concludes that subordinated riparian water rights to Carmel River surface water for APN 169-431-007 and -008 are intact as they abut the Carmel River. In addition, all parcels overlie the CVAA and retain subsurface riparian rights.

Wolter has an Application pending with the SWRCB for an appropriative permit to irrigate multiple parcels totaling about 40 acres. At this time, it is unknown if a storage component will be added to the Application and whether year-round pumping will be allowed.

Attachment 4

STATE OF CALIFORNIA
 STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition)	
for Reconsideration of)	
Permitted Application 30497)	
)	ORDER: WR 97-02
California Sportfishing)	
Protection Alliance,)	SOURCE: Carmel River
)	
Petitioner,)	COUNTY: Monterey
)	
Margaret Eastwood Trust,)	
)	
Permittee.)	

ORDER AFFIRMING THE ISSUANCE OF
 PERMITTED APPLICATION 30497

BY THE BOARD:

1.0 INTRODUCTION

On March 5, 1997, the Assistant Chief, Division of Water Rights (Division), issued a water right permit to the Margaret Eastwood Trust (Trust) for Application 30497. Permitted Application 30497 authorizes the diversion and use of up to 195.9 acre feet per annum from January 1 to December 31 of each year. Water pumped from the subterranean Carmel River can be used for irrigation. (Permit 20905.)

On April 4, 1997, the California Sportfishing Protection Alliance (CSPA) filed a petition under Water Code section 1122 seeking reconsideration of the decision to issue the permit. Petitioner

requests that: (1) Permitted Application 30497 be revoked,¹ (2) an Environmental Impact Report (EIR) and cumulative impact analysis be prepared, and (3) a condition be adopted which would preclude water being pumped from the subsurface aquifer when surface flow in the Carmel River falls below an unspecified level.² On April 22, 1997, counsel for the Trust filed the "Response to CSPA Petition for Reconsideration."

2.0 BACKGROUND

On December 4, 1995, the Odello Family filed Application 30497 with the State Water Resources Control Board (SWRCB). The property was subsequently conveyed to the Trust. On August 9, 1996, the application was noticed. Protests to the application were received from the: (1) California Department of Fish and Game, (2) Ventana Chapter of the Sierra Club (Sierra Club), (3) League of Women Voters, (4) John G. Williams, (5) Clive Sanders, (6) Carmel River Steelhead Association (CRSA), and (7) CSPA.

On November 18, 1996, a field investigation was conducted by the staff of the Division. On December 16, 1996, the Chief, Division issued the Staff Analysis of the investigation. On the same day, the Staff Analysis was mailed to the applicant and each

¹ CSPA does not expressly request that the permit be revoked; however, such a request is implicit in the request that an EIR and a cumulative impact analysis be prepared and a condition be adopted prohibiting the extraction of water during low or no flow conditions.

² Under current conditions, the river is dry during summer and fall months of many years and that is the time when water is most needed for irrigating crops. The SWRCB assumes that CSPA is really seeking a condition which would prohibit the Trust from pumping subsurface water when surface flow in the river falls below an unspecified level. What CSPA actually states is that the permit should be subject to a condition requiring mandatory flow requirements in the river. (Petition, pp. 4-7, 10, 13, and 14.) A person directly diverting water has no means for augmenting water in a source if it falls below a certain level; however, projects which store water can release water from storage and supply water to meet permit conditions calling for downstream flow requirements.

protestant. The cover letter explained that a permit would be issued, unless a hearing is requested. The letter also explained that: (1) a hearing request must identify the element of the underlying protest that was not resolved by the Staff Analysis and (2) the SWRCB would restrict any hearing to the consideration of unresolved protest issues.³

Among other matters CSPA's response states: (1) dismissal of the protests by the Staff Analysis violates equal protection and due process rights and (2) the Staff Analysis does not comply with the California Environmental Quality Act⁴ (CEQA) because the analysis: (a) does not evaluate the cumulative impacts to steelhead trout and their habitat, and (b) does not recommend prohibiting the pumping of subsurface water when flow in the river is needed to protect steelhead trout and their habitat, and (3) the Staff Analysis violated section 7 of the Federal Endangered Species Act (ESA)⁵ when it failed to treat steelhead as an endangered species.

The Division dismissed CSPA's response on various grounds stating, in part: (1) the Division processed the application and protests in conformity with Water Code section 1345 et seq. and, thus, due process or equal protection rights were not violated, (2) the Staff Analysis does not purport to be a CEQA document and

³ Four responses to the letter and Staff Analysis were received. Responses were filed by CRSA, Mr. Williams, Sierra Club, and CSPA. Both CRSA and Mr. Williams requested a hearing for reasons unrelated to their underlying protests and, therefore, the hearing requests were denied. The Sierra Club's response merely states that it concurs with comments in Mr. Williams response and did not request a hearing. The Sierra Club was advised that it would have to file a timely request if it wanted a hearing. No request was subsequently filed by the Sierra Club.

⁴ Public Resources Code § 21000 et seq.

⁵ 16 USC § 1531 et seq.

that the Division has determined that the project is exempt from CEQA, (3) the response fails to identify the specific portions of the analysis which are inaccurate, and (4) steelhead are not listed as endangered pursuant to the ESA and CSPA did not cite any authority for the proposition that unlisted species must be treated as if steelhead were listed. Thereafter, on February 28, 1997, a notice of exemption was signed and on March 5, 1997, Permitted Application 30497 was issued. On April 4, 1997, CSPA filed its petition seeking reconsideration of the decision to issue the permit.

3.0 PROJECT DESCRIPTION

The Odello property is situated on the south bank of the Carmel River, east of state Highway 1, and about 2 miles southeast of the City of Carmel, California. The applicant indicated that the property has been in agricultural production since 1914.⁶ Water will be used to irrigate about 104 acres of artichokes and riparian habitat. Irrigation water is pumped from two existing wells adjacent to the Carmel River. Application 30497 was filed to obtain an appropriative water right for an established use of water.

4.0 LAW APPLICABLE TO PETITIONS FOR RECONSIDERATION

Petitions for reconsideration of SWRCB decisions must be:

- (a) filed within 30 days following adoption of a decision and
- (b) accepted or denied within 90 days of adoption. (Water Code § 1122.) Reconsideration may be sought for the following causes:

- (a) Irregularity in the proceedings or any ruling, or abuse of discretion, by which the person was prevented from having a fair hearing;

⁶ The lower Carmel River Valley, Monterey Peninsula, and surrounding areas were settled and developing before 1800. (SWRCB Order WR 95-10, p. 18.)

- (b) The decision or order is not supported by substantial evidence;
- (c) There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced; and
- (d) Error in law. (Cal. Code Reg., tit 23, § 768.)

The SWRCB may refuse to reconsider a decision or order if the petition fails to raise substantial issues. In addition, after review of the record, the SWRCB may (a) deny a petition upon finding that a decision or order was appropriate, (b) set aside or modify the decision or order, or (c) take other appropriate action. (§ 770.)

5.0 ISSUES RAISED BY PETITION FOR RECONSIDERATION

5.1 The Federal Endangered Species Act Did Not Require the SWRCB to Consult with U.S. National Marine Fisheries Service.

CSPA contends that the Federal Endangered Species Act (ESA, 16 USC § 1531 et seq.) required the SWRCB to: (1) treat steelhead as an endangered or threatened species and (2) consult with the U.S. National Marine Fisheries Service (NMFS). CSPA argues that because notice has been given in the Federal Register that steelhead are being considered for listing, the SWRCB must treat the steelhead as endangered and consult with NMFS. (Petition, pp. 13-14.)

When species have been declared to be endangered or threatened with extinction under ESA, federal agencies are required to consult with either the Secretary of the Interior or Commerce. (16 USC § 1536.) NMFS is within the Department of Commerce and is responsible for implementing portions of the act. On August 9, 1996, NMFS issued a proposed rule which would list steelhead as an endangered species on California's central and south coast, an area including the Carmel River. (61 Federal

Register 155, p. 41541 et seq.) Nothing in the act, its regulations, or case law interpreting the statute and regulations requires state agencies to consult with federal agencies when species have been listed as threatened or endangered or are candidates for listing under ESA.⁷ Thus, we find that the ESA did not require the SWRCB to consult with NMFS.

5.2 A Hearing is Not Required by Either the Due Process or Equal Protection Clauses of the Constitution.

An oft repeated refrain in CSPA's petition is that the SWRCB's failure to hold a hearing is a violation of due process and equal protection. CSPA does not provide any legal argument as to why due process would entitle it to a hearing nor does CSPA identify any property or liberty interest that would entitle it to a hearing (See *Board of Regents v. Roth* (1972) 408 U.S. 564, 569-579 [92 S.Ct. 2701, 2705-2710].) Even assuming that CSPA has such an interest, it has been provided the necessary hearing. Procedural due process cases, which require some type of hearing, allow much less formal proceedings than court proceedings. The fundamental requirement is for notice and an opportunity to be heard. (See generally, *Mathews v. Eldridge* (1976) 424 U.S. 319, 332-335 [96 S.Ct. 893, 901-903].) The opportunity to be heard may be satisfied by written submissions. (See *Poschman v. Dunke* (1973) 31 Cal.App.3d 932, 938, [107 Cal.Rptr. 596, 600]; *Friends of the Old Trees v. Cal. Dept. of Forestry & Fire Protection* (1977) 52 Cal.App.4th 1383, [61 Cal.Rptr.2d 297, 304, 306].)

⁷ A state agency may voluntarily engage in such consultation or as a condition of implementing a federally delegated program or function.

All applications to appropriate water are noticed in accordance with the requirements of the Water Code. (Water Code § 1300 et seq.) Any interested person may file a protest to an application. (Water Code § 1330 et seq.) Application 30497 was processed as a minor protested application under Water Code section 1345 et seq.⁸ These provisions require the staff of the Division to conduct a field investigation and to prepare a staff analysis which recommends what actions should be taken on the application and protests. The applicant and protestants must be given prior notice of the field investigation so that they can appear and present evidence in support to their protest. (Cal. Code Regs., tit. 23, § 760(b)(1).) The Staff Analysis is sent by registered mail to the applicant and protestants. Unless a hearing is requested, the SWRCB can act on the staff analysis without a hearing. (Water Code § 1346.) A request for hearing must specify the issues unresolved among the parties, and the SWRCB must restrict any hearing to such issues. (Water Code § 1347.) These procedures are more than adequate to satisfy due process.

The foregoing procedures were followed with Application 30497.⁵ When responding to the Staff Analysis for Application 30497, CSPA did not request a hearing. Further, CSPA's petition for reconsideration does not seek a hearing for disputed factual matters. Thus, under these circumstances, we find that a hearing is not required.¹⁰ In addition, we find that the procedures for

⁸ A minor application means an application which seeks: (1) 3 cfs or less by direct diversion or (2) 200 afa or less by diversion to storage.

⁹ Indeed, when CSPA's representative stated he could not appear at the field investigation for health reasons, the Division's staff arranged telephone conference facilities to allow him to participate in a portion of the field investigation.

minor protested applications satisfies due process requirements and a trial type hearing is not required.

5.3 The SWRCB Complied With CEQA When Processing and Issuing Permitted Application 30497.

CSPA believes that: (1) the issuance of a notice of exemption for Permitted Application 30497 violates CEQA and (2) the SWRCB should have prepared an EIR, including an assessment of cumulative impacts. (Petition, pp. 3-4, 7-8.)

On December 16, 1996, the Chief of the Division issued the Staff Analysis of the investigation. The analysis dismissed all of the protests to the application. Subsequent requests for hearing were denied. (See Section 2.0 BACKGROUND and fn. 3.)

Thereafter, on February 28, 1997, the SWRCB issued the notice of exemption. The notice states that the project was exempted on the following grounds:

³⁰ We make no findings as to CSPA's equal protection contention. So little information is provided in the petition, the SWRCB cannot even hazard a guess as to how CSPA thinks the equal protection provision of the Constitution has been violated by the issuance of Permitted Application 30497.

CSPA failed to comply with submission requirements. Among other matters, petitions for reconsideration must be accompanied by a statement of points and authorities in support of legal issues raised in the petition. (Cal. Code Reg., tit. 23, § 769(c).) "Points" means distinct propositions of law or chief heads of arguments. "Authorities" means citations to statutes, precedents, judicial decisions, text books on the points or propositions or law or arguments being advanced. (See Black's Law Dictionary.) A memorandum of points and authorities should contain a statement of facts, a concise statement of law, evidence and arguments relied upon, and a discussion of the statutes, cases, and textbooks cited in support of the position advanced. (Code Civ. Proc. § 313(b).)

CSPA's petition for reconsideration attempted to comply with the submission requirement for a statement of points and authorities. The submission, however, is poorly written and legal authorities are poorly cited or missing altogether. (Petition, pp. 2-3, 7-14.) We note that the CSPA representative filing the petition is a lay person. Thus, we find that the points and authorities included with the petition were not sufficient to meet the requirements of section 769(c).

- (a) The project is not a project under CEQA because it does not result in either a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065.)
- (b) Class 1 Exemption. This application consists of the operation or maintenance of existing private facilities and topographical features (agricultural operations) involving negligible or no expansion of use beyond that previously existing. (Cal. Code Regs., tit. 14, § 15301.)

CSPA contends that the SWRCB failed to follow its own procedures when the project was exempted. In support of this contention, CSPA provides the following quote:

"A minor project qualifies for an NOE [Notice of Exemption] under a Categorical Exemption Class 4, in accordance with Title 14, California Administrative Code, Section 15304 if it satisfies the following requirement:

2. The project will not cause significant adverse impacts on any sensitive environment and will not result in significant impacts.
3. There are no unresolved protests."

CSPA fails to meaningfully identify the source for this cite and, without more information about the source, it is impossible to fully understand or respond to the contention. (Petition pp. 3-4.) It appears that CSPA is referring to training materials used by the Division's Environmental Section.¹¹ The materials have never been adopted as regulations, and there does not appear to

¹¹ These materials are loosely titled: *Water Right Application Environmental Review Process and Procedures for: Preliminary Review, Secondary Review, Notice of Exemption, Petition for Change, State Clearinghouse Documents, Certification of Review, Initial Study/Negative Declaration Document, Database Update and Appendices.* February 1993.

be any reason why the existence of protests should necessarily bar use of a Class 4 categorical exemption. In any event, the use of the Class 4 exemption is irrelevant because the Division did not rely on the exemption in this instance.

Although the quoted statement is found among the training materials, nothing in these materials states that a Class 4 exemption is the only exemption which may be used by the SWRCB. Indeed, SWRCB practice has been to use all appropriate statutory exemption and categorical exemptions found within the Guidelines. (Pub. Res. Code § 21065, 21080.01 et seq.; Cal. Code Regs., tit. 14, § 15300 et seq.)

Only undertakings that may cause a direct physical change or a reasonable foreseeable indirect physical change in the environment can be projects within the meaning of CEQA. (Pub. Res. Code § 21065.) Section 15301 of the Guidelines provides for a Class 1 exemption for projects consisting of the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving little or no expansion of use beyond that previously existing. The Court of Appeal has upheld the use of the Class 1, section 15301 exemption when issuing a permit for an existing facility. (*Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.)

In the case of Permitted Application 30497, the applicant seeks a permit for an existing use of water; a use that can be maintained under a claim of riparian right irrespective of whether a permit is issued by the SWRCB. The permittee intends to pump water from two wells to irrigate about 104 acres of existing irrigated land. CSPA failed to demonstrate how issuing this permit for an existing project could result in a cumulative effect on the environment. In the absence of such an effect, neither an EIR

nor a cumulative impact assessment is required. Thus, we find that it is appropriate to exempt Permitted Application from CEQA in accordance with sections 15301 and 21065.

5.4 Neither California Fish and Game Code Section 5937 nor California Code of Regulations, Title 23, Section 782 Are Applicable to Wells Diverting Water From a Subsurface Watercourse.

CSPA contends that sections 5937 and 782 are violated because Permitted Application 30497 does not prohibit the diversion of water when flow in the stream falls below unspecified minimum levels.

Section 5937 provides, in pertinent part:

"The owner of any dam shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam."
(Emphasis added.)

Fish and Game Code section 5900 provides, in part:

"As used in this chapter: (a) 'Dam' includes all artificial obstructions."

When sections 5900 and 5937 are read together, it is clear that section 5937 applies only to facilities which can obstruct the surface flow of a stream.

Section 782 provides, in pertinent part:

"In compliance with Section 5937 of the Fish and Game Code, all permits for diversion of water from a stream by a dam which do not contain a more specific provision for the protection of fish shall require the permittee

to allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam;" (Emphasis added.)

On their face, sections 5937 and 782 apply only to dams. CSPA's petition states that section 5937 applies to dams. (Petition, p. 11.) CSPA's petition also fails to cite any authority or set forth any rationale supporting its contention that these provisions apply to extractions by wells from subsurface water. The SWRCB finds that neither section 5937 nor section 782 are applicable to applications, permits, or licenses which extract water from subsurface water via wells or other facilities which do not obstruct the surface flow of a stream. Permitted Application 30497 is only for the extraction of subsurface water from two wells.¹² Thus, the SWRCB finds that these sections are not applicable to Permitted Application 30497.

5.5 Water Code Section 1243 Does Not Require That the SWRCB Prohibit the Diversion of Water When Flow in the Stream Falls Below a Certain Level.

CSPA contends that the SWRCB abused its discretion when it approved the issuance of Permitted Application 30197 without: (1) determining the amount of water that should remain in the river for the protection of fish and (2) adopting a condition prohibiting the diversion of water when flow in the stream falls below a level necessary for the protection of fish. The only authorities cited for this contention are Water Code sections 1243 and 1243.5.¹³

¹² August 9, 1996 notice of the application, p. 1; Staff Analysis, p. 2, 3.0 Project Description.

¹³ Section 1243 provides, in pertinent part:

(Continued)

When it is in the public interest, both sections require the SWRCB to take into account the water needed to remain in a source for the protection of fish. Neither section, however, prohibits the SWRCB from approving applications to divert water from a source even though such diversions will have an adverse effect on fish and wildlife resources.

The Staff Analysis, upon which the issuance of the permit is predicated, expressly addressed the requirements of sections 1243 and 1243.5. (Staff Analysis, § 9.2, pp.22-23.) The analysis states, in part:

"This application only seeks to divert water which has been historically diverted and will not result in an expansion over existing uses [diversions]. Continuation of present activities [by the applicant] will not result in any direct or indirect physical change in the environment. The SWRCB has taken into account the amount of water required for public interest concerns and because there is no physical change proposed from the baseline condition, SWRCB staff has determined that no additional findings, beyond those contained in Decision 1632 and Order 95-10, are required for approval of Application 30497." (Words in brackets "[]" are added for clarification.)

"The use of water for recreation and preservation and enhancement of fish and wildlife resources is a beneficial use of water. In determining the amount of water available for appropriation for other beneficial uses, the board shall take into account, whenever it is in the public interest, the amounts of water required for recreation and the preservation and enhancement of fish and wildlife resources.

Section 1243.5 provides, in pertinent part:

"In determining the amount of water available for appropriation the board shall take into account, whenever it is in the public interest, the amounts of water needed to remain in the source for protection of beneficial uses, including any beneficial uses specified to be protected in any relevant water quality control plan established pursuant to Division 7 (commencing with § 13000) of this code."

Mean Monthly Flow and Demand for Flow in the Carmel River (cfs ¹⁵)			
	August	September	October
Flow at Proposed New Los Padres Project ¹⁶	3.6	3.0	5.8
Flow in the Carmel River ¹⁷	5.1	4.3	8.3
Monthly water right demands on the river ¹⁸	523 afa	523 afa	983 afa
Daily water right demand on the river ¹⁹	16.9 afa	17.4 afa	31.7 afa
Daily water right demand ²⁰	8.5	8.8	16.0

Looking at rows 2 and 5 it is obvious that during the months August, September, and October: (1) the demand for water by prior water rights is about twice the flow available in the river and (2) the surface of the river will be dry during most years. (Decision 1632, p. 23 and p. 33.) Decision 1632 also found that a limited supply of water is available for extraction below the

¹⁵ "Cfs" means cubic feet per second.

¹⁶ The numbers in this row are taken from Decision 1632, Table 8, p. 23.

¹⁷ The watershed tributary to the proposed New Los Padres Project comprises about 70 percent of the flow in the river. Thus, these figures are derived by dividing the flow in the river at the proposed project by .7 to take into account inflow from other tributaries to the river.

¹⁸ These numbers are obtained from Decision 1632, Table 11, p. 33.

¹⁹ Daily afa values are derived by dividing monthly values by the number of days in the month.

²⁰ One (1) cfs = 1.984 af. Daily cfs demands are derived by dividing daily afa flows by 1.984.

surface of the Carmel River. (Decision 1632, 4.6 Additional Findings On Availability of Water, pp.25-34, 31-32.)²¹

In circumstances such as this where: (1) the applicant has a riparian right and seeks only to divert water which has been historically diverted and (2) the surface watercourse is dry during critical summer months of most years, the SWRCB finds that it is not in the public interest to adopt conditions prohibiting the permittee from pumping subsurface water when the surface watercourse is dry. Thus, we find that section 1243 does not require that the SWRCB prohibit the diversion of water when flow in the stream falls below a certain level and that CSPA's contention is without merit.

5.6 The Public Trust Doctrine Is Not Violated by the Issuance of Permitted Application 30497.

CSPA believes that the public trust doctrine was violated when the SWRCB: (1) failed to balance the beneficial uses [presumably steelhead and consumptive uses]²² and (2) Permitted Application 30497 was not subjected to a condition prohibiting the diversion of water when flow in the stream falls below a level necessary for the protection of steelhead and their habitat. (Petition, p. 10.) While the petition sets forth CSPA's understanding of the public trust doctrine, the petition is lacking in any analysis which could demonstrate how the Staff Analysis failed to satisfy the requirements of the doctrine. (Petition, pp. 8-10.)

²¹ Administrative notice is taken of the findings and tables in Decision 1632.

²² Language in brackets added for clarification.

Steelhead and its habitat is considered in the Staff Analysis. (See pp. 17-24 generally, Staff Analysis, § 6.2.7 CSPA, § 9.1 Evaluation of Instream Flows and Prior Rights, § 9.2 Evaluation of Public Interest Concerns, and § 10.0 Environmental Analysis.) While the Staff Analysis does not include a detailed statement of the effect of the proposed project on steelhead, review of these sections demonstrate that the Division was cognizant of how steelhead and its habitat would be effected.

Clearly, flow in the lower Carmel River is not adequate for steelhead or steelhead habitat during the summer and fall months of most years. As indicated in the Staff Analysis, the SWRCB has considered the flow that can be provided for steelhead. In Decision 1632, the SWRCB approved the New Los Padres Project subject to conditions that water be released from storage for steelhead in the lower Carmel River.²³ The SWRCB also adopted conditions intended to provide for as much flow as possible in the river until such time as the project may be constructed;²⁴ however, until such time as a comprehensive solution like New Los Padres becomes available, little can be done to improve conditions for steelhead. While these conditions are not desirable, approval of Permitted Application 30497 will not make matters worse.

Fundamentally, the public trust doctrine requires the SWRCB to give consideration to public trust resources and to avoid or mitigate effects of such resources when feasible. The doctrine does not, however, prohibit the issuance of a water right permit even though an application will have foreseeable harm to trust interests. (*Nat. Audubon Soc. v. Super. Ct.* (1983) 33 Cal.3d

²³ Decision 1632, Conditions 28 through 32.

²⁴ Decision 1632, Condition 33; Order 95-10, Conditions 2 through 11.

419, 446-447; [189 Cal.Rptr. 346, 364-365].) Thus, the SWRCB may approve an application which adversely affects public trust uses if the adverse effects are outweighed by the public interest in allowing a diversion. As discussed in the preceding section,²⁵ this diversion can have little or no effect on instream flow and beneficial uses. On the other hand, approving the application will provide a permit for a long-standing existing agricultural operation. In these circumstances, the public trust doctrine does not require the SWRCB to deny an application or prohibit the diversion of water when flow in the river falls below a certain level.

7.0 CONCLUSIONS

Having considered the entire administrative record for this matter, the CSPA petition for reconsideration, the response filed by applicant's counsel, and the foregoing discussion we conclude as follows:

1. ESA did not require the SWRCB to consult with NMFS.
2. The procedures for minor protested applications satisfies the requirements of the due process protection clause of the Constitution and a trial type hearing is not required.
3. The SWRCB complied with CEQA when processing and issuing Permitted Application 30497.

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²⁵ (5.6 supra.)

ORDER

NOW THEREFORE IT IS ORDERED THAT:

1. The petition for reconsideration by CSPA is dismissed and
2. The issuance of Permitted Application 30497 is affirmed.

CERTIFICATION


The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 14, 1997

AYE: John Caffrey
James M. Stubchaer
Marc Del Piero
Mary Jane Forster
John W. Brown

NO: None.

ABSENT: None.

ABSTAIN: None.


Maureen Marché
Administrative Assistant to the Board

STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
 STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20905

Application 30497 of Margaret Eastwood Trust
c/o Clint and Margaret Eastwood, 7145 Carmel Valley Road, Carmel, CA 93923

filed on December 4, 1995, has been approved by the State Water Resources Control Board
 SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

- | | |
|---|----------------------|
| 1. Source: | Tributary to: |
| <u>Carmel River (subterranean stream)</u> | <u>Pacific Ocean</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
POINT OF DIVERSION NO. 1 North 450,550 feet and East 1,148,450 feet	SE¼ of SW¼	18	16S	1E	MD
POINT OF DIVERSION NO. 2 North 450,028 feet and East 1,146,250 feet	SE¼ of SE¼	13	16S	1W	MD

County of Monterey

SWRCB 14 (6-94)

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3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acres
Irrigation	SW X of SW X	18	16S	1E	MD	30
	SE X of SW X	18	16S	1E	MD	10
	SE X of SE X	13	16S	1W	MD	30
	SW X of SE X	13	16S	1W	MD	11
	NW X of NW X	19	16S	1E	MD	11
	NE X of NE X	24	16S	1W	MD	11
	NW X of NE X	24	16S	1W	MD	1
					TOTAL	104

* projected

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1 cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 195.9 acre-feet per year. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 2006. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using

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Permit _____

water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. Permittee shall remain subject to all lawful Ordinances of the Monterey Peninsula Water Management District (District). (0000999)

13. The average rate of diversion, maximum rate of diversion, and total quantity of water diverted under the permit shall average 0.95 cfs, not to exceed 1.25 cfs, for a total of not to exceed 195.9' afa, respectively. (0060900)

14. Upon 46 hours advance notice by California Department of Fish and Game (DFG), permittee shall minimize or cease, if required, agricultural pumping for a single period not to exceed 48 hours in any 30 day period to assist DFG, to mitigate adverse flow conditions to benefit the public trust fish and wildlife resources of the Carmel River. (0350900)

15. The permittee shall be subject to the rationing requirements of the District, in frequency and percentage no greater than required of consumers in the California-American Water Company (Cal-Am) water distribution system in times of water supply shortage caused by drought. (0410900)

16. If the Department of Fish and Game determines that irrigation of the riparian corridor is necessary and irrigation is not performed by the District, Cal-Am, or the County of Monterey the permittee shall be responsible for this irrigation and maintenance. DFG shall inform the permittee of the section of the riparian corridor located on the permittee's property which requires irrigation. (0400500)

17. During the season specified in this permit, the total quantity and rate of water diverted and used under this permit and under permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use specified in this permit. To the extent that the permittee claims

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Permit

riparian, overlying, pre-1914 appropriative or other rights to use the water covered by this permit, the permittee shall not be entitled to water in excess of the amount authorized in this permit. Any priority obtained for a permit by virtue of Condition 10 of Decision 1632 shall be void if the permittee and/or others divert more water under the permit and other claimed rights than is authorized on the face of the permit; however, the priority shall not be voided for the diversion of de minimis amounts which can reasonably be attributed to operational uncertainties.

Insofar as the permittee complies with the condition, this permit is senior to the permit issued to the Monterey Peninsula Water Management District pursuant to Application 27614.

Permittee shall forfeit all rights under the permit if permittee transfers all or any portion of the claimed existing right for the place of use covered by the permit to another place of use without the prior approval of the SWRCB. (0000021)

18. The protestants to approval of Application 30497 shall be included in the mailing list for the notice of any Change Petitions which are filed for Application 30497 or any permit issued pursuant to Application 30497. The permittee shall request that the State Water Resources Control Board not take final action upon any Change Petition sooner than six-months after the date of notice of the Change Petition." (0000999)

19. Any permit issued pursuant to Application 30497 is senior to Permit 20808 (Application 27614) of the Monterey Peninsula Water Management District, provided that the water diverted under Application 30497 is used only on lands located within the Carmel River watershed and the other provisions of Condition 10 of Decision 1632 are complied with. Any priority obtained for a permit by virtue of Condition 10 of Decision 1632 shall be void for the amount of water under this permit which is used on lands outside of the Carmel River watershed. (0420999)

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20. Permittee shall make available to the California-American Water Company a site and/or easements, located at the easterly end of the property shown on the map filed with Application 30497, for the purposes of installing, maintaining, and operating a well for the diversion of water as well as a site or a location for a treatment plant. Permittee shall also grant California-American reasonable access to the site for the installation, maintaining, and operating a well for the diversion of water as well as a site or a location for a treatment plant. Permittee shall also grant California American reasonable access to the site for the installation, maintaining, and operating of the facility. Permittee shall not object to pumping by California American for discharge into the Carmel River for delivery to the lagoon. Any pumping by California American shall, however, be pursuant to its own water rights, and shall not reduce the amount of water granted to permittee under this permit or interfere with the exercise of permittee's rights under this permit. (0480999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: March 5, 1997

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

WR 14-2 (6-94)

STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
 STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20905A

Application 30497A of Big Sur Land Trust
 c/oZad Leavy, 2785 Via Nona Marie, #309, Carmel, CA 93923

filed on December 4, 1995, has been approved by the State Water Resources Control Board (SWRCB) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:	Tributary to:
Carmel River (Subterranean Stream)	Pacific Ocean

within the County of Monterey

2. Location of point of diversion

By California Coordinate System in Zone 4	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Point of Diversion No. 1; North 450,550 feet and East 1,148,450 feet	SE ¼ of SW ¼	18	16S	1E	MD
Point of Diversion No. 2; North 450,028 feet and East 1,146,250 feet	SE ¼ of SE ¼	13	16S	1W	MD

PERMIT (9-00)

Application 30497A
Page 2

Permit 20905A

3. Purpose of use	4. Place of use	Section (Projected)	Township	Range	Base and Meridian	Acres
Irrigation	SW ½	18	16S	1E	MD	27.1
	NW ¼ of NW ¼	19	16S	1E	MD	11
	NE ¼ of NE ¼	24	16S	1W	MD	11
					Total	49.1

The place of use is shown on map on file with the SWRCB.

4. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.47 cubic feet per second** to be diverted from **January 1 to December 31** of each year. The maximum amount diverted under this permit shall not exceed **28.14 acre-feet per year.**

(0000005A)

5. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2006.

(0000009)

6. Permittee shall remain subject to all lawful Ordinances of the Monterey Peninsula Water Management District (District).

(0000999)

7. Upon 48 hours advance notice by California Department of Fish and Game (DFG), permittee shall minimize or cease, if required, agricultural pumping for a single period not to exceed 48 hours in any 30 day period to assist DFG, to mitigate adverse flow conditions to benefit the public trust fish and wildlife resources of the Carmel River.

(0350900)

8. The permittee shall be subject to the rationing requirements of the District, in frequency and percentage no greater than required of consumers in the California-American Water Company (Cal-Am) water distribution system in times of water supply shortage caused by drought. (0410800)

9. If DFG determines that irrigation of the riparian corridor is necessary and irrigation is not performed by the District, Cal-Am or the County of Monterey the permittee shall be responsible for this irrigation and maintenance. DFG shall inform the permittee of the section of the riparian corridor located on the permittee's property which requires irrigation.

(0400500)

10. During the season specified in this permit, the total quantity and rate of water diverted and used under this permit and under permittee's claimed existing right for the place of use specified in the

PERMIT (9-00)

Application 30497A
Page 4

Permit 20905A

D. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

E. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

F. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

G. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the

PERMIT (9-00)

Application 30497A
Page 5

Permit 20905A

California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:


Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUL 24 2001

STATE WATER RESOURCES CONTROL BOARD


Harry M. Schueller
Division Chief

PERMIT (9-00)

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20905B

**Application 30497B of Margaret Eastwood Trust
c/o Clint and Margaret Eastwood, 7145 Carmel Valley Road, Carmel, CA 93923**

filed on December 4, 1995, has been approved by the State Water Resources Control Board (SWRCB) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:	Tributary to:
Carmel River (Subterranean Stream)	Pacific Ocean

within the County of Monterey

2. Location of point of diversion

By California Coordinate System in Zone 4	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Point of Diversion No. 1; North 450,550 feet and East 1,148,450 feet	SE ¼ of SW ¼	18	16S	1E	MD
Point of Diversion No. 2; North 450,028 feet and East 1,146,250 feet	SE ¼ of SE ¼	13	16S	1W	MD

PERMIT (9-00)

Application 30497B
Page 2

Permit 20905B

3. Purpose of use	4. Place of use	Section (Projected)	Township	Range	Base and Meridian	Acres
Irrigation	SW ¼	18	16S	1E	MD	12.9
	SE ¼ of SE ¼	13	16S	1W	MD	30
	SW ¼ of SE ¼	13	16S	1W	MD	11
	NW ¼ of NE ¼	24	16S	1W	MD	1
					Total	54.9

The place of use is shown on map on file with the SWRCB.

4. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.53 cubic feet per second** to be diverted from **January 1 to December 31** of each year. The maximum amount diverted under this permit shall not exceed **167.76 acre-feet** per year.

(0000005A)

5. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2006.

(0000009)

6. Permittee shall remain subject to all lawful Ordinances of the Monterey Peninsula Water Management District (District).

(0000999)

7. Upon 48 hours advance notice by California Department of Fish and Game (DFG), permittee shall minimize or cease, if required, agricultural pumping for a single period not to exceed 48 hours in any 30 day period to assist DFG, to mitigate adverse flow conditions to benefit the public trust fish and wildlife resources of the Carmel River.

(0350900)

8. The permittee shall be subject to the rationing requirements of the District, in frequency and percentage no greater than required of consumers in the California-American Water Company (Cal-Am) water distribution system in times of water supply shortage caused by drought. (0410800)

9. If DFG determines that irrigation of the riparian corridor is necessary and irrigation is not performed by the District, Cal-Am or the County of Monterey the permittee shall be responsible for this irrigation and maintenance. DFG shall inform the permittee of the section of the riparian corridor located on the permittee's property which requires irrigation.

(0400500)

10. During the season specified in this permit, the total quantity and rate of water diverted and used under this permit and under permittee's claimed existing right for the place of use specified in the

PERMIT (9-00)

Application 30497B
Page 3

Permit 20905B

permit shall not exceed the quantity and rate of diversion and use specified in this permit. To the extent that the permittee claims riparian, overlying, pre-1914 appropriative or other rights to use the water covered by this permit, the permittee shall not be entitled to water in excess of the amount authorized in this permit. Any priority obtained for a permit by virtue of Condition 10 of Decision 1632 shall be void if the permittee and/or others divert more water under the permit and other claimed rights than is authorized on the face of the permit; however, the priority shall not be voided for the diversion of de minimis amounts which can reasonably be attributed to operational uncertainties.

Insofar as the permittee complies with the condition, the permit is senior to the permit issued to the District pursuant to Application 27614.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the State Water Resources Control Board (SWRCB). (0000021)

11. The protestants to approval of Application 30497 shall be included in the mailing list for the notice of any Change Petitions which are filed for Permit 20905A. The permittee shall request that the SWRCB not take final action upon any Change Petition sooner than six-months after the date of notice of the Change Petition. (0000999)

12. Permit 20905A is senior to Permit 20808 (Application 27614) of the District, provided that the water diverted under Permit 20905A is used only on lands located within the Carmel River watershed and the other provisions of Condition 10 of Decision 1632 are complied with. Any priority obtained for a permit by virtue of Condition 10 of Decision 1632 shall be void for the amount of water under this permit which is used on lands outside the Carmel River watershed. (0420999)

13. The records of water use under Permits 20905A and 20905B shall be separately kept and separately reported with Progress Reports by Permittee for each permit. (0090700)

14. Permittee shall make available to Cal-Am a site and/or easements, located at the easterly end of the property shown on the map filed with Application 30497B, for the purposes of installing, maintaining, and operating a well for the diversion of water as well as a site or a location for a treatment plant. Permittee shall also grant Cal-Am reasonable access to the site for the installation, maintaining, and operating a well for the diversion of water as well as a treatment plant. Permittee shall not object to pumping by Cal-Am for discharge into the Carmel River for delivery to the lagoon. Any pumping by Cal-Am shall, however, be pursuant to its own water rights, and shall not reduce the amount of water granted to permittee under this permit or interfere with the exercise of permittee's rights under this permit. (0480999)

PERMIT (9-00)

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Page 4

Permit 20905B

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. Permittee shall maintain records of the amount of water diverted and used to enable SWRCB to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605. (0000015)
- B. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- C. Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued. (0000010)
- D. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- E. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

PERMIT (9-00)

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Page 5

Permit 20905B

F. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

G. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream of lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by

PERMIT (9-00)

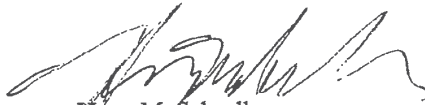
Application 30497B
Page 6

Permit 20905B

the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUL 24 2001

STATE WATER RESOURCES CONTROL BOARD



Harry M. Schueller
Division Chief

PERMIT (9-00)

Attachment 5

5-4-15

Article looks interesting... info on impacts of dogs in parks. Couldn't find on-line:

<http://link.springer.com/article/10.1007%2Fs00267-014-0311-1>

Abstract

The presence of domestic dogs *Canis familiaris* in public open spaces is increasingly controversial. In our review of the literature, we located 133 publications of various types (papers, reports etc.) that examine some aspect of dogs in parks and open spaces (50 % focussed solely on dogs). There has been an exponential growth in the cumulative number of articles ($R^2 = 0.96$; 82 % published since 1997); almost all pertain to temperate latitudes (97 %) and most to the northern hemisphere (62 %). Most articles focus on impacts on wildlife (51 %), zoonotic diseases (17 %), and people's perceptions regarding dogs (12 %). Articles mostly describe problems associated with dogs, while reports of low compliance with dog regulations are common. We outline six major findings regarding dogs in parks: (1) there is a paucity of information on dogs in parks, particularly in relation to their interactions with wildlife and regarding their management; (2) published studies are mainly restricted to a handful of locations in developed countries; (3) sectors of societies hold different views over the desirability of dogs in parks; (4) the benefits and risks of dogs to humans and park values are poorly documented and known; (5) dogs represent a notable disease risk in some but not all countries; and (6) coastal parks are over-represented in the literature in terms of potential negative impacts. Park managers globally require better information to achieve conservation outcomes from dog management in parks.

Negative impacts of dogs off-leash in natural areas:

<http://www.bioone.org/doi/abs/10.3375/0885-8608%282008%2928%55218%3A%20DOW%5D2.0.CO%3B2>

Abstract

Domestic dogs (*Canis familiaris*) are frequent visitors to protected areas, but little is known about how they affect wildlife communities. We studied the effects of dogs on wildlife communities by comparing the activity levels of wildlife in areas that prohibited dogs with areas that allowed dogs. We measured wildlife activity on trails and up to 200 m away from trails using five methods: (1) pellet plots, (2) track plates, (3) remote triggered cameras, (4) on-trail scat surveys, and (5) mapping prairie dog (*Cynomys ludovicianus*) burrow locations. The presence of dogs along recreational trails correlated with altered patterns of habitat utilization by several species. Mule deer (*Odocoileus hemionus*) activity was significantly lower within 100 m of trails in areas that allowed dogs than in areas that prohibited dogs. Small mammals, including squirrels (*Sciurus* spp.) and rabbits (*Sylvilagus* spp.), also exhibited reduced levels of activity within 50 m of trails in areas that allowed dogs when compared with areas without. The density of prairie dog burrows was lower within 25 m of trails in areas that allowed dogs. The presence of dogs also affected carnivore activity. Bobcat (*Felis rufus*) detections were lower in areas that allowed dogs, and red fox (*Vulpes vulpes*) detections were higher. These findings have implications for the management of natural areas, particularly those that allow dogs to be off-leash.

Constructive article -- unruly dogs off-leash do less damage than unruly people in natural areas.

<http://www.ingentaconnect.com/content/bloomsbury/azoos/1997/00000010/00000001/art00005?token=004c10585c5f3b3b47465248783b3e7b2a7b592a734f582a2f433e402c3568263c2b8e3182e4>

Abstract:

From September 1995 to April 1996 we studied interactions among dogs, people, and the environment in Boulder, Colorado. Data on behavioral disturbances by off-leash dogs who were accompanied by a person were collected with respect to dog-dog and dog-human interactions, dog-wildlife encounters,

dogs trampling vegetation, and dogs entering and disturbing bodies of water. A questionnaire also was administered. Behavioral data showed that off-leash dogs generally did not travel far off trail, that when they did it was for short periods of time, and that they rarely were observed to chase other dogs, disturb people, chase wildlife, destroy vegetation, or enter bodies of water. Results from analyses of the questionnaire (skewed toward non-dog owners) showed that dog owners and non-dog owners agreed that people were more disruptive to the environment than dogs and that unruly people were more problematic than unruly dogs. We conclude that the well-being and interests of dogs should not summarily and dismissively be compromised when dogs and people attempt to share limited space that can be used by all parties for recreational purposes. Indeed, a higher percentage of people reported that the quality of dogs' experience of the outdoors would be compromised more than their own enjoyment if dogs could not walk off-leash in areas where this is currently permitted. The methods used and the results from this case study can serve as a model for other locations in which dogs and people compete for limited spatial resources.

Leash laws do not impact bird diversity in urban parks.

<http://link.springer.com/article/10.1007%2Fs11252-006-7903-3>

Abstract

Remnant natural areas within urban settings can act as important refuges for wildlife, substantially increasing local biodiversity. However, habitat suitability for these species is potentially affected by human recreational activities including the presence of free-running dogs. To compare the diversity and abundance of songbird and small mammal communities between areas with bylaws that require, or do not require, dogs to be leashed, point counts and live-trapping surveys were conducted in three habitat types (deciduous, coniferous, and meadow) in the river valley parks of Edmonton, Alberta. Among birds, there was no difference between areas with different leashing bylaws in species diversity for any of the three habitat types. Similarly, there was no difference in bird diversity for a subset of species that were plausibly breeding at these sites. However, higher bird diversity was recorded in deciduous and coniferous sites than in meadow sites, regardless of leash designation, probably as a function of the horticultural practice of mowing meadows. Among both birds and small mammals, there was no difference in the abundance of individuals as a function of leashing bylaws. Our results suggest that off-leash dogs have no effect on the diversity or abundance of birds and small mammals in urban parks, but it is also possible that other factors, such as leash law compliance, reduced or obscured the effects of off-leash dogs in this study.

60162

When recorded, REEL 2837 PAGE 1403
send to:

RECORDED AT THE REQUEST OF

M.P.W.D.

AUG 26 2 32 PM '91

OFFICE OF THE CLERK
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

VALLEY HILLS RESTORATION PROJECT
RIGHT-OF-ENTRY, PROJECT WORK PERMISSION
AND MAINTENANCE AGREEMENT

Monterey Peninsula Water
Management District
P.O. Box 85
Monterey, CA 93942-
0085

NO FEE

The Monterey Peninsula Water Management District (hereafter referred to as "District") is the public agency charged with the responsibility for the integrated management of the ground and surface water resources affecting the Monterey Peninsula. The District desires to install and maintain erosion protection works as part of the Valley Hills Restoration Project (hereafter referred to as "Project") along the Carmel River.

The work to be performed shall be in accordance with the plans and specifications prepared by the District for this Project. The work shall involve: (1) removal of existing vegetation from mid-channel gravel bars; (2) removal of existing mid-channel gravel bars and relocation of the low flow channel; (3) placement of post and wire revetment within the low flow channel; (4) revegetation of the banks and terraces; and (5) installation and operation of a drip irrigation system. All work shall be performed between the hours of 8 a.m. to 5 p.m., Monday through Friday. The District is responsible for obtaining all necessary permits for the project.

The District shall indemnify, defend, and hold harmless the property owner from any costs, claims, liability, or losses which may occur due to any injury to persons or property caused by the District or its agents during and after the installation of the project works. ~~in all damages~~ *for all damages* *PPD* *PPD* *PPD* *1443*
PPD *1443*
The District shall repair damage to the property as a result of construction work performed by the District and/or its agents.

The District is responsible for operating and maintaining the drip irrigation systems to benefit the vegetation installed as part of the Project. Hours of maintenance shall be limited to between 7 a.m. and 6 p.m., Monday through Friday. The District may enter upon the land for the purpose of protecting and maintaining the described works. Entry through the Carmel Riverbed shall require 48 hour notification prior to the beginning of the irrigation season (May 15 through October 15). At all other times of the year, the District shall notify the property owner 48 hours prior to entry onto the property. Entry onto the property other than through the Carmel Riverbed shall require prior authorization by the property owner. The property owner shall have the absolute right to direct, relocate and control District's access except for access through the Carmel Riverbed which shall, at all times, be exercised by District in a reasonable manner. The property owner reserves the right to send a representative to accompany District employees or their contractors while maintenance operations are in progress. Maintenance activities may include but are not limited to repair of works installed with the Project, maintenance of irrigation systems, vegetation clearing and project monitoring (surveying). This agreement shall not prohibit the District from carrying out certain responsibilities and activities which the District has been charged with. These activities include, but are not limited to, fish rescue, habitat monitoring and stream channel treatments within the Carmel River.

25X17
32X10

REEL 2837 PAGE 1404

Repair or installed works may require the use of mechanized equipment within the riverbed and on the riverbanks. Maintenance of irrigation systems may require the use of vehicles in the riverbed and on the riverbanks. Clearing of vegetation shall be accomplished with the use of handtools and chainsaws and shall be restricted to the riverbed. A chipper may be used within the riverbed to cut up vegetation. Project monitoring may require the use of vehicles within the riverbed.

RD
AAB

The District Engineer may declare an emergency situation during which the District may, with reasonable notice to the property owner, have reasonable access to the Project, subject to property owner's absolute right to direct, relocate and control such access, to protect and maintain the described works outside of normal business hours. This includes, but is not limited to, damage from flooding, vandalism, theft or accidents.

The erosion protection works to be installed as a part of the Project are designed to control erosion when flows up to the 10% chance flood (a flood that occurs once in ten years, on average). The 10% chance flood for this project location is defined as the 10% chance flood at the U.S. Geological Survey gauging station located 1,700 feet upstream of the Via Mallorca bridge and is referred to as the "Near Carmel" gauge. The Project is not intended to provide flood protection and the Project does not ensure that the property described will be immune from future erosion damage.

RD
AAB

This agreement shall commence on the date of signature by the Owner and shall run with the land. If the District is dissolved or otherwise terminated, this agreement shall be null and void and all benefits and responsibilities shall cease upon the date of dissolution or termination except for such amounts have occurred to property owner prior to such dissolution or termination. If no work has commenced as of June 30, 1993, this agreement is null and void.

I, WOLTER PROPERTIES LIMITED PARTNERSHIP, A California Limited Partnership, give permission for the District staff and contractors to enter the properties described as Assessor's Parcel Number A09-172-07 and 169-221-05 for the purposes of completing and maintaining the work described, subject to the restrictions of this agreement.

Date: July 14th 1992.

WOLTER PROPERTIES LIMITED PARTNERSHIP,
A California Limited Partnership,
By WOLTER PROPERTIES, INC.,
A California Corporation

By: Russel T. Wolter
RUSSEL T. WOLTER, Its President
General Partner

25 X 10

32 X 10

Attachment 6

LEE & PIERCE Inc.
consulting engineers
 ENVIRONMENTAL • CIVIL • AGRICULTURAL

835 SANBORN PLACE, SUITE 20
 SALINAS, CA. 93901-4373
 (831) 758-0096 PHONE
 (831) 758-1213 FAX
boelich@leeandpierce.com

334 S. YOSEMITE AVE, SUITE A1
 OAKDALE, CA. 95361-3967
 (209) 848-8270 PHONE
 (209) 848-8274 FAX
lane@leeandpierce.com

November 14, 2013

Carmel Canine Sports Center
 Ernest Mill
 8100 Valley Greens Drive
 Carmel, CA. 93923

RE: Carmel Canine Sports Center Water Use Evaluation
 L&P #13870

Dear Mr. Mill,

Thank you for the opportunity to provide a Water Use Evaluation for the proposed Carmel Canine Sports Center (CCSC) located at 8100 Valley Greens Drive, Carmel.

ESTIMATE SUMMARY

The combined total estimated water demand for the proposed center is 63.35 Acre-feet per year (AFY).

The table below is a component breakdown of the Estimated Water budget based on District water demand factors as determined in the Draft PERMIT APPLICATION FORM TO CREATE OR AMEND A WATER DISTRIBUTION SYSTEM - Revised June 27, 2012, Section 15, paragraph L. The component estimates prepared by Lee & Pierce Inc. are provided for comparison. Please refer to Attachment 1 for the details of the component estimates prepared by Lee & Pierce Inc.

Component	Estimated Water Budget (AFY)	Lee and Pierce Consultant Estimate (AFY)
A. Residential Service	Not Applicable	Not Applicable
B. Commercial Service	1.63	1.97
C. Industrial Service	Not Applicable	Not Applicable
D. Total Structures Served	3	3
E. Additional Landscaping	0.30	0.30
F. Pool or Pond	10.87	2.44
G. Irrigation / Agriculture	69.97	58.03
H. Livestock	0.50	0.50
I. Other - Dog Rinse Stations	0.11	0.11
J. Total of No. Parcels Served	9	9
Estimated Water Demand	83.38	63.35

District water demand factors listed in paragraphs A through L were reviewed for consistency with current engineering practice. Exception was taken to the demand factors shown in paragraphs:

B. - Commercial Service.

F. - Pool or Pond.

G. - Irrigation / agriculture.

Demand factors shown in the remaining paragraphs either did not apply (Paragraphs A & C) or were considered reasonable (Paragraphs E, H, & I) within the realm of good engineering practice.

Estimated Water Demand - B. Commercial Service

Estimates of domestic water demand, independent of the restroom fixtures listed in paragraph B, were prepared based on the number of activity days, proposed facility population, operating hours, and assumed per capita restroom trips. Low flow fixtures were assumed in the calculations. The estimated water demand of 1.97 AFY was slightly higher than the 1.63 AFY estimate based on a fixture count and associated fixture units.

The assumed domestic water demand parameters for annual facility operations were:

- A. 24 special event days with a maximum attendance of 250 persons over a period of 12 hours a day with a per capita restroom trip once every 2 hours.
- B. 341 non-event days with a daily attendance of 100 persons over a period of 2 hours a day with a per capita restroom trip once every 2 hours.
- C. A staff of 3 full time employees for items A and B with shift durations of 12 hours a day and 8 hours a day respectively.

Estimated Water Demand – F. Pool or Pond and G. Irrigation / Agriculture

Research was conducted to determine the soil types, historical evaporation rates, and local climatic conditions required for independently calculating water usage for paragraphs F. – Pool or Pond and G. – Irrigation / Agriculture. Independent calculations using current engineering practice were prepared to address water demand for the following bulleted items using local climatic data and applicable crop factors:

- Irrigation Reservoir Evaporation
- Growing and harvesting "Orchard Mix or Hay"
- Growing and maintaining "Golf Course Grass"

Facility surface areas generating water demand were calculated based on the proposed site plan A.1.1 prepared by the architect - Paul Davis Group (Attachment 2, page 1 of 2). The resulting color coded mapping (Attachment 2, page 2 of 2) of areas include:

1. Surface evaporation from the 1.02 acre proposed irrigation reservoir.
2. Row crops planted on 3.08 acres assuming a production cycle of 3 crops annually.
3. Golf course grass planted and maintained on 9.08 acres annually.
4. Orchard grass/hay planted and maintained on 15.88 acres, harvested 3 times annually.
5. Dust control on 7.49 acres of permeable walkways and parking areas.
6. Allowance on 0.5 permeable acres for planting replacement landscaping plants and fruits / vegetables within the CCSC site and Wolter residence. This area is expected to be distributed throughout the total footprint of permeable areas. For purposes of calculating permeable areas on attachment 2, page 2 of 2, this allowance is shown as a "carve-out" at one designated location.

Historical pan evaporation rates from the San Clemente Dam Reservoir Pan Evaporation data system in Carmel Valley, CA was used to estimate evaporation losses for the proposed irrigation reservoir (Appendix E). The data was compiled by Patricia Glass of the California American Water Co. The District pool / pond evaporation factor of 0.00026 AFY per square foot of pool area yields approximately 11.55 AFY for the proposed 1.02 acre irrigation reservoir. This factor appears excessive when applied to a larger reservoir surface rather than a typical swimming pool. This higher evaporation rate may be due to the nature of warmer pool water and filtration mixing. The estimated reservoir evaporation was 2.44 AFY.

Local soil evapotranspiration rates were taken from the California Irrigation Management Information System (CIMIS) Carmel station number 210. (Appendix A.). Crop factors were requested from the Monterey County Ag Commissioner's office (Appendix B. The irrigation efficiency was assumed to be 80% based on Pico Series Pf soil and 1" soil water depletion for the site. See Appendices C & D. The estimated irrigation water demand for vegetated areas is 52.93 AFY.

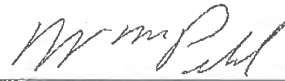
Water for dust control of non-vegetated permeable surfaces will be available within the total calculated AFY. A crop factor of 0.4 was used to create 5.10 AFY which is enough water for a daily sprinkling of 0.04 inches per day (7,913 gallons per day) on 7.49 acres of permeable area over a 7 month dry period. For comparison purposes, this daily gallonage equates to pulling 11 gallons per minute over a 12 hour period from an ordinary garden hose.

The water budget estimates using District water demand factors for fence line and bedded landscaping as well as for 50 head of livestock and 2 dog wash stations were reviewed and determined to be reasonable. The total water demand for these items is 0.91 AFY.

Sincerely,
LEE & PIERCE INC.



Frank D. Pierce
Registered Professional Engineer AG138
Registered Environmental Property Assessor 704375



William J. Pelich
Registered Civil Engineer C 63922

Attachments:

Attachment 1 -- Lee & Pierce Component Estimate
Attachment 2- Site Plan sheet A.1.1
Appendix A - CIMIS Data, Carmel Station # 210
Appendix B -- Crop Factors -- UC Extension Email
Appendix C -- Soil Type Mapping
Appendix D -- Drought Tips Bulletin Number 92-45
Appendix E -- Cal Am San Clemente Reservoir Pan Evaporation Data
Appendix F -- Carmel Valley Weather Temp and Rainfall

FDP/kk

FILE: 13870- Findings Letter

Attachment 1 - Lee & Pierce Component Estimate

Job 13870		Estimated Annual Ground Water Demand (AFY)														Total	
Carmel Canine Sports Center 8100 Valley Greens Drive Carmel, CA 93923		Row Crop		Golf Course Grass		Orchard Grass - Hay		Site Fruits / Vegetables		Dust Control		Domestic Water		Day Events		Ground Water	
Irrigation Reservoir	Baseline Soil	Crop Area	Irrigation Demand	Ac Crop Area	Irrigation Demand	Ac Crop Area	Irrigation Demand	Ac Crop Area	Irrigation Demand	Ac Perm Area	Irrigation Demand	Ac	Special	Ordinary	Misc	Demand	
Evap Demand	FT	Inches	Ac - FT	Inches	Ac - FT	Inches	Ac - FT	Inches	Ac - FT	Inches	Ac - FT	Ac	Ac - FT	Ac - FT	Ac - FT	Ac - FT	
January	1.21	-	-	-	-	-	-	-	-	-	-	-	0.04	0.12	0.08	0.08	
February	1.54	-	-	-	-	-	-	-	-	-	-	-	0.04	0.12	0.08	0.24	
March	2.88	-	-	-	-	-	-	-	-	-	-	-	0.04	0.12	0.08	0.24	
April	0.16	4.08	-	-	3.69	2.79	-	0.22	0.14	0.22	0.14	0.04	0.12	0.12	0.08	3.33	
May	0.35	4.56	5.56	1.43	5.27	3.99	5.56	1.39	0.87	1.39	0.87	0.04	0.12	0.12	0.08	14.46	
June	0.50	5.16	1.17	0.30	6.33	4.79	1.17	1.17	0.05	1.94	1.21	0.04	0.12	0.12	0.08	8.64	
July	0.52	4.47	5.82	1.49	5.54	4.19	5.82	0.24	0.04	1.74	1.08	0.04	0.12	0.12	0.08	15.47	
August	0.46	4.30	1.02	0.26	5.32	4.02	1.02	1.34	0.04	1.66	1.04	0.04	0.12	0.12	0.08	7.40	
September	0.30	3.20	3.96	1.02	3.76	2.85	3.96	0.17	0.11	1.04	0.65	0.04	0.12	0.12	0.08	10.45	
October	0.16	2.75	-	-	2.51	1.90	-	-	-	0.17	0.11	-	0.04	0.12	0.08	2.40	
November	-	1.50	-	-	-	-	-	-	-	-	-	-	0.04	0.12	0.08	0.24	
December	-	1.23	-	-	-	-	-	-	-	-	-	-	0.04	0.12	0.08	0.24	
Total AFY	2.44	-	4.50	-	24.52	-	23.18	-	0.73	-	5.10	-	0.52	1.45	0.91	63.35	
See Page 2 of 7	See page 3 of 7	See page 3 of 7	See page 3 of 7	See page 3 of 7	See page 3 of 7	See page 3 of 7	See page 3 of 7	See page 3 of 7	See page 3 of 7	See page 4 of 7	See page 5 of 7	See page 5 of 7	See page 6 of 7	See page 7 of 7	See page 7 of 7	See page 7 of 7	
Comparison of Estimated Water Demand (AFY) - Draft Permit vs Lee & Pierce																	
Section	Residential Service	Commercial Service	Industrial Service	Total Number of Structures Served	Additional Landscaping	Pool or Pond	Irrigation / Agriculture	Livestock	Other Dog Rinse Stations	Total Number of Parcels Served	Total Estimated Water Usage (AFY)	District Water Budget	Consultant's Estimate				
A	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
B	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
C	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
D	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
E	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
F	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
G	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
H	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
I	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
J	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				
K	NA	NA	NA	3	0.30	10.87	69.97	0.50	0.11	9	83.35	1.63	1.97				

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Water_Demand_Analysis Estimate_Summary

Job	13870																		
Carmel Canine Sports Center		8100 Valley Greens Drive		Carmel, CA 93923		Reservoir Surface Evaporation Analysis		Data from California American Water Co.		Historical Monthly Readings from San Clemente Dam Pan Evaporation Station - Carmel CA		Elevation		520		ft			
36 D		26 M		42 S		121 D		42 M		31 M									
Latitude		Longitude																	
2008		2009		2010		2011		2012		2013		Proposed Irrig Reservoir		Average		Ave Rainfall		Net Evap	
Month		Actual Monthly Readings (Inches)										Average		Ave Rainfall		Net Evap		Evap Demand	
												Inches		Inches		Inches		Acre-Ft	
January	5.21	0.88	3.35	1.34	1.54	0.67	2.17	4.54	(2.38)	-	-	-	-	-	-	-	-	-	-
February	1.25	1.75	1.77	2.82	0.94	1.01	1.59	4.67	(3.08)	-	-	-	-	-	-	-	-	-	-
March	-	1.93	1.75	3.43	1.51	2.06	2.14	3.98	(1.84)	-	-	-	-	-	-	-	-	-	-
April	4.03	3.53	4.27	2.47	2.45	3.08	3.31	1.41	1.90	0.16	-	-	-	-	-	-	-	-	-
May	5.61	4.90	3.37	3.91	4.55	5.04	4.56	0.43	4.13	0.35	-	-	-	-	-	-	-	-	-
June	7.38	5.83	4.97	5.17	6.05	6.45	5.98	0.12	5.86	0.50	-	-	-	-	-	-	-	-	-
July	6.35	6.97	5.61	5.50	6.14	6.38	6.14	0.05	6.09	0.52	-	-	-	-	-	-	-	-	-
August	6.30	6.09	5.05	4.40	5.62	5.19	5.44	0.06	5.38	0.46	-	-	-	-	-	-	-	-	-
September	4.35	4.09	3.96	3.13	3.27	3.58	3.73	0.24	3.49	0.30	-	-	-	-	-	-	-	-	-
October	2.80	5.30	1.71	1.83	2.60	2.46	2.78	0.93	1.85	0.16	-	-	-	-	-	-	-	-	-
November	1.14	0.73	1.82	0.49	1.12	-	1.06	2.19	(1.13)	-	-	-	-	-	-	-	-	-	-
December	0.56	1.09	0.85	0.72	1.13	-	0.87	3.21	(2.34)	-	-	-	-	-	-	-	-	-	-
Total	44.98	47.99	38.48	35.21	36.92	35.92	39.76	21.83	17.93	2.44	-	-	-	-	-	-	-	-	-

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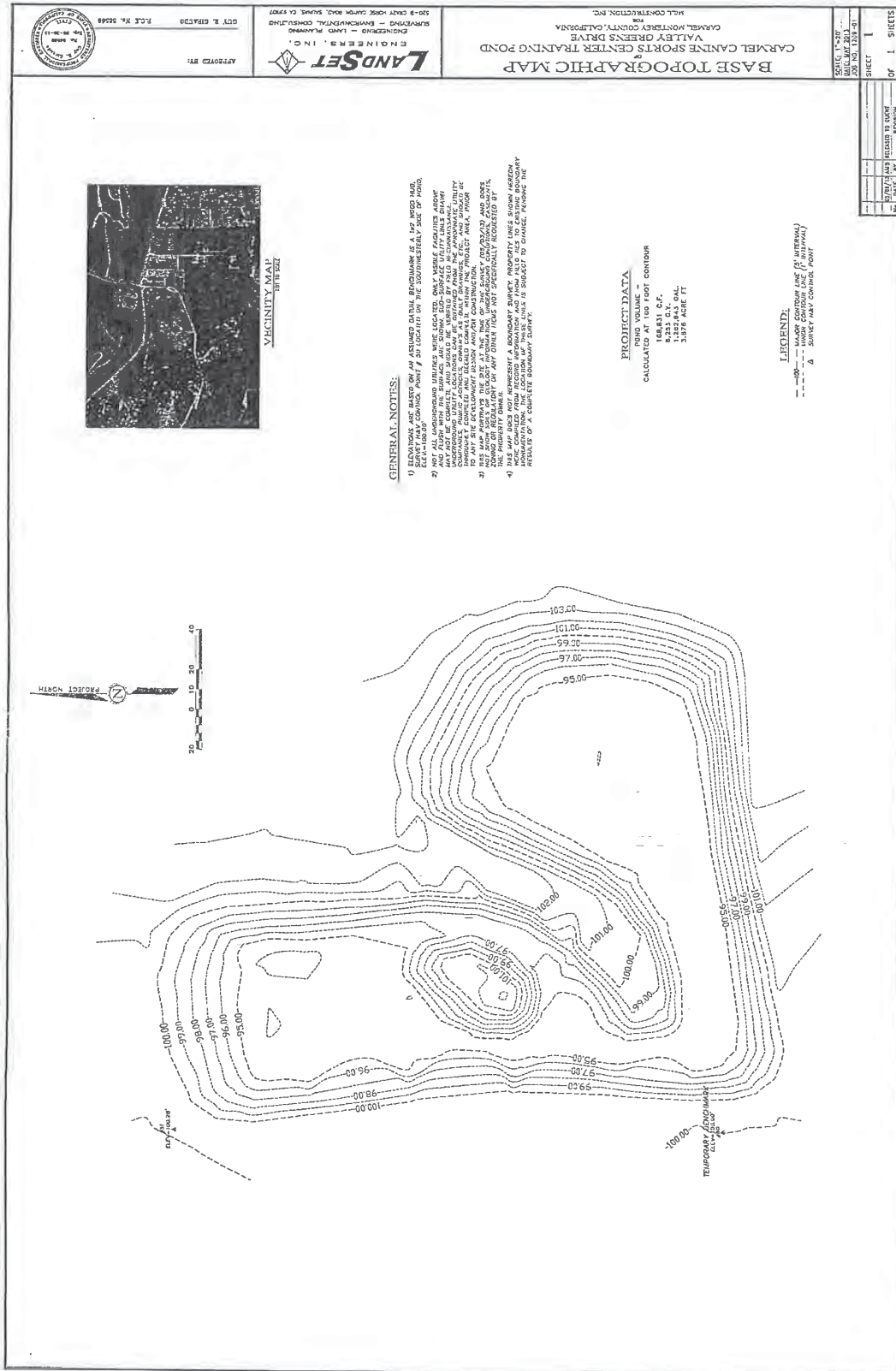
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Annual Water Demand for Special Event Days											
Item	Men			Women			Total	Item	Women & Children		
	Men	Children	Total	Men	Children	Total			Men	Children	Total
Daily Population (Non Staff)			250	Daily Population (Staff)			250				
Gender Mix	20%		100%	Gender Mix			33%		67%	100%	
Daily Men and Women	50	200		Daily Men and Women			1		2		
Event Duration (Hrs)	12	12		Shift Duration (Hrs)			12		12		
Restroom Use Interval (Hrs)	2	2		Per Capita Restroom Trips			2		2		
Per Capita Restroom Trips	6	6		Daily Restroom Trips			6		6		
Daily Restroom Trips	300	1,200		Daily Restroom Cycles			6		12		
Percent Urinal Flushes	66%	0%		Percent Urinal Flushes			66%		0%		
Percent Toilet Flushes	34%	100%		Percent Toilet Flushes			34%		100%		
Number of Event Days			24								
Estimated water demand per event day											
Men	Fixture	Water Usage (gal)	Women & Children	Fixture	Water Usage (gal)						
Item	Cycles	Per Cycle	Item	Cycles	Per Cycle	Total					
Urinal flushes	198	0.13	Urinal flushes	-	0.13	-					
Toilet flushes	102	1.28	Toilet flushes	1,200	1.28	1,536.0					
Lavatory hand washing	300	0.25	Lavatory hand washing	1,200	0.25	300.0					
Showers	51	15.00	Showers	202	20.00	4,040.0					
Drinking Fountain	306	0.13	Drinking Fountain	1,212	0.13	151.5					
Total daily usage			Total daily usage			6,027.5					
Total Daily Water Demand	=		7,061	gallons							
Total Annual Water Demand	=		169,465	gallons	=	0.52	Acre-ft				

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Water_Demand_Analysis Domestic_Wtr_Demand
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Attachment 7

CCSC Traffic count during CCTC study times. Compiled by Ken Ekelund

Count is based on photos from gate camera. All trips are defined as either entering or leaving CCSC.

Sunday 15 June 2014. 8 trips. 4 trips occurred between 1100- 1:00 pm

Monday 16 June 2014. 10 trips. 2 trips occurred during morning monitoring period (7-9 am) and 2 trips occurred during afternoon monitoring time (4-6 pm)

Tuesday 17 June 2014. 18 trips. 0 trips during morning monitoring period and 4 trips during afternoon monitoring period

Wednesday 18 June 2014. 6 trips total. 1 during morning monitoring period and 2 during afternoon monitoring period.

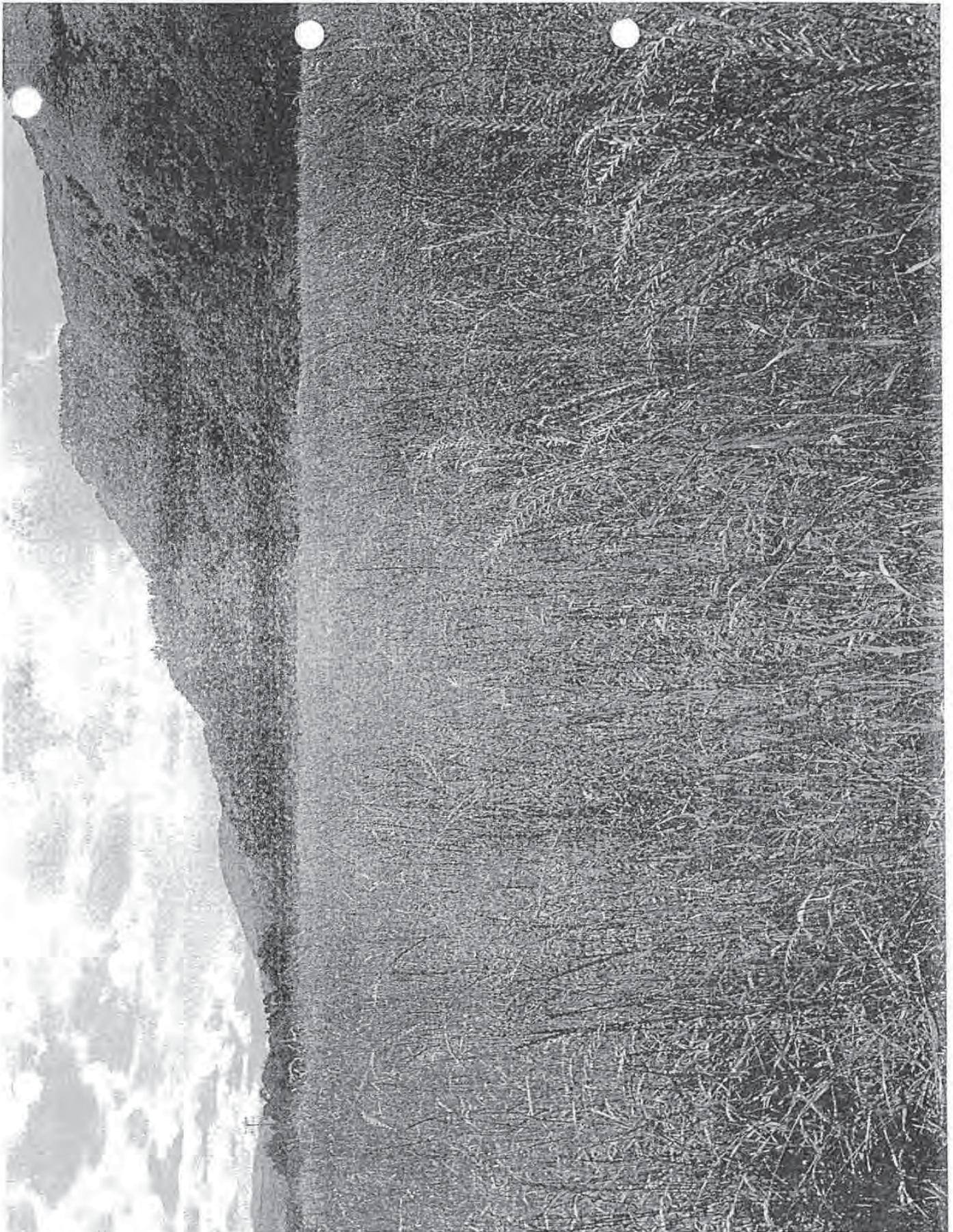
Thursday 19 June 2014. 16 trips total. 1 during morning monitoring period and 8 during afternoon period. Visiting hours.

Friday 20 June 2014. 26 trips total. There was some kind of sheep event from 0800 until 1100. 6 trips during morning monitoring period and 1 during afternoon period.

Saturday 21 June 2014. 16 trips total. There doesn't appear to be a monitoring period on Saturday. Several of the trips involved tractor and ag folks for cutting hay. There was a large Tea Party demonstration at the intersection of Highway 1 and Rio Road just before lunch. There was a group of motorcycles numbering more than 50 plus a lot of traffic congestion.

Note: during visiting hours Karen H didn't use CV Road. Friday (21 June) we were cutting hay; tractor brought in and several folks involved in that came in and out.

Attachment 8

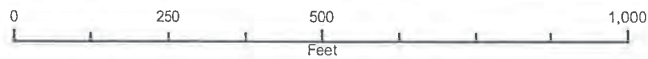


Attachment 9

Wolters Properties Limited Partnership with Carmel Canine Sports Center lease



1:3,200



Remit Application Section 2, Item 10 Map
Map by Ken Ekelund 15 Nov 2013
Aerial Photo: AMBAG 2007

**Comment 14, Matthew W. Ottone, representing the Project Applicant
Ottone Leach & Ray LLP**

Comment Response 14-1: Figure 1-1 has been revised to accurately reflect the locations and names of the Valley Hills Shopping Center, Hacienda Hay and Feed, Canada Woods Water Company Commercial Center, and Tehama Reclamation Pond, as well as the Valley Hills Nursery and the Drought Resistant Nursery.

Comment Response 14-2: Text has been revised as recommended to 1930's.

Comment Response 14-3: Text has been revised consistent with Figure 1-1 to read: *"The Project site is bordered to the north by Valley Greens Drive and the Quail Lodge & Golf Club, Valley Hills Shopping Center at the southeast corner of Carmel Valley Road and Valley Greens Drive; to the east by the Canada Woods Water Company Commercial Center and 2.7 acre Tehama Reservoir, the Rana Creek Nursery and agricultural lands, as well as a single-family dwelling."*

Comment Response 14-4: Text box has been revised as recommended to account for existing cultivation and image on the left has been removed.

Comment Response 14-5: Paragraph has been revised to read: *"The Project site was most recently cultivated in 2013, within the northern/eastern portion of the site, with approximately 20 acres of hay."* Given the absence of permits for grading activities associated with irrigation pond, the CEQA baseline did not consider such improvements as part of the existing setting. Further, the water feature will be restored as described in Section 2.5.4, *Site Preparation and Grading*.

Comment Response 14-6: Wording has been revised to clarify that agricultural fields may also accommodate canine-related activities.

Comment Response 14-7: Text has been revised to state, "with no more than a maximum of 50 sheep and /or goats onsite."

Comment Response 14-8: Text has been revised to read: *"The existing eight-foot tall food safety fence would remain in place around most of the Project site with the exception of areas near the proposed front gate where it will be relocated as needed and repaired to match the existing fence. A wood screening fence is intended to be located in addition to the food safety fence and placed outside it along the property line generally where existing barbed wire fence is currently located."*

Comment Response 14-9: Comment noted. Please refer to DEIR Table 2.3, line 5. A typical signature agility trial is listed as a 3-day event.

Comment Response 14-10: . Please see Comment 14-5. CEQA baseline must rely on permitted development. Although other public agencies may have conferred or concurred with the Applicant on the status of the irrigation pond, at the time of issuance of the NOP and as of this date, planning and building permits have not been issued to validate the use.

Comment Response 14-11: Please see Comment Response 14-10.

Comment Response 14-12: Construction hours of operation are based on County regulations including County Noise Ordinance as well as the site specific discretionary review process. Consistency of adjacent projects with their respective noise requirements and permit conditions is not within the scope of this EIR.

Comment Response 14-13: Please refer to Comment Response 14-10.

Comment Response 14-14: Refer to Comment Response 14-8.

Comment Response 14-15: Existing and ongoing events in the Project vicinity would be considered as baseline conditions within each resource section. Table 3-1 is a list of Planned, Pending, and Approved Projects only. Any measures recommended to mitigate potential cumulative impacts would be to address the impacts of the proposed Project plus other pending or approved future projects within the affected area, rather than to address impacts of existing conditions. Permit and zoning compliance issues related to offsite special events are planning and zoning compliance issues and not part of the scope of this EIR.

Comment Response 14-16: A significant amount of field time was spent selecting representative views that neither obscure the proposed Project nor unrealistically overemphasize it for the typical viewer. The four selected KVLs focus on representative significant locations from which the Project would be seen from area roadways. These are typically positions with high vehicular or pedestrian traffic which also exhibit high quality views. The EIR includes a good faith effort, including analysis of the four KVLs; however, it is not feasible nor required to analyze KVLs for every possible situation. The KVL selections were reviewed and approved by members of County staff.

Comment Response 14-17: The reference to Monterey pines has been removed from the text.

Comment Response 14-18: Text has been revised as recommended.

Comment Response 14-19: Text will replace “deer exclusion fence” with “food safety fence.”

Comment Response 14-20: Please see Comment Response 14-16.

Comment Response 14-21: Text referencing the publicly accessible Goodrich Trail has been deleted.

Comment Response 14-22: Text has been revised to include the complete language for CV-1-1.

Comment Response 14-23: Please see Comment Response 14-16.

Comment Response 14-24: Please see Comment Response 14-16.

Comment Response 14-25: CEQA requires evaluation of reasonably foreseeable impacts. As a disclosure document, the EIR discloses the potential for visibility of tops of RVs given consideration of RV heights and the maximum height of project screening features.

Comment Response 14-26: Comment noted. Baseline conditions at the time of the NOP did not include tree removal.

Comment Response 14-27: Comment noted. The DEIR cumulative project analysis includes the County-provided list of pending or approved projects at the time of the NOP.

Comment Response 14-28: The proposed Project permit would include a condition that requires HCD review prior to clearance of planning and building permits. If the project requires revisions to conform to HCD regulations, and the revisions cannot be found in substantial conformance with the approved master plan, the proposed Project may require a permit amendment/revision.

Comment Response 14-29: Comment noted. Refer to Comment Response 14-5.

Comment Response 14-30: See Master Comment Response 1 – Water Use.

Comment Response 14-31: The Project site has historically been used for routine and on-going agricultural activities. At the time of initial site grading, including creation of the “pond,” the grading activities were considered to be a part of the agricultural use of the property. Subsequently, it was determined that grading of the “pond” does/did require issuance and approval of grading permit. The project would include restoration activities, in the location of the partially excavated reservoir, as described in Section 2.5.4, *Site Preparation and Grading*.

Comment Response 14-32: Comment noted. Text has been revised to indicate employee residence.

Comment Response 14-33: Refer to Comment Response 14-31.

Comment Response 14-34: . As described in the Transportation Impact Study (refer to Appendix H), the proposed Project’s daily trip generation estimates were developed using data provided in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual* and data provided in the Project description. Office and administration uses were evaluated as a single tenant office building with 15 employees. Because the proposed Project has longer operational hours than typical office buildings the Project’s trips are likely to be spread through the day to a greater extent than offices, so the analysis is conservative (i.e., resulting in a greater impact intensity) by reflecting a higher level of peak hour trips. Member visits were evaluated under the assumption that 20 percent of the anticipated 500 total members would use the facility on a typical day, with ten percent of the daily trips occurring in each peak hour. Classes were assumed to include up to ten attendees plus two instructors. A maximum of two classes could be held simultaneously. A review of class schedules for similar facilities indicates that classes are spread throughout the day and typically range from one hour to 90 minutes. To present a reasonable worst-case scenario it was assumed that one class starts and one class ends during each peak hour. Ten classes were assumed per typical weekday. Typical daily operations associated with the proposed Project would result in a less than significant increase in traffic at vicinity intersections as described in Impact TRANS-2. However, Highway 1 from Ocean Avenue to Carmel Valley Road operates at an unacceptable LOS. The addition of any traffic to this segment would result in a significant impact. Therefore, regardless of whether trips would be in conjunction with other activities in Carmel Valley, impacts to road segments would remain as described in the EIR under Impact TRANS-4.

Comment Response 14-35: Attachment 2 is a letter dated May 15, 2015, and is a duplicate to the letter submitted by Ms. Nedeff. Please see responses to Comment Letter 18.

Comment Response 14-36: See Master Comment Response 1 – Water Use.

Comment Response 14-37: The mitigation as written would not apply to ongoing baseline activities. The mitigation would be required prior to the issuance of grading and/or building permits for the proposed Project.

Comment Response 14-38: Comment noted. Text has been revised accordingly.

Comment Response 14-39: Comment noted. Text has been revised accordingly.

Comment Response 14-40: As the comment notes, no readily available studies describe the impacts of <30 dogs per day off-leash within an area similar to the proposed Project in terms of ecoregion, land use, or land ownership. However, while Brand (2008) may not be directly comparable to the proposed Project in-terms of specific, this study provides a reasonable scalable analysis of potential impacts resulting from the use of riparian habitats by off-leash dogs. MM BIO-4b strictly enforces the 30 dogs per

day cap in the riparian area with no more than 5 dogs at any one time. Further, MM BIO-4c allows flexibility in adaptive management of the riparian area to account for unexpected impacts.

Comment Response 14-41: The Carmel River is a public resource, not only for enjoyment of the public but also for the wildlife habitat which it supports. The area in question is the location of a habitat restoration plan, but within the river channel and along the riparian corridor. As opposed to Garland Park and other areas which have direct public access, and are not the subject of habitat restoration, this location has more limited access. As described in Section 4.4.3.2, *Wildlife Resources*, the South-Central Coastal steelhead trout was listed as federally threatened in 1998 and the Carmel River is designated critical habitat for South-Central Coastal steelhead trout (Federal Register [FR] 70:52488). The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS), which is responsible for the administration of the Federal Endangered Species Act (ESA) as it applies to threatened and endangered anadromous salmonids, requires that potential adverse impacts be minimized to ensure this species does not become extinct. NMFS has recommended in a separate comment letter provided on the EIR, that dogs should not be allowed in the river at any time as they can affect federally designated steelhead habitat, disturb redds, crush eggs, cause spawning females to abandon their nest and stop spawning activities altogether (refer to Comment 5-7). See Comment Response 14-40.

Comment Response 14-42: . Per County standard practice, mitigations are tied to permit issuance. If the proposed Project were approved, then Project-sponsored access to the riparian area beyond the baseline would be permitted with the CUP. Therefore, the timing of the mitigation would require development of the Habitat Management Plan prior to the issuance of a building and/or grading permit to ensure full review in a timely manner.

Comment Response 14-43: See Master Comment Response 1 – Water Use.

Comment Response 14-44: See Comment Response 14-31. The project would include restoration activities, in the location of the partially excavated reservoir, as described in Section 2.5.4, *Site Preparation and Grading*.

Comment Response 14-45: Text has been revised to include language discussing golf hazards and potential usage of hazardous chemicals associated with turf maintenance.

Comment Response 14-46: . The EIR concludes that hazard impacts including increase exposure of risk to wildfire would be less than significant without mitigation.

Comment Response 14-47: Refer to Comment Response 14-31.

Comment Response 14-48: Refer to Comment Response 14-31.

Comment Response 14-49: . See Master Comment Response 1 – Water Use.

Comment Response 14-50: See Master Comment Response 1 – Water Use.

Comment Response 14-51: See Master Comment Response 1 – Water Use.

Comment Response 14-52: Text has been revised to accurately reflect the locations and names of the Valley Hills Shopping Center, Hacienda Hay and Feed, Canada Woods Water Company Commercial Center, and Tehama Reclamation Pond, as well as the Valley Hills Nursery and the Drought Resistant Nursery.

Comment Response 14-53: Comment noted. As the caption indicates, the view is representative of neighboring/surrounding uses within a rural setting.

Comment Response 14-54: . Revisions made to text as recommended.

Comment Response 14-55: . Please see response to comment 14-28.

Comment Response 14-56: The DEIR acknowledges under Impact LU-1 that while Project impacts would be adverse, they would not contrast substantially with special events currently held at surrounding locations.

Comment Response 14-57: Page 4.10-3 of the DEIR states that maintenance equipment used at the Quail Lodge Golf Course includes “riding gas engine mowers, blowers, edgers, and employee transportation vehicles. Typical noise levels are in the range of 70 dBA at 50 feet for the blowers, 75 dBA at 50 feet for the mowers, and 50 dBA at 50 feet for edgers and utility vehicles.” Noise levels associated with equipment use were included in the long-term sound level calculations.

Comment Response 14-58: Comment noted. Revisions have been incorporated.

Comment Response 14-59: Comment noted. Typo has been revised.

Comment Response 14-60: Text has been revised to indicate Quail Lodge “hotel rooms.”

Comment Response 14-61: . Please see response to comment 14-28 regarding potential HCD requirements. Please see response to comment 14-42 regarding mitigation timing. EIR mitigation measures are designed to mitigate significant Project impacts. The EIR’s mitigation measures represent the professional opinion of the EIR’s preparers as to what measures would be required to mitigate impacts. When considering the Project, County decision-makers may, with appropriate evidence and findings, alter the proposed measures as deemed necessary.

Comment Response 14-62: Table 4.11-1 has been corrected.

Comment Response 14-63: Figure 4.11-1 will be revised to delete “Public” from the title. The primary intent of this figure is to illustrate recreational opportunities in the Project vicinity.

Comment Response 14-64: . The DEIR acknowledges under REC-1 that while Project impacts would be adverse, they would be less than significant with mitigation. In addition, under Impact REC-2, the EIR acknowledges that the proposed project would provide a beneficial recreational impact.

Comment Response 14-65: Comment noted. Text has been amended to include the word “be.” The 10-year period remains in the language, since the Use Permit was requested for a limited time. A subsequent project extension could be processed prior to the end of the 10-year term, and would be subject to regulations/policies in place at that time.

Comment Response 14-66: . Please see Comment Responses 14-40, 14-41, and 14-42 regarding MM BIO-5a, -5b, and -5c.

Comment Response 14-67: Text has been revised accordingly.

Comment Response 14-68: . The DEIR incorrectly states the dates when traffic counts and field observations were collected and has been revised to correct the dates when traffic counts were collected. Intersection counts were collected in November 2014 and segment counts were collected in

June and October 2014. The count sheets appended to Appendix H of the DEIR show the specific dates for traffic counts.

Comment Response 14-69: . This statement was included in the Carmel Valley Master Plan amended as of November 5, 1996. However, the revised Carmel Valley Master Plan no longer includes this statement, therefore, it has been removed from the EIR.

Comment Response 14-70: The posted speed limit on Laureles Grade Road is 55 miles per hour (mph) unless otherwise noted.

Comment Response 14-71: The posted speed limit on Valley Greens drive, from its intersection on Carmel Valley Road to terminus is 35 mph. Rancho San Carlos Road is a private road, not a public road; the DEIR text shall be amended to note this. The speed limit on Rancho San Carlos Road from Carmel Valley Road to intersection of Valley Greens Drive is 30 mph; and from intersection of Valley Greens Drive to the Santa Lucia Preserve is 25 mph.

Comment Response 14-72: Comment noted. Text has been revised to incorporate this information.

Comment Response 14-73: Comment noted. Text has been revised to include this information.

Comment Response 14-74: To the extent that existing events affect the context of the analysis for this proposed Project they have been identified and referenced in the impact analysis. The question of how much mitigation other events sponsors should be required to provide is not the subject of this environmental analysis. This is a far more complicated discussion related to legality of use, and permitting requirements which is not a CEQA issue related to this proposed Project. The traffic analysis has taken into account weekend traffic which would include event traffic in other venues. The impacts of this project are being evaluated in the context which is described within the EIR.

Comment Response 14-75: See Comment Response 14-74.

Comment Response 14-76: Per direction from the County Traffic Engineer special events were modeled assuming that 10 percent of attendees will arrive and approximately 33 percent will depart during the Friday and Sunday peak hours. These estimates were informed by the Federal Highway Administration's Managing Travel for Planned Special Events Handbook. The County considers this a reasonable worst-case scenario for evaluating the potential impacts of special events to the surrounding transportation network.

The land use code of "single tenant office" was used to approximate employee trips to and from the Project site. Single tenant office was the closest approximation and is considered by the County as a reasonable worst-case scenario in terms of trip generation.

Refer to Comment Response 14-34 for a description of trip generation estimate development. Trip generation estimates were developed with coordination from the County Traffic Engineer and represent a reasonable worst-case scenario for evaluating the potential impacts associated with the proposed Project.

Comment Response 14-77: Refer to Comment Response 14-34. The County considers this a reasonable worst-case scenario for evaluating the potential impacts to the surrounding transportation network.

Comment Response 14-78: . Please refer to Comment Response 14-77. These assumptions were developed in coordination with the County Traffic Engineer. As noted in the last bullet, "The special

event estimates are conservative as they assume single occupancy in all vehicles. It is likely that some portion of attendees would carpool, thereby reducing the number of new vehicle trips.” The County considers this a reasonable worst-case scenario for evaluating the potential impacts of special events to the surrounding transportation network.

Comment Response 14-79: Per the Project Description no in and out privileges would be granted for RVs; however, towed accessory vehicles are not specifically addressed or limited within the Project Description, so trips were estimated per the direction of the County, consistent with Campground/RV Park Land Use, ITE Land Use Code 416, assuming 100 percent occupancy for the weekday peak hour for Friday conditions. The Sunday Midday peak was assumed to be the reverse of Friday conditions.

Comment Response 14-80: No credit was given for grading that has occurred at the Project site without establishment of documented grading permit approval. See Comment Response 14-31.

Comment Response 14-81: Please refer to Comment Responses 14-34 and 14-76.

Comment Response 14-82: The impact of proposed special events would exceed the thresholds described in Section 4.12.4.1, therefore, these impacts are required to be mitigated to reduce them to less than significant levels. However, MM TRAN-3 has been revised to state that the Applicant shall provide temporary signage that prohibits left turns at the intersection of Carmel Valley Road and Valley Greens Drive. For timing of mitigation measures, please refer to Comment Response 14-42.

Comment Response 14-83: For timing of mitigation measures, please refer to Comment Response 14-42.

Comment Response 14-84: The sentence has been revised to state that RVs would generally not be present at the Project site during non-event days as overnight camping would not be permitted during these times.

Comment Response 14-85: . Impact TRANS-7 identifies a potentially significant safety-related impact associated with unprotect left turns at the Project driveway. This potential impact would result particularly during special events, but also during daily operations. MM TRANS-7 preserves the sight lines at the Project site and would reduce this impact to less than significant levels. The parking restriction would reserve sufficient line of sight around vehicles waiting to make a left turn into the project to allow safe operating conditions. Also see Comment Responses 77-81 and 77-82.

Comment Response 14-86: Impact states that the proposed Project would *substantially contribute* to a cumulatively significant impact. The details of the cumulative analysis and the Projects/land uses included in that analysis can be found in Appendix H. Cumulative traffic volume forecasts were developed using the 2014 AMBAG RTDM and the 2007 Carmel Valley Master Plan (CVMP) traffic study. The CVMP traffic study forecasts travel based on a detailed review of potential land use intensities within Carmel Valley, while the RTDM is by nature focused more on regional travel patterns. The CVMP traffic study forecasts substantially more growth along the Carmel Valley Road corridor than the RTDM, which shows future traffic levels within five percent of year 2010 levels. These increases flow to Highway 1, again resulting in significantly higher volumes than those projected in the RTDM. Development consistent with the Monterey County General Plan and Carmel Valley Master Plan would not require discretionary permits and therefore, represent a reasonable worst case scenario for cumulative impacts.

Comment Response 14-87: Commenter questions whether new development limits established within the CVMP as a result of 2010 General Plan/CVMP litigation settlement are reflected in the provided analysis of cumulative traffic conditions. The 2010 General Plan/CVMP litigation settlement

and subsequent development limitations involved the reduction of residential subdivision units from 266 to 190 (CV-1.6) and involved policy changes to CV-2.17. The Addendum to the General Plan EIR (Addendum No. 2) concluded, relative to cumulative traffic:

“...cumulative traffic along certain segments of Carmel Valley Road will likely exceed the proposed ADT fixed volume standards perhaps as soon as 2015; thus any CEQA documents for Rancho Canada Village or other development projects would need to disclose potential contributions to cumulative traffic impacts, which are likely to be found significant and unavoidable and require preparation of an EIR and adoption of a Statement of Overriding Consideration.” [Page 5 of 6; Addendum No. 2 to Final Environmental Impact Report #07-01; SCH#2001121001]

An EIR was prepared for this project, which analyzed cumulative traffic related impacts and is consistent with the Addendum prepared for the 2010 General Plan, which reduced the unit cap for the CVMP.

Comment Response 14-88: The General Plan did not dictate the allowed 190 new lots would be allowed in the CVMP. It is acknowledged that the Project site consists of 8 legal lots, comprising more than 48 acres, with an existing zoning of LDR-2.5. The General Plan EIR did contemplate existing traffic volumes and traffic volumes for build out of the CVMP which would include existing legal lots in the build out scenario. It did not contemplate maximization of Land Use because there is a Unit Cap in place within the CVMP.

Comment Response 14-89: The DEIR and associated Project analysis included consideration of the existing activities in place at the time of the Notice of Preparation (NOP) for the project. Additional growth/activities on commercial properties served by Valley Greens Drive would be subject to the zoning regulations in place at the time the growth/activities are proposed. Relative to special events on properties served by Valley Green Drive, refer to Comment Response 14-74.

Comment Response 14-90: Per the definition of a cumulative impact, while the proposed Project itself may not result in an impact, the Project may still have a cumulative impact when considered with other pending or approved Projects. As demonstrated in Table 4.12-11 and 4.12-12 the proposed Project would contribute to an increase in vehicle delay and a decrease in LOS.

Comment Response 14-91: Comment noted. All DEIR comment letters received during the public review period are considered and included in the Final EIR. The Final EIR is made available at least 10 days prior to the first Planning Commission hearing to consider the Project.

Comment Response 14-92: . Per CEQA Guidelines §15126.6(a), an EIR shall describe a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project.” Alternative 2 was identified as the environmentally superior alternative because it met the majority of the project objectives and substantially reduced Project-specific traffic impacts. When considering the Project, County decision-makers will ultimately vote to approve or deny the proposed Project or one of its alternatives.

Comment Response 14-93: . Please see response to comment 14-92. While the EIR analysis cannot foresee all project alternative outcomes, County decision-makers will have the opportunity to consider this EIR, including project alternatives analyzed, and may provide their staff and consultants direction to consider additional project alternatives. New alternatives may require additional planning and CEQA review.

Comment Response 14-94: . As described in Section 7.5, the Alternative Sites listed in Section 7.5.1 are sites that were considered but eliminated from further analysis due to infeasibility or inconsistency with primary Project objectives.

Comment Response 14-95: The DEIR Alternatives Analysis is consistent with Section 15126.6(e) of the CEQA Guidelines which describes the No-Project Alternative as:

“...the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved.”

Section 15126.6(e) further states that:

“the ‘no project’ alternative shall discuss the existing conditions at the time the notice of preparation is published..., as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”

The DEIR notes that while the site has not been actively farmed for several years (since 2008), no permit is necessary to conduct farming operations on the site. In addition, the DEIR states that the Project site’s eight contiguous assessor parcels are all zoned LDR (LDR/2.5-D-S-RAZ) and each parcel could be developed as residential properties, which under the existing zoning would only require the issuance of Design Approval prior to development.

All DEIR comment letters received during the public review period are considered and included in the Final EIR. The Final EIR is made available at least 10 days prior to the first Planning Commission hearing to consider the Project.

Comment Response 14-96: Commenter proposes language additions and analysis to the “No Project Alternative” Analysis. See Comment Response 14-95. The EIR analysis is appropriate and CEQA-compliant and aligned with a No Project Alternative analysis.

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May 18, 2015

Via Email to MackD@co.monterey.ca.us and Facsimile to 831-757-9516

David Mack
Resource Management Agency / Planning Department
County of Monterey
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Re: Comments on the Carmel Canine Sports Center (PLN130352)
Draft Environmental Impact Report – Lack of References

Dear Mr. Mack:

This Office represents Friends of Quail. This letter makes additional comments on the Draft Environmental Impact Report (DEIR) for the Carmel Canine Sports Center (PLN130352).

The County has not provided access to the DEIR references and sources that are listed in the DEIR. On April 22, 2015, as part of our review of the DEIR, we went to the County Planning Department to inspect the references and sources listed in the DEIR. None was available. We requested references in writing and stated that the matter was urgent due to the limited time period for DEIR comments. We followed up in correspondence to the County on April 27, April 30, and May 6, 2015. Those records are in the County's files and have been attached to this letter for ease of reference. Although the County eventually produced versions of a few of the records, the County did not provide all the records to which we sought access, and the County did not respond adequately pursuant to the California Environmental Quality Act (CEQA) and the California Public Records Act. We asked the County to make the records available and to extend the comment period. The County refused.

The County's deadline for comments is today. The County still has not made available records (DEIR references and sources) that we sought, and for that reason we and members of our client were prevented from making informed and meaningful comments on the DEIR, and the County has failed to comply with CEQA's mandates.

Thank you for the opportunity to provide these additional comments on the DEIR.

15-1

David Mack
May 18, 2015
Page 2

Very truly yours,

STAMP | ERICKSON

A handwritten signature in blue ink that reads "Rachael McFarlane".

for
Michael W. Stamp
Molly Erickson

Attachments: A: April 22, 2015 request
 B: April 27, 2015 letter
 C: April 30, 2015 letter
 D: May 6, 2015 letter

David,

22 April 2015

I'd like to see several of the sources listed in the CASC DEIR, please, ASAP.

Only the DEIR body is available at the front planning counter — not the appendices (in paper) & not any of the reference documents or source documents.

Please let me know when I can view the records, please?

I've marked up a copy of the reference list to identify the ones I know I would like to see now, at this stage. Please let me know if you have

→

Any questions, this request
is urgent because the clock is
ticking on the circulation period.

Thank you,

Molly Erickson

Chapter 8

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are these data correct? ?

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April 27, 2015

Via Email

John Ford
David Mack
Resource Management Agency / Planning Department
County of Monterey
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Re: Carmel Canine Sports Center (Wolter Properties LP) (PLN130352)
Draft Environmental Impact Report references not available

Dear Mr. Ford and Mr. Mack:

This Office represents Friends of Quail, a large group of concerned Carmel Valley residents and property owners. We express concerns about the Draft Environmental Impact Report for the Carmel Canine Sports Center (CCSC). Many references relied upon in the Draft Environmental Impact Report for the Carmel Canine Sports Center (DEIR) are not available to the public as required by CEQA. The effect is prejudicial under the circumstances of this project, which means that a Court would be entitled to vacate the County's CEQA compliance on the basis of these defects alone. Under CEQA, failure to proceed in the manner required by law constitutes an abuse of discretion.

The County announced a public review period for the DEIR of April 1, 2015 to May 18, 2015. The County's Notice of Availability states that "Documents referenced in the DEIR are available at Monterey County RMA-Planning at the address listed above [in Salinas]."

On April 22, 2015,¹ I went to the County Planning Department seeking to view some of the CCSC DEIR references. I asked the counter staff to review the DEIR references. None were available. The only paper document that the County had available for public review was a copy of the DEIR. The County did not have a paper copy of the DEIR appendices available for review. The appendices were only available on a CD, which can be purchased for \$5 or viewed by the public while standing at the front counter.

¹ I had tried to inspect the records days earlier. I arrived at the Planning Department counter at 4:01 PM. The Planning Department counter had closed at 4 PM and the gate had been drawn closed across the counter.

Resource Management Agency / Planning Department
April 27, 2015
Page 2

I reviewed the CD while standing at the counter. The electronic appendices did not contain a table of contents or internal electronic bookmarks, which made it difficult to know what records were included in each appendix and also difficult to navigate the records. Because it was not possible to easily determine the contents of the CD, I had to go through the records page by page. The several DEIR references I sought to view were not on the CD.

I asked to speak with the project planner. The Planning counter staff checked, then informed me that the planner was going into a meeting and asked for me to put my request in writing. I left a handwritten letter, as the County requested, and to my letter I attached a list identifying the references I had questions on and the references I would like to view. I stated my request was urgent because the clock is ticking on the public review period. At the time of finalizing this letter on Monday, April 27, I have not heard back from the County.

Friends of Quail has identified the following prejudicial errors that need the County's immediate action, coupled with a need for an extended comment period and access to technical data and information presented in the DEIR.

The County has failed to make available to the public the references in the DEIR, in violation of CEQA's requirements.

CEQA requires that a notice of availability of a Draft EIR "shall specify . . . the address where . . . all documents referenced in the draft environmental impact report . . . are available for review" (Pub. Resources Code, § 21092, subd. (b)(1); see CEQA Guidelines, § 15087, subd. (c)(5)). Although the County's notice specified the address, the County did not in fact made the references available as promised. Here, many material reference documents were not available. I have requested them from the County but five days have passed and the County has neither responded nor made the documents available for review. The County's failure to make the supporting references, including technical information, available for public review and comment for at least 45 days has deprived Friends of Quail and the public of the ability to review the DEIR adequately and to make meaningful comment on the DEIR. (CEQA Guidelines, § 15087.)

Time is of the essence. The County is nearly four weeks into the public review period for the DEIR and none of the DEIR appendices and none of the DEIR reference documents is available in paper copy. Friends of Quail does not waive any of its rights under CEQA. The information available to date does not adequately inform the public and decision-makers. Surely the County does not expect persons to rely upon or meaningfully comment on the CCSC DEIR when the information underlying the DEIR is not, to a large extent, available for review and inspection. Friends of Quail and its members seek to comment on the accuracy and adequacy of the DEIR together with other information relative to the environmental effect of the project, but Friends and its members cannot do so meaningfully until the reference documents are available.

Attachment B, p. 2 of 3

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Page 3

Request

The County should make all the reference documents available to the public, then revise the notice of availability accordingly. The revised notice of availability should disclose the address where all documents referenced in the DEIR will be available for public review during the review period, and those documents should be actually available to the public no later than the start of the revised review period. The revised review period should be for a minimum of 45 days. (Pub. Resources Code, § 20191, subd. (a).) The 45 days should not commence until the reference documents are actually available at a public location. The revised review period should comply with CEQA's procedural mandates.

In other matters, the County has provided the same relief that we request here.

Please let me know promptly what the County decides to do. Thank you.

Very truly yours,

STAMP | ERICKSON



Molly Erickson

Attachment B, p. 3 of 3

Michael W. Stamp
Molly Erickson

STAMP | ERICKSON
Attorneys at Law

479 Pacific Street, Suite One
Monterey, California 93940
T: (831) 373-1214
F: (831) 373-0242

April 30, 2015

Via Email

John Ford
David Mack
Resource Management Agency / Planning Department
County of Monterey
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Re: Carmel Canine Sports Center (Wolter Properties LP) (PLN130352)
Draft Environmental Impact Report references

Dear Mr. Ford and Mr. Mack:

On April 22, 2015, I left you a handwritten request for records and identified multiple records. I said the request was urgent. On April 27, 2015, I followed up with a letter to you, seeking the records. I pointed out that time was of the essence.


As of today, April 30, 2015, I have not heard from the County in response to my April 22 request or the April 27 letter. I seek to review the records on behalf of my clients, Friends of Quail. I also seek to review more technical records that the Draft Environmental Impact Report (DEIR) relies on but does not identify, including the Carmel Canine Sports Center (CCSC) application to the Monterey Peninsula Water Management District and all CCSC water demand estimates which were relied on by the 2013 County Initial Study. The DEIR listed as a reference the 2013 County initial study, but the initial study is not a source document -- it is merely a County-prepared document based in part on other technical documents.

Please respond to this request, my April 22 request, and my April 27 letter as soon as possible. Time is of the essence. The clock is ticking on the public review period.

Thank you.

Very truly yours,

STAMP | ERICKSON


Molly Erickson

Attachment C, p. 1 of 1

Michael W. Stamp
Molly Erickson

STAMP | ERICKSON
Attorneys at Law

479 Pacific Street, Suite One
Monterey, California 93940
T: (831) 373-1214
F: (831) 373-0242

May 6, 2015

Via Email

David Mack
Planning Department
County of Monterey
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Re: Carmel Canine Sports Center (Wolter Properties LP) (PLN130352)
Draft Environmental Impact Report (DEIR) references

Dear Mr. Mack:

This letter responds to several inaccurate claims made in your letter dated April 30, 2015. By responding, I am hoping that we can provide a more accurate record in the event that this matter moves forward.

Availability of Records and Comment Period.

The County's Notice of Availability dated April 1, 2015 stated that "Documents referenced in the DEIR are available at Monterey County RMA – Planning at the address listed above." (See Exhibit A to this letter.) The statement was (and is) incorrect.

On April 22, I came to the Planning Department to review the sources and references identified in the DEIR. They were not available, and neither was a project planner. The Planning counter staff asked me to leave you a written message. I did as requested. In my written message, I requested some specific records and commented about some records which appear to be incorrectly described in the DEIR.

In response, in May, the County newly placed some links to some references, but the links do not contain all the documents requested. Material DEIR reference and source documents still are not available for review, despite my April 22 request.

The links are on the County website under "Related Links" and are subject to a fatal admonition imposed by the County: "These links are provided for information only. The County of Monterey does not endorse any of the information found on these sites." The County's express refusal to endorse the information is inconsistent with the County DEIR's purported reliance on those same documents. The County's disclaimer means that the County does not consider the documents to be reliable. Placing the documents under the title of "Related Links" and making a disclaimer is not consistent with the County's usual practice of making available the references and sources for Draft EIRs.

Attachment D, p. 1 of 4

David Mack, Planning Department, County of Monterey
May 6, 2015
Page 2

Some records newly placed by the County under "Related Links" are incomplete; others are inaccurate. For example:

- The "Carmel Canine Sports Center (CCSC) 2014" project description does not include material attachments – such as the site plan.
- The "Villas de Carmelo" document is nine pages: the cover page and table of contents only. There is no technical information that the CCSC DEIR could have relied on.
- The Monterey County 2013 "Public Services Element – Draft Monterey County General Plan – accessed 11 December 2011" link is to a 2013 document which could not have been accessed in 2011. The County's reasons for relying on a draft element cannot be discerned.

The clock is running on the County's comment period – which counts all days, including weekend days. The public's ability to review and comment meaningfully on the DEIR, and to suggest mitigations and alternatives, is being reduced every day. The lack of availability of the DEIR references during the comment period has seriously limited our ability, and the ability of members of Friends of Quail, to respond meaningfully and substantively with comments on the DEIR.

Your April 30 letter states that "Items listed as *Personal Communication* cannot be provided, as these were conversations [*sic*] which took place over the phone and no written document is available." The County's position is that there is no written documentation of the communications, the discussions that took place, or any statements made. We question the propriety of the use of the term "reference" for something for which there nothing the County can refer to, or for us to verify.

Your April 30 statement about the CD of the appendices misses the point. The several DEIR references I sought to view were not on the CD or available for review.

Our position remains as stated in our April 27 letter: The County should extend the comment period to 45 days from the date that all references are placed online or available at the Planning Counter, as the Notice of Availability claimed. As of today, many of the key references are not available.

Friends of Quail does not waive any of its rights under CEQA.

Thank you.

David Mack, Planning Department, County of Monterey
May 6, 2015
Page 3

Very truly yours,

STAMP | ERICKSON


Molly Erickson

Attachments: Exhibit A: April 1, 2015 Notice of Availability, page 1.

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Acting Director



Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

PROJECT TITLE: WOLTER PROPERTIES LP (CARMEL CANINE SPORTS COMPLEX)
(PLN130352; SCH# 2013121077)

PROJECT LOCATION: 8100 VALLEY GREENS DRIVE, CARMEL VALLEY
APNs: 169-431-001, -002, -003, -006, -007, -008, -011, AND -012)

Notice is hereby given that the County of Monterey is seeking written comment on the Draft Environmental Impact Report (DEIR) on the Wolter Properties LP (Carmel Canine Sports Complex) Project (PLN130352, SCH# 2013121077) in accordance with the California Environmental Quality Act. The public review period will begin on **April 1, 2015** and end on **May 18, 2015 (48 days)**. This review period is established for the purpose of receiving written comments on the accuracy and adequacy of the DEIR together with other information relative to the environmental effect of the project.

PROJECT DESCRIPTION:

Use Permit and Design Approval for the development of a canine training/sports facility and event center for daily member usage and up to 24 "event days" (daily maximum of 250 people/300 dogs) per year, and related improvements. Modular (temporary) structures to include a 700 square foot office trailer, 600 square foot members trailer, 600 square foot restroom trailer and 400 square foot electrical/storage room. Site to also accommodate up to 70 recreational vehicles (RVs) on a short-term basis during events (Maximum of 24 nights per year).

LEAD AGENCY: COUNTY OF MONTEREY RESOURCE MANAGEMENT AGENCY -
PLANNING

ADDRESSES WHERE A COPY OF THE DRAFT EIR IS AVAILABLE FOR REVIEW:

County of Monterey	Monterey Public Library	Monterey County Free Libraries (Carmel Valley Branch)
RMA-Planning 168 W. Alisal St., 2 nd Floor Salinas, CA 93901 (831) 755-5025	625 Pacific Street Monterey, CA 93940 (831) 646-3932	65 W. Carmel Valley Road Carmel Valley, CA 93924 (831) 659-2377

Documents referenced in the DEIR are available at Monterey County RMA – Planning at the address listed above.

PUBLIC REVIEW PERIOD: APRIL 1, 2015 THROUGH MAY 18, 2015

Comment 15, Ms. Rachael Mcfarren, for Michael W. Stamp and Molly Erickson, representing Friends of Quail Stamp / Erickson Attorneys at Law

Comment Response 15-1: The County adequately provided access to the DEIR references and sources that were listed in the DEIR and provided and responded to the request for references by commenter in a timely fashion. On April 22, 2015 (Thursday), commenter left a handwritten note requesting specific documents. On April 27, 2015 (Monday), commenter submitted a separate letter requesting same documents claiming that 5 days had elapsed; in fact only 1 business day has elapsed. The April 27 letter claims that a “paper copy” of the references were not available, however acknowledges that the DEIR Reference CD was readily available for use at the front Planning Counter. On April 30, 2015, a third request for the same documents was submitted on the same day that RMA-Planning issued a response to the initial requests; stating that while all documents had been available online via website and Reference CD, RMA-Planning posted the requested documents on the project website for ease of use and convenience. (See April 30, 2015 letter from RMA-Planning to Stamp/Erickson Attorneys at Law.) The May 6, 2015 letter submitted by commenter does not request any additional information and simply disputed claims that information was available; no County response was required for this letter.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, April 20, 2015 9:10 AM
To: Mack, David x5096
Subject: FW: Regarding PLN130352 Carmel Canine Sports Center

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Catherine Colwell [mailto:tinkerd@earthlink.net]
Sent: Monday, April 20, 2015 9:03 AM
To: Ford, John H. x5158
Cc: 100-District 5 (831) 647-7755; 100-District 3 (831) 385-8333; 100-District 2 (831) 755-5022; 100-District 1 (831) 647-7991
Subject: Regarding PLN130352 Carmel Canine Sports Center

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

Dear Mr. Ford,

I am commenting in regard to the DEIR for the Carmel Canine Sports Center.

I have read a good deal of the rather lengthy report and continue to fully support the project. I think it to be a much needed benefit for this community. It is well-planned and thought out, in my estimation and cannot see any negative impact. I do not see that there would be a traffic issue. I am a homeowner in Carmel Valley and use Carmel Valley Road to travel to and from projects in Carmel and Pebble Beach. All of my stops are right off of Carmel Valley Road, such as grocery and 4 nursery locations used for business. There are already "draws" for people to travel to the area as I daily see a full parking lot at Earthbound Farms, Valley Hills Shopping Center, Valley Hills Nursery, Mid-Valley Shopping Center, Hacienda Hay and Feed and Quail Lodge; itself. I do not feel that the project usage would create an overload of traffic as members would likely make use of the nearby locations just mentioned as a part of their shopping routine.

16-1

In no way, would the CCSC be populating the area in a way that the Concours; for instance; has done for years. The scale is by no way; comparable when holding an event. The car shows use the same streets, intersections and roads. Does the Concours /Quail Lodge have a different set of rules?

16-2

I am curious about the restrictions placed regarding the use of a public river for the use and pleasure of swimming, when allowed in all of Garland Park. Voice command is accepted in all other local places; ex Carmel Beach; making it unnecessary to leash dogs. The beauty of the CCSC is that a safe, fenced area is provided so that dog owners can allow their dogs the freedom to have exercise, lessons and socialization that is so necessary.

16-3

If this land were to be sold, the environmental impact would be huge compared to that of a well-maintained, thoughtfully run center for dogs and their owners. Estate-sized homes with all of the amenities that we are used to seeing in our area would go up with several cars per household making many trips and the vehicles driven by those employed, including gardeners with mowers, gas blowers and other machinery which would be used on a daily basis.

I would think that the CCSC's usage would be an obvious choice that would benefit so many of us and our beloved dogs.

The Tinker's Daughter Landscape & Design

Catherine Colwell

tinkerd@earthlink.net

P.O. Box 934

Carmel Valley, CA 93924

831.277.7386

Lic. # 842363

Est. 1982

www.thetinkersdaughterlandscaping.com

Blog: thetinkersdaughterlandscaping.blogspot.com

Comment 16, Ms. Catherine Colwell
The Tinker's Daughter Landscape & Design

Comment Response 16-1: Comment noted. Commenter supports the proposed Project and feels it would not result in an overload of traffic.

Comment Response 16-2: Comment noted. Per CEQA Guidelines this EIR evaluates impacts associated with the proposed Project relative to the existing baseline conditions present at the time of the publication of the NOP. Existing developments, including the Quail Lodge & Golf Club, Baja Cantina, and Earthbound Farms as well as associated events are included in that baseline as described in Section 4.12.2.7, *Local Event Traffic*. Special events at these locations and other various surrounding locations are conducted in accordance with their discretionary permits.

Comment Response 16-3: See Comment Response 21-5.

EATON RANCH

36105 Tassajara Road
Carmel Valley, CA 93924
(831) 238-2869

May 14, 2015

Via Email and U.S. Mail

Mr. John Ford, County Planner
Monterey County Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901

Re: Carmel Canine Sports Center (Wolter Properties LP)
PLN 130352

Dear Mr. Ford:

I am writing this letter in support of the Carmel Canine Sports Center.

As a local resident, rancher and businessman, I think this project is an excellent use of the land and compatible with the surrounding area and varying uses, including commercial, agricultural, recreational and residential uses. I feel the addition of a dog facility can only improve the local area by providing a place for families and dog owners to train and play with their dogs.

17-1

I visit the area frequently to make purchases at the feed store, eat at the restaurants and participate in the car activities. I cannot see how the planned use at the dog park will impact the area any more than the existing activities. The impact on noise levels will be minimal, especially when compared with the live music at the restaurant/bar, car functions, and public events at the lodge. Any increase in traffic cannot compare to that experienced during "car week" and other activities in the area, such as the car nights held weekly from May through October, and other special events held at the lodge. Parking will be on site and will not affect the surrounding area. The project is being planned to provide a natural setting and conserve valuable water resources in order to maintain the rural nature of the area.

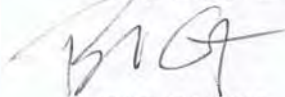
17-2

I am informed that two large dog events were held in the past at the golf course and no complaints of any kind were received.

Mr. John Ford, County Planner
May 14, 2015
Page Two

The Carmel Canine Sports Center will be a great addition to the area and provide a place for the many dog owners and supporters in the area to participate in dog-related activities, while protecting the rural environment.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Eaton', is written over a light blue rectangular background.

BOB EATON

cc (via email only): Supervisor Simón Salinas
Supervisor Fernando Armenta
Supervisor John M. Phillips
Supervisor Jane Parker
Supervisor Dave Potter
Bob Brower, Monterey Peninsula Water
Management District

Comment 17, Mr. Bob Eaton
Eaton Ranch

Comment Response 17-1: Comment noted. Commenter expresses opinion that the proposed Project is an appropriate use of land and the Carmel Canine Sports Center would be compatible with the surrounding area.

Comment Response 17-2: Comment noted.

May 15, 2015

David Mack
John Ford
Monterey County Resources Management Agency
Planning Department
168 West Alisal Street
Salinas, CA 93901

SUBJECT: Comments - Draft Environmental Impact Report
Carmel Canine Sports Complex, PLN 130352

Dear David and John,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Carmel Canine Sports Complex (CCSC).

As you know, I prepared the initial Biological Assessment for the proposed project and my February 2014 report was heavily referenced by the firm hired to prepare the environmental review documents required under CEQA. I have academic background, as well as a long professional history that uniquely qualifies me to comment on the CCSC proposal.

- My graduate studies focused on the riparian plant ecology of California streams.
- After a period of time working for The Nature Conservancy on preserve design and management, I was hired as the first Naturalist/Ecologist for the Monterey Peninsula Regional Park District. I was based at Garland Ranch Regional Park for five years, where I witnessed dogs in the riparian corridor of the Carmel River on a daily basis.
- In 1993, I began working for the Monterey Peninsula Water Management District, where I coordinated and supervised riparian habitat restoration efforts on the Carmel River. I was directly responsible for managing the revegetation, irrigation and monitoring of the Valley Hills Restoration Site between 1993 and 2000. This riparian restoration site is entirely on property owned by the Wolter Properties Limited Partnership, and occurs within the area leased by the Carmel Canine Sports Complex. I've attached a series of photographs that depict the development of the Valley Hills Restoration Site during the mid-1990's, both before and after high river flows in 1995. Photographs are courtesy of the Monterey Peninsula Water Management District.

Nicole Nedeff
Consulting Ecologist

11630 McCarthy Road
Carmel Valley, CA 93924

(831) 659-4252
nikki@ventonaviel.net



I have the following Clerical and Substantive comments pertaining to Biological Resources material presented in the Draft Environmental Impact Report for the CCSC:

Chapter 2:

PAGE	LINE	COMMENT
4	4	CLERICAL - The contract between the Monterey Peninsula Water Management District and the Wolters LLC for the Valley Hills Restoration Project was executed in 1993. Maintain consistency with page 9 line 4, and Bio Section 4.4 page 3 line 34

18-1

Biological Resources, Section 4.4:

PAGE	LINE	COMMENT
1	23	CLERICAL - The Carmel River flows to the west...
2	19	CLERICAL - <i>Platanus racemosa</i> is the species of sycamore. Western sycamore.
3	8	CLERICAL - equipment was (not were)
3	20	CLERICAL - The scientific name of periwinkle is <i>Vinca major</i>
3	23	CLERICAL - The new scientific name for Monterey cypress is <i>Hesperocyparis macrocarpa</i>
3	38	CLERICAL - The alder species is <i>Alnus rhombifolia</i> . White alder.
3	40	CLERICAL - The wild blackberry species is <i>Rubus ursinus</i> .
3	40	CLERICAL - The scientific name of manroot is <i>Marah fabacea</i> , not Ipomea
4	1	CLERICAL - The scientific name of mugwort is <i>Artemisia douglasiana</i> .
4	36	CLERICAL - The scientific name of black cottonwood is <i>Populus trichocarpa</i> .
4	37	CLERICAL - No red alder , only white alder in this reach of the Carmel River.
4	39	CLERICAL - The species composition noted in the DEIR is inappropriate for this elevation along a coastal stream in Central California. Remove grand fir, Sitka spruce, Douglas fir, western red cedar and western hemlock from the text.
6	5	SUBSTANTIVE - There is no Monterey Pine Forest in the project area , only a few invasive trees that have recruited in the Ruderal Upland and Riparian zone. Remove this Plant Community type from Section 4.4.3.1 – Sensitive Natural Communities.
6	36/37	CLERICAL - Potential habitat..... is abundant in the multi-layered riparian habitat.
8	8	CLERICAL - The Carmel River is not the southernmost population of steelhead – steelhead are known from the Big Sur River and even farther south.
13	35/36	CLERICAL - The Project Area appears to be is located.... Is it in, or not?? Does it appear to be, or is it???
14	27	CLERICAL – The text notes that the western pond turtle is thoroughly aquatic. However, this species is known to overwinter, as well as lay eggs in terrestrial habitat on terraces some distance above the river channel. See lines 37-39.
18-22	Section 4.4.4.3	SUBSTNATIVE - The Project is consistent with Monterey County General Plan Goal OS 05-5 and all Policies noted in the DEIR. The Project is consistent with Carmel Valley Master Plan Policies CV-3.7 – 3.12. The proposed project will not impact special status species or natural communities and will maintain sensitive biological resources.
23	11	CLERICAL - backhoe , not backhouse...
26	10	SUBSTATIVE - MM BIO-3, Dog Waste Management Plan. Modify the proposed DAILY collection of waste language to... collection of accumulated dog waste on a REGULAR BASIS, DEPENDING ON USE of facilities (see Section 2.4.1.3 page 8 line 38, and Section 4.8.4.3 page 20 line 17, and MM HYD-2 for consistency).

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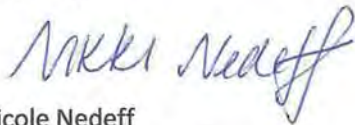
27	6-9	SUBSTANTIVE - CLARIFY that the picnic tables are In the Ruderal Upland habitat area , not in the 2.5-acre riparian floodplain area. The Ruderal Upland area historically supported agricultural equipment storage, a pig farm, manure and compost piles, and other farm-related activities.	18-22
27	13-20	SUBSTANTIVE - CLARIFY that proposed use of the Ruderal Upland area is different than use of the Riparian area , and that activity in the Ruderal Upland area where the picnic tables are will not disrupt wildlife or steelhead found in the riparian floodplain area.	18-23
27	36	SUBSTANTIVE - MM BIO-4a. MODIFY MITIGATION MEASURE and remove “all dogs be kept on leash at all times outside the food safety fence”, to read “all dogs will be kept on leash, or under immediate voice control at all times outside the food safety fence”. This provision is consistent with policies at Garland Ranch Regional Park, where hundreds of dogs can access the Carmel River and riparian corridor on a daily basis. For example, recent anecdotal observations made between 10:45 and 12:45 at Garland Park on the morning of Mother’s Day 2015, noted at least 74 dogs entering the park near the Visitor Center, with approximately 40% off-leash. At least 16 dogs entered the Carmel River during that 2-hour period. I do not know of any documented take of special status species resulting from canine activity at Garland Park, or from any other section of the Carmel River riparian corridor. REMOVE TEXT ...”prohibit canine use of the Carmel River”, and substitute with “control canine use of the Carmel River in the riparian area to reduce potential negative impacts to streambanks and sensitive species. Dogs should be under immediate voice control at all times”. In my opinion, site control by the CCSC will actually reduce potential negative impacts associated with dogs off-leash in this portion of the Carmel River riparian corridor, since CCSC visitation will be limited, by reservation only and educational information will be required prior to gaining access. Most importantly, the overall CCSC presence will reduce public trespass through the property and unconstrained access to the Carmel River channel (public access along the river channel from upstream or downstream locations will remain unrestricted).	18-24
28	10	SUBSTANTIVE - MM BIO-4b. Retain cap of 30 dogs per day during first year, however MODIFY MITIGATION MEASURE to allow between 6 to 12 dogs visiting the Riparian area at one time, and up to 12 dogs at one time visiting the Ruderal Upland area where the picnic tables are located (the 12-dog limit allows for the size of dog classes noted in Section 2.4.3.2 page 12 line 7). The upper limit of 12 dogs visiting the Riparian area at one time should apply only to organized training exercises and classes. That said, there do not seem to be substantive scientific reasons to have limits on numbers of dogs visiting the Riparian area, and in fact Bekoff and Meaney reported that dogs off-leash generally did not wander far off of established trails in natural areas and rarely entered adjacent bodies of water. They concluded from their research that unruly people are more problematic and have a greater negative impact on the environment than unruly dogs (Bekoff, M. and C.A. Meaney. 1997. Interactions Among Dogs, People, and the Environment in Boulder, Colorado: A Case Study. Anthrozoos. 10(1):23-31).	18-25
28	21	SUBSTANTIVE - MM BIO-4c. MODIFY MITIGATION MEASURE TEXT to read... “The CCSC will facilitate the on-going monitoring and riparian vegetation management efforts already in-place and conducted by the MPWMD, including photo monitoring for site assessment, measurement of vegetative health, and analysis of soil moisture”. The CCSC should not be the primary entity to coordinate a resources management program or monitoring plan of the Valley Hills Restoration site, since the area is maintained as an active restoration site by the MPWMD and their staff already monitors and manages	18-26

		<p>habitat resources. No control/reference site is needed, since the MPWMD already has substantial baseline data and monitoring information collected since the inception of the project in the early 1990's. The opportunity for increased attention by members of the CCSC during visits to the riparian corridor will provide the MPWMD with timely information of irrigation equipment failures, vandalism or trespass. The coordination between CCSC and MPWMD staff will result in enhanced habitat values, as the CCSC has indicated it would welcome the opportunity to conduct weed eradication activities under MPWMD guidance. REMOVE LANGUAGE that pertains to requirements for the Habitat Management Plan, semi-annual monitoring and coordination with resources agencies. SUBSTITUTE with text ... "The CCSC will work with MPWMD to immediately implement corrective action if on-going MPWMD monitoring reveals degradation of riparian habitat conditions resulting from CCSC operation."</p>	18-26 cont.
29	11-12	SUBSTANTIVE - Correctly identify the Ruderal Upland vs. the Riparian area.	18-27
29	37	<p>SUBSTANTIVE – MM BIO-5a. ELIMINATE MITIGATION TEXT regarding requirement for amphibian fencing around the irrigation reservoir. Biological information and supporting documents for the adjacent Quail Lodge Golf Course pond renovation project became available after the preparation of my February 2014 Biological Assessment for the CCSC project – the precedent and protocol for the CCSC irrigation reservoir should be modeled for consistency after the approved permit and conditions for the adjacent Quail Lodge Golf Course ponds. Both the CCSC irrigation reservoir and the adjacent Quail Lodge Golf Course ponds are man-made features that have the potential to attract native, as well as non-native amphibians. The approved Quail Lodge Golf Course pond renovation project does not require amphibian fencing around the newly filled golf course ponds to prevent the potential recruitment of native amphibians. The Quail biological assessment was updated with a letter report submitted in March 2014 by consultant Patrick Regan and, in addition, Mr. Regan prepared a Pond Management Plan for the Quail water features in June 2014. In the June 2014 Pond Management Plan, the protocol for pond draining to eliminate the potential establishment of bullfrogs is outlined on page 7. Suggested CCSC reservoir draining protocols are discussed below in MM BIO-5b. I also note that the Tehama (Cañada Woods North) water reclamation pond immediately to the east of the CCSC property does not have amphibian fencing.</p>	18-28
30	5	<p>SUBSTANTIVE - MM BIO-5b. CHANGE TIMING OF DRAINING the irrigation reservoir to "periodically, if necessary to remove non-native bullfrogs", rather than "once during late fall". The draining protocol should be modeled on the approved pond draining measures for the adjacent Quail Lodge Golf Course pond renovation project. If non-native bullfrogs are confirmed in the CCSC irrigation reservoir, a gradual draining process should be nearly completed by October, at which time the remaining water pool should be surveyed by a qualified biologist to determine whether native amphibians are present. Once native species are properly removed, the reservoir can continue to be drained to trap and dispose of adult bullfrogs and disrupt the life cycle of larval bullfrogs. In addition, in deference to water conservation, particularly during drought, it is not prudent or defensible to eliminate irrigation water that helps maintain the agricultural operation at CCSC. Periodic draining, when appropriate, is sufficient to address the potential occurrence of bullfrogs, in the event they become established.</p>	18-29

The adoption of suggested mitigations, with the corrections and modifications I've recommended above, will result in the CCSC project having a less than significant impact on special status biological resources in CCSC project area.

Please contact me if I can provide further information or elaborate on any of the comments above.

Sincerely,



Nicole Nedeff

ATTACHMENTS: Photographs from the Valley Hills Restoration Site near the access trail to the Carmel River, Wolters property, 1993 - 1996.



November 1993 – Installing the channel grade control structure and post/wire revetment.



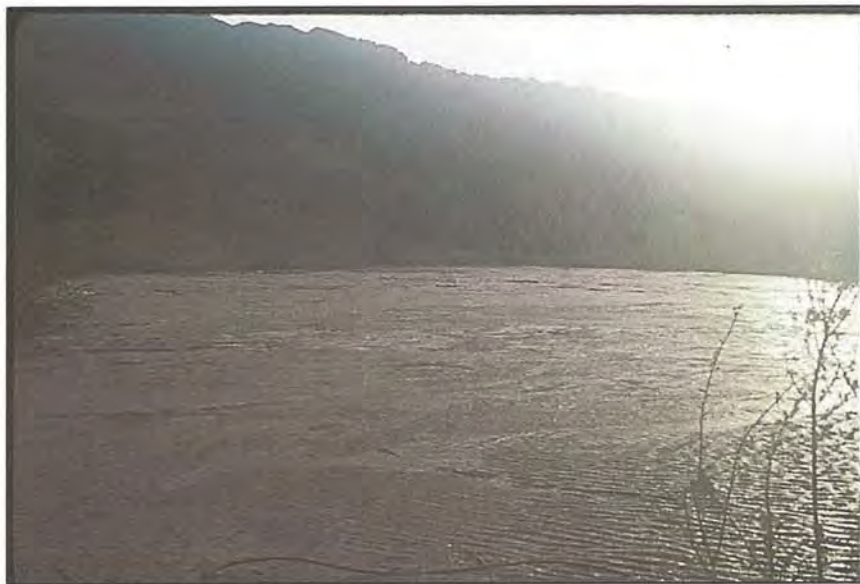
September 1994 – Irrigated plantings are robust.



January 10, 1995 – High river flow inundating the entire restoration area.



March 2, 1995 – Recovery two months after January 10 flood.



March 10, 1995 – Same view of Valley Hills Restoration Site from access road on Wolters property. Slightly greater flood magnitude than January 10, 1995.



July 1996 – Valley Hills Restoration Site recovery, with 16 months of growth after two major high flow events the previous year.

***Comment 18, Ms. Nicole Nedeff
Consulting Ecologist***

Comment Response 18-1: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-2: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-3: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-4: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-5: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-6: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-7: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-8: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-9: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-10: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-11: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-12: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-13: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-14: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-15: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-16: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-17: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-18: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-19: Comment noted. Section 4.4.4.3 presents relevant polices included in the General Plan and Carmel Valley Master Plan. Consistency with these plans and other regulations is addressed in Chapter 5, *Consistency with Plans and Policies*. Please also see the responses to Comment Letters 5 and 7.

Comment Response 18-20: Comment noted. The DEIR has been revised accordingly.

Comment Response 18-21: Comment noted. In order to reduce potentially adverse impacts to water quality to the maximum extent feasible the Manure Management Plan, including the dog waste management plan, requires that all dog waste be picked up at the end of each day. This mitigation is consistent with MM HYD-2 and is the approach which allows for maximum resource protection. However, it is understood that if a particular training field is not used during the day, there would be no waste to be collected.

Comment Response 18-22: The DEIR has been revised to describe that the existing picnic table and proposed picnic table are located in the ruderal upland habitat area, south of the food safety fence, but just north of the riparian habitat.

Comment Response 18-23: While the presence of dogs in the ruderal upland habitat adjacent to the riparian area would not have a direct impact on federally listed steelhead, the increased presence of humans and dogs in this area could have indirect noise related impacts on wildlife within the riparian corridor. Further, it is likely that off-leash dogs would wander from the ruderal upland area into the riparian corridor and potentially into the river. This activity could have potential adverse impacts to the riparian corridor, which is designated as critical habitat for southern steelhead. See Comment Response 21-5.

Comment Response 18-24: See Comment Response 21-5.

Comment Response 18-25: As described in Section 2.4.1.3, these areas would be available seasonally to members and authorized visitors for reservation and use for picnics and walking along existing pathways. This area is not intended for use as a training venue for classes. It is likely that more intensive use of this area for training would result in more intensive indirect noise impacts and potential direct impacts within the riparian corridor. The limitations on the number of dogs are not being modified in this document.

Comment Response 18-26: As described in MM BIO-4c, the CCSC shall coordinate with Monterey County, CDFW, and MPWMD; however, the CCSC would be responsible for funding and implementing the Habitat Management Plan in order to reduce Project-related impacts to less than significant levels. The monitoring program shall include a control site to determine how the Project-related impacts are affecting the riparian corridor relative to natural variation; however, if MPWMD already has a suitable control site, that area may be used if agreed upon by all parties.

Comment Response 18-27: The DEIR has been revised accordingly. However, while dogs would primarily located within the ruderal upland area, there would be no fence separating them from the riparian corridor. Therefore, a reasonable assumption is that some dogs may wander into the riparian corridor, which could have potential adverse impacts on sensitive species.

Comment Response 18-28: Comment noted. The ponds at the Quail Golf Course are existing water features. The proposed Project would be relying on the Riparian Water Right which would not allow the storage of water, so the pond has been removed from the Project Description.

Comment Response 18-29: Comment noted. See response to Comment Response 18-28.



511 Forest Lodge Road
Suite 100
Pacific Grove, CA 93950

May 18, 2015

David J.R. Mack, Associate Planner
John H. Ford, RMA – Services Manager
County of Monterey
Resource Management Agency – Planning
168 W. Alisal St., 2nd Floor
Salinas, CA 93901
mackd@co.monterey.ca.us, fordjh@co.monterey.ca.us
CEQAcomments@co.monterey.ca.us

VIA ELECTRONIC AND UNITED STATES MAIL

Re: Wolter Properties LP (Carmel Canine Sports Complex)
PLN130352; SCH# 2013121077

Dear Sirs;

California American Water received a copy of the Draft Environmental Impact Report (“DEIR”) for the above-referenced project. California American Water disagrees with the conclusion reached in Section 4.8.2.3 of the DEIR, which states: “The Project site currently has a riparian right.”

Any riparian rights that may at one time have been appurtenant to the Wolters parcels were severed from those parcels and conveyed to California American Water Company’s predecessor, the Pacific Improvement Company (“PIC”), in 1906. This severance was permanent and final upon execution of those deeds. *Anaheim Union Water Co. v. Fuller* (1907) 150 Cal. 327, 331. It is well settled:

It is competent for an owner of riparian land to grant the use of water in whole or in part, leaving the fee of the land vested in the grantor.... As between the riparian owner and his grantee, such a deed is binding. The riparian owner thereby parts with an interest in the land. To that extent he parts with his riparian right to divert or use that water to the detriment of his grantee, and so disables himself from granting the riparian right to one to whom he may later convey his riparian land. By reason of his voluntary act he waives for himself and his own successors all claims based upon the doctrine of riparian rights, and he cannot claim thereafter of any invasion of such rights by the grantee or by the successors of the latter. *The California Law of Water Rights*, Wells A. Hutchins at 193 (1956) [internal citations omitted].

19-1

David J.R. Mack
John H. Ford
May 18, 2015
Page 2 of 2

It is of no consequence that subsequent determinations by the State Water Resources Control Board in 1995 expanded the classification of waters of the Carmel River to include the underflow and subterranean stream of the Carmel River (sometimes referred to as the "Carmel River Alluvial Aquifer"). That is because the 1906 deeds conveyed a water right to PIC and simultaneously divested the Wolters land of its riparian character. The subsequent expansion of the classification of waters constituting the Carmel River does not have the effect of restoring the riparian right so conveyed and severed from the Wolters land in 1906. See *Spring Valley Water Co. v. Alameda County* (1927) 88 Cal.App. 157, 167.

19-2

Finally, California American Water notes that its ability to serve the Wolters parcels is constrained by the moratorium currently in effect. The moratorium prohibits new connections as well as increases in use for existing connections.

19-3

Sincerely,



Eric Sabolsice
Director, Operations

***Comment 19, Mr. Eric Sabolsice
California American Water***

Comment Response 19-1: See Master Comment Response 1 – Water Use.

Comment Response 19-2: See Master Comment Response 1 – Water Use.

Comment Response 19-3: Comment noted. No new connections are permitted as a result of the moratorium in effect. No new connection has been proposed as part of this proposed Project.

To: John Ford, RMA, Services Manager
 Michael Nova, AICP, Director of Planning
 Dave Potter, Supervisor Dist 5

From: Jain L. Farnsworth
 7076 Valley Greens Circle
 Carmel, CA 93923
 831-250-7030

Re: PLN 130352
 Carmel Canine Sport Center

As the EIR is being prepared for the Carmel Canine Sport Center, I feel it is important and incumbent on the County to consider the cumulative traffic impacts of all significant events that add traffic to the Highway 1 corridor past Carmel-by-the-Sea and to Carmel Valley Road.

20-1

It is unrealistic to believe that any of the CCSC RV traffic will access events via Laureless Grade. Therefore, all CCSC RV traffic will travel Hwy 1, past Carmel-by-the-Sea to Carmel Valley Road. Event and RV traffic may enter the east end of Valley Greens Drive, but it's not credible that exiting traffic will use that same route. Because of the traffic light at Rancho San Carlos Road and Carmel Valley Road, exiting traffic, particularly RV traffic, will travel west on Valley Greens Drive past Quail Lodge Golf Course Clubhouse with it's pedestrian and golf cart traffic. Backed up traffic caused by slow moving RVs on Rancho San Carlos Road, with it's narrow bridge, presents a health and safety problem because Rancho San Carlos Road is the route of choice for First Responders who serve the Quail Lodge community, Quail Meadows, the Preserve and the Carmel Valley Athletic Club. Also, the County, in it's Negative Mitigated Declaration, claims that the applicants can solve the traffic impacts by simply paying a fee. It has never been shown that the payment of a fee removes a single car or RV from the road.

20-2

20-3

20-4

Current permitted and unpermitted events such as the AT & T, the Jewish Food Festival, numerous marathons and biking events, the Harvest Festival, Bikes for Buddies, the motorcycle event, weddings, corporate events, the newly minted annual Quail Lodge celebration, The Car Week and The Quail add increasing numbers of cars to Hwy 1, Carmel Valley Road and the Quail Lodge community. The Quail in particular often sees the Quail Lodge community inaccessible to residents and golfers.

20-5

Of particular concern to the Quail Lodge community is the definition of an event day. This community, Hwy 1 and Carmel Valley Road are currently impacted by events that are defined as an event day. We know from considerable experience that an event day can translate into multiple days of set-up and dismantle days. The Quail, for instance, is a one day event but the set-up and dismantle period can be up to 14 days of truck, transport and vender traffic that often makes it impossible for residents to enter or exit their streets.

20-6

History shows that Monterey County is aware of the problems that arise from grouping events in a close geographical area, such as happened when the Historic Car Races at Laguna Seca and the Concorso Italiano at Pasadera caused gridlock on Hwy 68.

20-6
cont.

The applicants admit that there is no existing business model for this Center and therefore its effects are unknowable. They also state that this site was chosen because it already sees large events. I submit that the Quail Lodge Community is currently overly event impacted and to approve an event center with its attendant increase in traffic is not appropriate.

20-7

Sincerely,

Jain L. Farnsworth

Comment 20, Ms. Jain L. Farnsworth

Comment Response 20-1: The scope of the Transportation Impact Study (TIS) was developed in concert with the County Traffic Engineer based on the location and size of the proposed development, the prevailing conditions in the surrounding area, and the technical questions posed on the 2013 Initial Study/Mitigated Negative Declaration (IS/MND). Cumulative impacts associated with traffic and transportation are addressed in Section 4.12.4.4, *Cumulative Impacts*. The intersection of Carmel Valley Road and Highway 1 would operate at Level of Service (LOS) B/C with the implementation of the Proposed Project, including the proposed special events; however, as described in Impact TRANS-11, the segment of Highway 1 from Ocean Avenue to Carmel Valley Road would operate at LOS D in the northbound direction during the Weekday A.M. peak hour and LOS F in the southbound direction during all peak hours. Implementation of the proposed Project would add additional trips to this segment as a result of typical daily operations and would therefore exacerbate this condition resulting in a substantial contribution to cumulative impacts.

Comment Response 20-2: As described in Section 4.12.2.1, *Regional Overview* it would be anticipated that the majority of trips would access the Project site traveling eastbound on Carmel Valley Road and turning right at the intersection of Carmel Valley Road and Valley Greens Drive. The DEIR identified the potential for event traffic to avoid the intersection of Carmel Valley Road & Valley Greens Drive. Valley Greens drive is designed to accommodate vehicular traffic and pedestrian and golf cart movements that take place along Valley Greens Drive.

Comment Response 20-3: As described in Section 4.13.2.1, *Public Services*, the Monterey County Regional Fire District provides fire protection within the Carmel Valley. Additionally public service calls, medical emergencies, vehicle accidents, and hazardous material responses are also part of the Fire District's services. The closest station to the Project site is Station No. 5, Mid Valley Station, located 1.6 miles east of the Project site on Carmel Valley Road. Emergency vehicles travel along Carmel Valley Road and have an approximate three minute response time to the area. As described in Impact PSU-1, implementation of the proposed Project would not impede or reduce the response times of emergency vehicles (Walker 2014).

Comment Response 20-4: This comment is related to the IS/MND previously prepared by the County. The MND referenced General Plan Policy CV-2.17 and CV-2.18 which set thresholds for intersections and road segments in Carmel Valley and identifies a fee program to construct improvements to mitigate cumulative impacts. It is the County's policy that payment of fees to a project which addresses a particular impact is mitigation for that impact. This fee program is not intended to take vehicles off the road, but rather provide sufficient infrastructure to accommodate those vehicles.

Comment Response 20-5: These events are described in further detail in Section 4.12.2.7, *Local Event Traffic*. The current traffic analysis was developed using recent traffic counts provided by the County Traffic Engineer which are representative of average traffic at the study intersections and along study roadway segments. For further detail regarding the development of existing baseline traffic in the vicinity of the Project site, please see Comment Response 10-44.

Comment Response 20-6: Comment noted. The County defines an event day as a day when event-related traffic moves onto the site. For instance, an event day is the day when RV's access and park on the site. An event day is when a vendor moves equipment onto the site. However, when the owner/operator and their employees/volunteers are working on the site in preparation for an event, the County does not define this as an event day.

Comment Response 20-7: This EIR evaluated reasonably foreseeable impacts consistent with CEQA Guidelines.

County Planner John Ford
Monterey County Planning Department
168 W. Alisal St. @ Capitol
2nd floor, Salinas 93901

April 8, 2015

RE: PLN130352 Carmel Canine Sports Center - Comments to the Draft
Environmental Impact Report

Dear John Ford,

I am a homeowner in Carmel-by-the-Sea and a supporter of the Carmel Canine Sports Center (CCSC) and feel that it is a great benefit to our community. It is a safe fenced area where my dogs can be trained (eg. obedience, agility, herding) and enjoy the large open area.

21-1

I have read part of the lengthy Draft Environmental Impact Report (DEIR) for CCSC with interest. I support the project and firmly believe the benefits far outweigh any negative impacts.

In reading the DEIR, I find the traffic concerns a little puzzling. Personally, any trip I take to CCSC will be in conjunction with other activities in Carmel Valley. Clearly any activity on these properties will require more traffic trips than if the property is kept as a fallowed farm field, but how can anyone think eight large level lots in this area would remain completely undeveloped permanently? How can traffic impacts of the small events proposed for CCSC possibly require mitigations when the DEIR states that events many times larger have regularly been held for many years on adjacent properties using the exact same streets and intersections without them? If it is safe and legal for one property, isn't it safe and legal for everyone? If mitigations are really needed for events of CCSC's proposed size and larger, why aren't they already in place for the existing, ongoing events?

21-2

21-3

21-4

I think CCSC is a great idea and would be of very little negative impact on anyone. In particular, I don't understand the restrictions on dogs proposed for the riverside areas. Why does the DEIR suggest dogs should have to be on leashes when voice control is allowed pretty much everywhere else? And why does it propose to completely prohibiting dogs from swimming in the Carmel River from this particular property? How does this compare with the uses allowed at other properties including public ones like Garland Park? Isn't the river a public resource for everyone to enjoy?

21-5

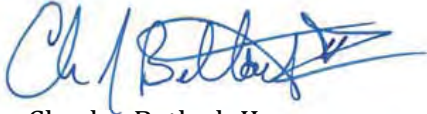
Charles Betlach II, 225 Crossroads Blvd #342, Carmel, CA 93923
Lincoln St 3 SW 11th Ave, Carmel, CA 93921

I strongly support CCSC. In particular, after reviewing the DEIR, I believe this proposal would really help preserve the rural character of Carmel Valley that is so precious to so many of us. What is more rural than open space with livestock? And isn't it also a public benefit to think of a place where people with dogs can congregate among others that enjoy the same activities?

21-6

Thank you for reading my comments. If you have not visited CCSC, I encourage you to pay a visit, take a tour and see what a great place this is for dogs and their owners and the great addition this will add to Carmel Valley and Monterey County.

Best,



Charles Betlach II

cbetlach@me.com

cc: Dave Potter (District 5)

Charles Betlach II, 225 Crossroads Blvd #342, Carmel, CA 93923
Lincoln St 3 SW 11th Ave, Carmel, CA 93921

Comment 21, Mr. Charles Betlach II

Comment Response 21-1: Commenter states he live in Carmel Valley and is in support of the project. Comment noted.

Comment Response 21-2: As described in the Transportation Impact Study (refer to Appendix H), the proposed Project's daily trip generation estimates were developed using data provided in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual* and data provided in the Project description. Office and administration uses were evaluated as a single tenant office building with 15 employees. Because the proposed Project has longer operational hours than typical office buildings the Project's trips are likely to be spread through the day to a greater extent than offices, so the analysis is conservative (i.e., resulting in a greater impact intensity) by reflecting a higher level of peak hour trips. Member visits were evaluated under the assumption that 20 percent of the anticipated 500 total members would use the facility on a typical day, with ten percent of the daily trips occurring in each peak hour. Classes were assumed to include up to ten attendees plus two instructors. A maximum of two classes could be held simultaneously. A review of class schedules for similar facilities indicates that classes are spread throughout the day and typically range from one hour to 90 minutes. To present a reasonable worst-case scenario it was assumed that one class starts and one class ends during each peak hour. Ten classes were assumed per typical weekday. Typical daily operations associated with the proposed Project would result in a less than significant increase in traffic at vicinity intersections as described in Impact TRANS-2. However, Highway 1 from Ocean Avenue to Carmel Valley Road operates at an unacceptable LOS. The addition of any traffic to this segment would result in a significant impact. Therefore, regardless of whether trips would be in conjunction with other activities in Carmel Valley, impacts to road segments would remain as described in the EIR under Impact TRANS-4.

Comment Response 21-3: Trip generation estimates are largely based on land use types. While a Transportation Impact Study (refer to Appendix H) was not conducted for other types of developments at this site - CEQA requires an project impact analysis referencing a baseline of the existing setting, and not potential plan or zoning buildout - developments with more dense occupancy would likely result in more severe transportation-related impacts. LDR development, which generally results in approximately 10 average daily trips (ADTs) per residential unit, would not necessarily result in a greater trip generation relative to the proposed Project, which would include approximately 496 daily weekday trips associated with employees, member visits, and classes.

Comment Response 21-4: Per CEQA Guidelines, this EIR evaluates impacts associated with the proposed Project relative to the existing baseline conditions present at the time of the publication of the Notice of Preparation (NOP). Existing developments, including the Quail Lodge & Golf Club, Baja Cantina, and Earthbound Farms are included in that baseline as described in Section 4.12.2.7, *Local Event Traffic*. Implementation of the proposed Project would result in potentially significant impacts associated with special events when compared to existing conditions, as described in Impact TRANS-3. In order to reduce the severity of this impact to less than significant levels, mitigation measures would be required, including MM TRANS-3.

Comment Response 21-5: The County considers the Carmel River as a public resource, not only for enjoyment of the public but also for the wildlife habitat which it supports. The area in question is the location of a habitat restoration plan but within the river channel and along the riparian corridor. As opposed to Garland Park and other areas which have direct public access, and are not the subject of habitat restoration, this location has more limited access. As described in Section 4.4.3.2, *Wildlife Resources*, the South-Central Coastal steelhead trout was listed as federally threatened in 1998 and the Carmel River is designated critical habitat for South-Central Coastal steelhead trout (Federal Register [FR] 70:52488). The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS), which is responsible for the administration of the Federal Endangered Species Act (ESA) as it applies to threatened and endangered anadromous salmonids, requires that potential

adverse impacts be minimized to ensure this species does not become extinct. NMFS has recommended in a comment letter provided on the EIR, that dogs should not be allowed in the river at any time as they can affect federally designated steelhead habitat, disturb redds, crush eggs, cause spawning females to abandon their nest and stop spawning activities altogether (refer to Comment 5-7).

Comment Response 21-6: Comment noted. Issues surrounding aesthetics and land use are described in Sections 4.1, *Aesthetics and Visual Resources* and Section 4.9, *Land Use and Planning* and issues surrounding recreation are described in Section 4.11, *Recreation*.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Friday, April 10, 2015 8:46 AM
To: Mack, David x5096
Subject: FW: Carmel Canine Sports Center

Comment on DEIR

John Ford
 RMA - Services Manager
 Resource Management Agency -- Planning
 (831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: virginia Aldridge [mailto:Toby04849@yahoo.com]
Sent: Friday, April 10, 2015 8:42 AM
To: Ford, John H. x5158
Cc: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Subject: Carmel Canine Sports Center

Firstly, having read through the EIR and the dog park's own website, my overall conclusion: I am in favor of the park.

22-1

I believe the park would be a positive recreational feature to our area, with few downsides, and it would be a seriously better alternative than the development which could and likely would happen on that property were the park to be turned down. (I am surprised that the EIR didn't address other possible uses of the property.)

According to the Master Plan Supplemental Policies, maintaining rural character is a primary goal for Carmel Valley. Keeping open land is key to that end. This project leaves 32 acres in its traditional agricultural use, and it makes no permanent changes of any kind to the land.

22-2

While there were a number of issues raised in the EIR, all but one are mitigable. The only significant and unavoidable issues are about traffic: increased traffic on Carmel Valley Rd, at intersections, and on vicinity roadways, particularly during times of Special Events. I grant that this is not trivial - but If this project were to be turned down for that reason, should not all other development on or off Carmel Valley Rd and Highway One in this region be turned down also?

22-3

The dog park is asking for a total of eight weekend special events annually, totaling of a maximum of 24 days of increased usage during the year. The number of people permitted on the grounds during an event would be limited to 250, less than for an event at Quail Lodge. Entrances and exits would be staggered during the day as participation in various events is spread across the day; there would be no mass traffic movements. RVs would not be permitted to come and go during the event.

22-4

The park would be operating under the same noise standards as Quail Lodge.

Question: is there any limit to the number of special events permitted at Quail Lodge?

22-5

I think an important issue, not mentioned in the EIR, is what would likely happen to the property if the dog park were turned down. The owners understandably want to do something more profitable with their land - and the most likely project would be residential development. As I understand the county zoning rules, something like 19 housing units could be built on the 48 acres in question. 19 housing units - or even eight, representing one for each of the existing eight lots - would create more traffic, and certainly a huge amount more water usage than would the dog park. (The dog park will require less water than is currently allowed for that property.) The visual impact would also be huge; this is one of the primary rural character standards in the Supplemental Policies.

22-6

I understand that the valley is marked for further residential development, and I concur that the closer that development is to the mouth of the valley the better. Still, I believe this canine sports center is a better use of that particular parcel of land.

All in all, I believe the dog park to be an excellent project.

Virginia Aldridge
392 W Carmel Valley Rd
Carmel Valley, CA 93924
(714) 642-7410

Comment 22, Ms. Virginia Aldridge

Comment Response 22-1: Commenter states they are in support of the proposed Project. Comment noted.

Comment Response 22-2: Comment noted. The proposed Project would maintain over 32 acres of the Project site in agricultural fields planted generally in hay, grain, pasture crops, fruits, and garden flowers as described in Impact AG-2.

Comment Response 22-3: Comment noted. Refer to Comment Response 21-3.

Comment Response 22-4: Comment noted. For a complete description of special events proposed at the Project site refer to Section 2.4.3.3, *Events*.

Comment Response 22-5: Comment noted. Special events at the Quail Lodge & Golf Club are on-going; special events known to occur at the time of the EIR NOP are incorporated into the existing setting as described in Section 4.12.2.7, *Local Event Traffic*.

Comment Response 22-6: There are existing lots which could each support a single family residence. The traffic generated by the eight lots would be less than the proposed Project and typically eight residences would not utilize the amount of water proposed to be used by the proposed Project unless all eight parcels included irrigated pasture, in which case the water usage would be similar. It is possible that the property could be subdivided to create additional lots, but this would need to be evaluated in the context of the Carmel Valley Master Plan Policies and the impacts would need to be quantified.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Thursday, April 30, 2015 6:01 PM
To: Mack, David x5096
Subject: FW: PLN130352 CCSC EIR

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Judymrowley@aol.com [mailto:Judymrowley@aol.com]
Sent: Tuesday, April 14, 2015 12:34 PM
To: Ford, John H. x5158
Subject: PLN130352 CCSC EIR

Dear Mr. Ford,

I see that traffic is the only objection to the Carmel Canine Sports Center. There are many events with far more traffic impact than this project. The equivalent of 7 weekends, with the recreational vehicles coming once and leaving once is a very minor impact. The day competitors come and go at separate times, leaving when their events are over. Thus the day traffic is staggered throughout the day. How does this compare with the massive events staged at Quail?

I urge you to approve this low impact project, a clear addition to dog friendly Carmel.

Sincerely,

Judith Rowley

50 Laurel Dr.

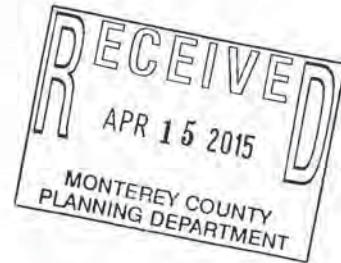
Carmel Valley, CA 93924

23-1

Comment 23, Ms. Judith Rowley

Comment Response 23-1: Comment noted. As described in Impact TRANS-2 the typical daily operations associated with the proposed Project would result in a less than significant impact to vicinity intersections. However, special events associated with the proposed Project would result in potentially significant impacts to vicinity intersections and significant impacts to surrounding roadway segments, as described in Impact TRANS-3 and Impact TRANS-4, respectively. Events at the Quail Lodge & Golf Club are ongoing events that have been incorporated into the existing setting, as described in Section 4.12.2.7, *Local Event Traffic*.

R. Steve Bloch
11575 McCarthy Road
Carmel Valley, CA 93924



April 10, 2015

John Ford, County Planner
Monterey County Planning Department
168 West Alisal Street @ Capitol, 2nd Floor
Salinas, CA 93901

Re: PLN130352 Carmel Canine Sports Center-Comments to the Draft Environmental Impact Report

Dear Mr. Ford,

I am writing to tell you that I enthusiastically support the Carmel Canine Sport Center. As a Carmel Valley resident I frequently drive right by there and look forward to being able to stop, train and walk my dogs. Both are water dogs and love to swim. I wonder why the DEIR proposes that dogs be prohibited from swimming in the river from the CCSC property? How is it different from Garland Park or other sites where the river can be accessed? This prohibition doesn't seem to be fair and in fact, seems punitive to the project. I'm also concerned about the suggestion for the dogs to be on leashes--why is that? Well trained dogs, under voice control, are allowed at Garland Park and other areas, why is it any different at the CCSC property?

I thank you in advance for your attention to these questions.

Sincerely,

A handwritten signature in black ink that reads "R. Stephen Bloch".

R. Stephen Bloch

cc: Fernando Armenta
John Phillips
Simon Salinas
Jane Parker
Dave Potter

24-1

Comment 24, Mr. R. Stephen Bloch

Comment Response 24-1: Comment noted. Refer to Comment Response 21-5.

Suzi Bluford
6965 Carmel Valley Rd
Carmel Ca 93923
831-624-9010
suzibluford@gmail.com



April 12, 2015

County Planner John Ford
Monterey County Planning Department
168 W. Alisal St. @ Capitol
2nd floor, Salinas 93901

Dear Mr Ford,

Re: PLN130352 Carmel Canine Sports Center - Comments to the Draft Environmental Impact Report

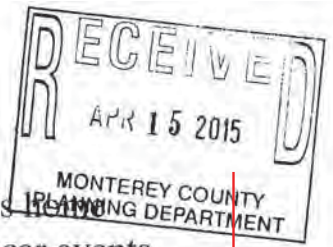
Please be sure my comments/questions are also sent to the Planning Commission

As a long time resident of Carmel Valley and a local to the proposed project I am looking forward to the approval of this project as soon as possible so the locals can start to enjoy the site.

I have questions regarding the DEIR and some of the issues raised for CCSC that apparently are not required for other local enterprises- specifically why is traffic considered a negative impact? Baja Cantina has weekly gatherings that include lots of onstreet parking and area traffic (check out on thursday afternoon/evenings). What have they been required to do about their impacts? Do the large weddings and other large social and corporate events with more than 250 people held at both

25-1

25-2



Quail Lodge and the beautiful lake setting next to the Haber's somehow have lesser impacts? Do the tomato event and the car events, both MANY times bigger than the CCSC proposed events with weeks of preparation and clean-up associated, somehow have fewer impacts on these same streets and intersections? Did they have to do an EIR, or even a traffic study, to use their property for these events? If not – and if these events continue to be allowed to happen and grow next door to CCSC on the exact same streets without being required to do any mitigating at all– how can it be okay to require mitigations for CCSC's events? How about the tennis ranch summer camps? And the fly fishing groups? And wine tastings, food festivals, benefits, the CVA picnic, and all the other numerous events held throughout the Valley? Many of these events are larger than the proposed events to be held at CCSC. How are their impacts evaluated and mitigated? I don't recall hearing about them applying for permits much less them being asked to install any permanent traffic mitigations: how can that be right?

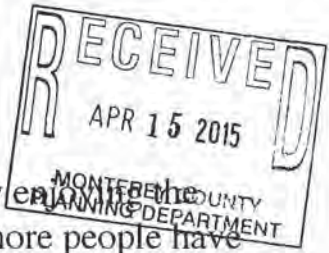
25-2
cont.

Another question I have regards the proposed restrictions on dogs swimming in the Carmel river. The DEIR seems to state that no dogs should be allowed to be on that part of the property at all, much less to enjoy swimming in the river as they do now. Yet it is perfectly all right for dogs to continue to access the Carmel River from almost any other spot along it including Quail Lodge and of course Garland Park. How does this make sense? Wouldn't CCSC's proposal to control access and protect the environment for this particular private property be an improvement rather than a problem?

25-3

Does the DEIR address the possibility that if this concept/project is not approved that the present owners might choose to develop the existing multiple homesites, requiring construction, noise, increased traffic due to not only the homeowners but also the employees needed to maintain the types of homes that would be built? What if they want to subdivide into more homesites, since it is level land zoned to allow such an application and has water? I love Carmel Valley and love looking out on the green

25-4



fields, the sheep grazing and the dogs and owners quietly enjoy the open space this site provides. Personally I think letting more people have the chance to enjoy it with their dogs would be even better, and certainly more in keeping with my own vision for a rural Carmel Valley than more estate homes in this location would be.

Please address these concerns. I will be rereading the DEIR and may have other observations as well but wanted to send these to you right away.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzi Bluford".

Suzi Bluford

Comment 25, Ms. Suzi Bluford

Comment Response 25-1: Comment noted. Significant impacts to traffic and transportation are defined as such because they exceed the CEQA thresholds described in Section 4.12.4.1, *Thresholds for Determining Significance*.

Comment Response 25-2: CEQA requires that prior to taking action on a discretionary action, the lead agency consider the environmental impacts of undertaking that project. This involves disclosing those impacts and providing mitigation to the extent feasible. CCSC is applying for a discretionary permit and is the subject of an EIR. The Baja Cantina and Quail Lodge are not the subject of active permit application. Refer to Comment Response 21-4.

Comment Response 25-3: Comment noted. Refer to Comment Response 21-5.

Comment Response 25-4: Comment noted. Refer to Comment Response 22-6.

Dawn Poston
11575 McCarthy Road
Carmel Valley, CA 93924
831-659-3331



April 10, 2015

John Ford, County Planner
Monterey County Planning Department
168 West Alisal Street @ Capitol, 2nd Floor
Salinas, CA 93901

Re: PLN130352 Carmel Canine Sports Center-Comments to the Draft Environmental Impact Report

Dear Mr. Ford,

I fully support the Carmel Canine Sports Center and ask you to do so as well. I believe that it will be a benefit to the community and an aesthetic and consistent use of the land.

I have read the DEIR and am puzzled by the traffic "issue." As a 34 year resident of Carmel Valley I've seen and attended events many times larger than those planned by CCSC on properties near CCSC. These events have used the same streets and the same intersections without any mitigation. Why is it that the small events planned for CCSC require mitigation and the larger ones don't? If the CCSC project is denied the land will be used for something else. Will that project be required to have traffic mitigations? Any use of the land will result in more traffic.

26-1

26-2

Also, many of the potential members, like I, already live in Carmel Valley and travel Carmel Valley Road almost daily. How can it be said that members will create substantially more traffic when we use the road already?

26-3

I look forward to answers to these questions.

Sincerely,

Dawn Poston

cc: Fernando Armenta
John Phillips
Simon Salinas
Jane Parker
Dave Potter

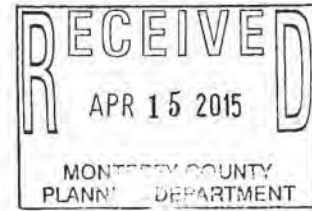
Comment 26, Ms. Dawn Poston

Comment Response 26-1: Comment noted. Refer to Comment Response 25-2.

Comment Response 26-2: Comment noted. Refer to Comment Responses 22-6.

Comment Response 26-3: Comment noted. Refer to Comment Response 21-2.

Samantha Scanlan
11566 Hidden Hills Road
Carmel Valley, CA 93924



April 10, 2015

John Ford, County Planner
Monterey County Planning Department
168 West Alisal Street @ Capitol, 2nd Floor
Salinas, CA 93901

Re: PLN130352 Carmel Canine Sports Center-Comments to the Draft Environmental Impact Report

Dear Mr. Ford,

As a dog owner and resident of Carmel Valley, I look forward to the approval of the Carmel Canine Sports Center. I drive by there daily so it will be easy to stop and enjoy time with my dog.

I believe that it is an appropriate use of the property, in keeping with the goal of preserving the rural character of our wonderful valley. What's more rural than open space; livestock and dogs? Also, it will have less impact than large homes on that property. Isn't it naive to think that, if not CCSC, the property will be used for something else? The benefits of this project far outweigh any downside. In fact, I see no downside to it. Please lend your voice to the approval of CCSC.

27-1

Sincerely,

Samantha Scanlan

cc: Fernando Armenta
John Phillips
Simon Salinas
Jane Parker
Dave Potter

Comment 27, Ms. Samantha Scanlan

Comment Response 27-1: Comment noted

County Planner John Ford
Monterey County Planning Department
168W. Alisal St. @ Capitol, 2nd floor
Salinas, CA 93901

April 15, 2015

Re: PLN 130352 Carmel Canine Sports Center – Comments to the Draft Environmental Impact Report

Dear Mr. Ford

This letter is written in support of the **CCSC, Carmel Canine Sports Center**, and the need to point out that CCSC would be a fine addition to Carmel Valley’s use and preservation of open space. It would be a sad state of affairs should this beautiful property become available for further developments, i.e., another lodge, conference centers, huge estates, wine tasting rooms, etc., and “low income housing” for workers. We all know that such a valuable piece of property would not remain vacant and undeveloped forever.

28-1

In regard to the concerns of increased traffic, the above mentioned possibilities should CCSC not be approved, further development of the property would definitely lead to increased traffic, not the use of an established Canine Sport Center. Many of the visitors to CCSC do not need to travel to the center at all, and/or are using Carmel Valley Road already on a daily basis. Future small events proposed at CCSC require mitigations in comparison to the already regularly larger events being held on adjacent properties. If it is legal for one property, is it not safe and legal for everyone?

28-2

28-3

In regard to negative impact and prohibiting dogs from swimming in the Carmel River from this particular property, when dogs swim in the Carmel River from everywhere else. I spend a lot of time in Garland Park, where on a daily basis one can see plenty of dogs and horses enjoying the river.

28-4

I truly believe that CCSC would really help to preserve the rural character of Carmel Valley. It would be nice to know that there will be a place where people and dogs can gather to enjoy the same activities. Yes, the revenue has to be provided to support keeping this property as open space, but the impacts outlined seem really minimal compared with the benefits.

Sincerely,
Ingrid L. Sotoodeh

Comment 28, Ms. Ingrid L. Sotoodeh

Comment Response 28-1: Comment noted.

Comment Response 28-2: Comment noted. Refer to Comment Response 21-2.

Comment Response 28-3: Comment noted. Refer to Comment Response 25-2.

Comment Response 28-4: Comment noted. Refer to Comment Response 21-5.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Friday, April 17, 2015 12:38 PM
To: Mack, David x5096
Subject: FW: PLN130352 Carmel Canine Sports Center Comments to the Draft Environmental Impact Report

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

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<https://aca.accela.com/monterey/Default.aspx>

-----Original Message-----

From: John Heyl [mailto:johntheyl@earthlink.net]
Sent: Thursday, April 16, 2015 9:16 AM
To: Ford, John H. x5158
Cc: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Subject: PLN130352 Carmel Canine Sports Center Comments to the Draft Environmental Impact Report

Dear Mr. Ford (and Supervisors),

Clearly, for a road like the Carmel Valley Road with it's LOS 4 rating at maximum traffic times, the proposed Canine Sports Center would bring congestion on a par with the Cours d'Elegance or the Jewish Food Festival, but on a permitted bi-monthly basis. This seems unacceptable to me.

29-1

Interest in dogs is high in our county and particularly in Carmel, and I believe that the current occasional dog shows at the middle school are acceptable and even desired, but a regular facility with RV camping, added water usage, and frequent events would negatively impact the quality of life for Carmel Valley residents and potentially create serious traffic issues on roadways already taxed to the maximum, and that allowing the Sports Center would be contrary to the approved county use plan.

29-2

Please do not approve the plan for the Canine Sports Center.

Yrs,

John Heyl
137 Laurel Dr.
Carmel Valley, CA 93924

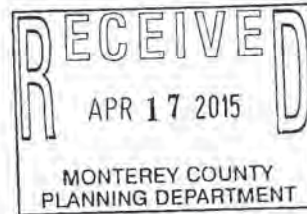
Comment 29, Mr. John Heyl

Comment Response 29-1: Comment noted. Special events proposed at the Project site are described in Section 2.4.3.3, *Events*. Under the proposed Project, the Carmel Canine Sports Center (CCSC) would host up to 24 event days per year with a maximum of 250 people. During these events the proposed Project would result in significant impacts to the intersection of Carmel Valley Road & Valley Greens Drive during the Friday P.M. peak hour, primarily associated with the addition of 50 left turn trips onto Carmel Valley Road from vehicles traveling northbound on Valley Greens Drive. However, implementation of MM TRANS-3 would reduce these impacts to less than significant levels. Implementation of the proposed Project would also result in significant increases in traffic the segment of Highway 1 between Ocean Avenue and Carmel Valley Road. There are no feasible mitigations to reduce impacts along this road segment.

Comment Response 29-2: Comment noted. As described in Section 4.12, *Traffic and Transportation* significant impacts to the segment of Highway 1 between Ocean Avenue and Carmel Valley road would occur as described in Impact TRANS-4. Additionally, the proposed Project's contribution to cumulatively significant impacts to transportation and traffic would be substantial as described in Impact TRANS-9 and Impact TRANS-10. Impacts to vicinity intersections as a result of special events associated with the proposed Project would be less than significant with the implementation of MM TRANS-3. The Project site is located in a transitional area including residential uses surrounded by neighboring commercial uses. With the implementation of required mitigation measures, the proposed CCSC would function in much the same way as the Quail Lodge & Golf Club.

Heather Lichtenegger
P. O. Box 712
Carmel Valley, CA 93924

April 15, 2015



John Ford, County Planner
Monterey County Planning Department
168 W. Alisal St. @ Capitol
2nd floor, Salinas 93901

Re: PLN130352 Carmel Canine Sports Center - Comments to the Draft Environmental Impact Report

Dear Sir,

I am writing in support of the Carmel Canine Sport Center. As a Carmel Valley resident and dog owner I am very aware of the benefits to our valley that CCSC will provide. By preserving the rural nature of the land (open space, no permanent buildings, continued organic farming) it is a wonderful use of that property.

Two areas of the DEIR particularly make little sense to me. One is the prohibition against dogs swimming in the river. Dogs swim in the river from privately owned properties, Garland Park, and at the mouth of the river where it meets the ocean. Why would it be any different at CCSC? Second is the issue around traffic. Why would CCSC be any different, or treated any differently, from other large events that occur in the Valley? That's not fair. Also, many of the members, like myself, will stop at CCSC while traversing the valley on other errands. That adds no traffic, merely a stop.

30-1

30-2

Please support this project and help it move to project approval.

Sincerely,

Heather Lichtenegger

Comment 30, Ms. Heather Lichtenegger

Comment Response 30-1: Comment noted. Refer to Comment Response 21-5.

Comment Response 30-2: Comment noted. For trip generation estimates refer to Comment Response 21-2. This EIR evaluates impacts associated with the proposed Project relative to the existing baseline conditions present at the time of the publication of the NOP. Implementation of the proposed Project would result in potentially significant impacts associated with special events when compared to existing conditions, as described in Impact TRANS-3. In order to reduce the severity of this impact to less than significant levels, mitigation measures would be required, including MM TRANS-3.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, April 20, 2015 8:14 AM
To: Mack, David x5096
Subject: FW: The Proposed Carmel Canine Event Center

EIR Comment

John Ford
 RMA - Services Manager
 Resource Management Agency -- Planning
 (831) 755-5158

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<https://aca.accela.com/monterey/Default.aspx>

From: TOM Fitzpatrick [mailto:tffitzpatrick3@yahoo.com]
Sent: Sunday, April 19, 2015 8:55 PM
To: Ford, John H. x5158
Cc: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Subject: Fw: The Proposed Carmel Canine Event Center

John Ford
 County Planner
 Monterey County Planning Department

Dear Mr. Ford,

This e-mail is in regard to the proposed Carmel Canine Event Center(PLN130352) First I would like to thank you for the development of a clear and reader-friendly environmental impact report. However, I do have several objections to the conclusions of the report, a few of which I will mention now, and several others which I will send along at a later date.

I am a resident of Poplar Lane which is directly across from the western edge of the proposed development. The EIR states that the proposed event center will have a "low to moderate" impact on the aesthetic view from my block. Currently my view consists of the rolling greens of the golf course and a verdant meadow which is usually populated by grazing sheep. With implementation of the proposed project, that view will be altered to include a six foot fence, the roof lines of modular buildings and the tops of as many as 70 recreational vehicles. That may be viewed as a low to moderate view disruption by the preparers of the EIR, but from my front room window, it constitutes a severe degradation of the view aesthetic.

31-1

The EIR also suggests that noise will not be a problem. I disagree. My house sits amid three different golfing greens. I can easily hear the "ping" of a struck golf ball from any one of those greens. The tee box of the 13th green is adjacent to where the canine center's perimeter fence would be erected. From my house, I can hear golfers discussing their upcoming shots from that tee box. To suggest that

31-2

I will not hear the far more dissonant noise of 200 cars, 70 RVs, 250 people and 300 barking dogs is simply not credible.

I have never lived adjacent to 300 barking dogs (I was particularly amused by the project applicant's assurance that the dogs would not be allowed to bark -- please!) but I can imagine that it would not be a pleasant experience. However I have lived 1.8 miles from a high school football field, and on Fall nights I could hear the PA announcer describe every play. And yet the EIR, citing no evidence whatsoever, states that the planned PA system will not create any significant noise. Not buying that claim!

31-2
cont.

I also disagree with the EIR's opinion that a modified plan (one which would not include overnight RV parking) is the "Superior Environmental Alternative." I think the central flaw in this EIR as well as many EIRs, is that the analysts are looking at a specific proposal for a specific site, as though there were no other possible site in the world; I believe the writers of this EIR approached their task with the question, "How could we make this tolerable for this location?" instead of the broader question, "Is this really a good idea for this location?" This EIR cites benefits (an increase in recreational opportunities) that pertain to the County, and balances them against liabilities (a significant increase in traffic congestion) that pertain to the site. Essentially the EIR says that a canine event center would be good for Monterey County, notwithstanding that the canine event center would be terrible for the neighborhood in which it is located. Other than to summarily review the alternative sites the applicant considered, the EIR does not weigh in on how good an idea this project is for this site, as opposed to some other site. For the sake of argument, I will accept the EIR's premiss that it would be nice to have a canine event center in Monterey County. But why would anyone attempt to put such an event center in a long established residential neighborhood!!!! Monterey County is a largely rural area. There are huge areas of the County that could accept a canine event center with little impact on traffic, and no impact on an existing neighborhood. I purchased my house in the Quail Lodge neighborhood because the area is beautiful, serene, quiet and peaceful. The placement of an event center -- whether it be a dog or equestrian or rodeo or motocross or you name it event center -- will obliterate all of those aforementioned qualities. And I am not saying this just because this project would be placed in my back yard. I don't think this kind of project should be placed in anyone's backyard.

31-3

Imagine for a moment that someone knocked on your door and told you that they wanted to put an event center in your neighborhood, an event center that would be open everyday from 7:30 in the morning till 8:30 at night, an event center that would host 250 people, 200 cars, 70 RVs and 300 dogs, and several modular buildings, an event center that would cause a "significant" increase in traffic congestion. And, oh yes, there would also be a P.A. system. I doubt very much that you would say , "You know if you can just restrict the RVs from camping out, that sounds like a superior environmental idea to me."

This proposal just doesn't pass the common sense test. If allowed to be built, it will utterly destroy the character of the existing neighborhood. I strongly urge you to reject this proposal and any modified version of this proposal.

Thank you for your consideration.

Sincerely,
Tom Fitzpatrick

Comment 31, Mr. Tom Fitzpatrick

Comment Response 31-1: Comment incorporated. Views of the Project site are described in Section 4.1.2.3, *Views of the Project Site*. As described in Section 4.1.4.3, *Visual Impact Analysis*, views of the Project site have been evaluated from nearby residential enclaves among other locations. Impacts to these views were assessed using the methodology described in Section 4.1.4.2, *Impact Assessment Methodology* relative to the established thresholds for determining significance described in Section 4.1.4.1, *Thresholds for Determining Significance*. The views from Poplar Lane include fairways of the golf course as well as several Monterey pine trees within the foreground. The proposed Project site is located within the mid-range view, where the existing deer exclusion fence is visible. Proposed Project features would include new visual screening consisting of a 6-foot wooden fence and additional vegetation. The nearest proposed modular structures would be located over 1,000-feet from Poplar Lane within the distant-range view. The RV parking area, which would be limited to 24 days out of the year, would be located at a similar distance. Under implementation of the proposed Project, views of the golf course and the Monterey pine trees would remain. While the Project site would be screened from view with vegetation, using the impact assessment methodology and CEQA thresholds, impacts to this view would generally be low to moderate. Additionally, the County design review would ensure consistency with the semi-rural aesthetic anticipated by residents and members of the public from vicinity roadways. Further, implementation of the Project would not severely alter or degrade distant views of the forested ridgelines and hillside characteristics of the region. As RV overnight stays would be temporary and occur a maximum of 24 nights per year, there would be no aesthetic impacts associated with RV parking during the large majority of the year. It should be noted that per CEQA Guidelines and County guidelines for determining significance, visual analysis of proposed Project effects is required only from public viewpoints. Although, CEQA analysis is not generally required for views from private property, given public comment and interest related to surrounding neighborhood views, considerations of community character and local visual resources were analyzed in the EIR, as previously described in this response.

Comment Response 31-2: Comment noted. The noise analysis provided in Section 4.10, *Noise* relies on the Noise Impact and Mitigation Study prepared for the proposed Project by Environmental Consulting Services (2013) (refer to Appendix G). As described in Section 4.10.2, *Existing Setting* the principal existing contributors to the ambient noise environment at the Project site include traffic along Valley Greens Drive and Carmel Valley Road as well as maintenance equipment from Quail Lodge & Golf Club and the Project site. In addition, existing surrounding event operations can also draw large crowds that result in short-term periodic increases in noise levels. Existing characteristic noise levels in the vicinity of the proposed Project area are provided in Table 4.10-2. In addition to noise generated from Project-related traffic, daily operational noise under the proposed Project would be generated from periodic dog barking as well as daily canine training and exercise activities (i.e., whistles and commands). It is understood that golfing activities (e.g., the “ping” from hitting a golf ball) can be heard clearly from Poplar Lane; however, these activities occur approximately 250 feet away, or closer to the Poplar Lane residences. Dog barking and exercise activities would occur over 500 feet away from the nearest residence, producing sporadic noise levels ranging between 51 and 56 A-weighted decibels (dBA). However, as described in Impact NOI-2 operation of large outdoor events would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity during up to 24 days per year. Primary noise associated with the events would occur from increased traffic, RV use, and event competition noise, including use of an amplified sound system, and periodic dog barking. During special events, noise levels from traffic would reach peaks between 52 and 54 dBA along Valley Greens Drive, which would be generally consistent with existing noise levels experienced during afternoon peak-hour traffic. Overnight use of the RV parking area would occur approximately 16 days per year. Limitation of generator use after 7:00 P.M. under MM NOI-3 would reduce adverse effects to less than significant levels with mitigation. Further, unlike an amplified sound system for a high school football field, which is typically used for play-by-play announcements and often times after 7:00 P.M., the proposed amplified sound system would only be used periodically for operational (a maximum of 24 days out of the year) and emergency announcements during operating hours. Further, the special event management plan

described under MM NOI-3 would be put in place establishing procedures to limit noise generated by special events. The plan would be reviewed and if necessary revised annually and would describe and address any noise complaints received.

Comment Response 31-3: Per CEQA Guidelines §15126.6(a), “an EIR shall describe a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project.” As described in Section 7.4, *Site Selection Process*, the Applicant engaged in an extensive site selection process prior to identifying the proposed Project site. Site selection was focused on areas in or near the Carmel Valley, as this is where the Applicant and the intended membership base are located. In order to be suitable for a membership-based canine sports and event center a set of site selection criteria were identified as described in Section 7.4. A variety of sites were identified and considered on their merits, with particular consideration given to site access, water availability, and buffering from neighboring residential or sensitive uses. Limitations associated with these alternative sites are described in Section 7.5.1, *Alternative Sites*. None of the other alternative sites within the Carmel Valley met the site selection criteria identified in Section 7.4.

County Planner John Ford
 Monterey County Planning Department
 168 W. Alisal St., 2nd floor
 Salinas 93901

Ford: fordjh@co.monterey.ca.us

Re: reaction to the PLN130352 Carmel Canine Sports Center draft EIR.

In the summary, the report states that the proposed Sport Center for dogs will help preserve the opportunity for the "Owner (Who is that exactly?) to someday "resume the historic use of the property as a full-scale organic farm." Really? The report goes on to say that the "relationship" between the CCSC and the "Owner" is intended to "provide income" (for whom?) through a combination of farming and a "supplemental use" without building permanent improvements, thus enabling a potential return to farming.

32-1

The reasoning is specious and contradictory.

Prominent among the excuses and mitigations noted for the permit are that it will allow for eventual "ongoing, onsite" agricultural operations. But still further in the report we find a request for 24 event-days with 70 RVs and 300 visitors per event, along with lights and sound equipment. What is it? Agriculture? Or events with paying participants and their obvious cars, dogs and necessary equipment?

32-2

Then we find an objective for "canine activities in a spacious, quiet contained setting." Pardon me, but this is what we already have at Quail, a quiet, contained setting. We have no need (as is requested) for up to 250 visiting dogs, cars and owners per day to ensure that. And along with all this, the permit request asks to include dog-related "tournaments, fundraisers, workshops and social events." Then the applicant compares this to the "operations of country clubs." Is the advantage to preserve agricultural operations "in the future" or create "a county club"? Please be honest and make it clear, so we all know what we are looking at. This is a blatant invasion of a rural, established residential area that is of long-standing.

32-3

Furthermore, the good faith of the canine petitioners is questionable on the simple basis that they are currently (and have been for multiple years) actively soliciting expensive memberships in the CCSC before any permit has been granted. And here again we encounter the "agricultural option" and current permit for same as an excuse. Could this be the ploy we think it is?

32-4

Thank you,

Mary Boyken
 7074 Valley Greens Cir
 Carmel, CA 93923
 624-0350

Comment 32, Ms. Mary Boyken

Comment Response 32-1: Comment noted. Refer to Comment Response 22-2. As described in Section 1.2, *Project Objectives*, in addition to provision of recreational a canine-related activities, objectives of the Project include, continuance of agricultural production upon prime farmland. The project objectives are provided by the Applicant. The owners are the Wolter Family and they are leasing this property to the Applicant.

Comment Response 32-2: Comment noted. Refer to Comment Response 22-2. In addition to the supporting the daily operations and events related for different dog-training disciplines, the proposed Project would maintain over 32 acres of the Project site in agricultural fields planted generally in hay, grain, pasture crops, fruits, and garden flowers as described in Impact AG-2.

Comment Response 32-3: Comment noted. As described in Section 1.2, *Project Objectives*, the proposed Project includes multiple objectives, including the preservation of ongoing and future agricultural uses. The project also includes some temporary improvements which could be removed to restore the site to organic farming. The reference to the country club is a use type that is allowed in a residential zone which is the most similar type use (outdoor recreation in a membership setting). The improvements to the site and the manner in which the use is categorized should not be considered mutually exclusive.

Comment Response 32-4: Comment noted. Refer to Comment Response 32-3.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Wednesday, April 22, 2015 4:50 PM
To: Mack, David x5096
Subject: FW: Delivery Status Notification (Failure)

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Edith Lord-Wolff [mailto:edithlordwolff@gmail.com]
Sent: Wednesday, April 22, 2015 10:12 AM
To: Ford, John H. x5158
Subject: Fwd: Delivery Status Notification (Failure)

----- Forwarded message -----

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Wed, Apr 22, 2015 at 10:10 AM
Subject: Delivery Status Notification (Failure)
To: edithlordwolff@gmail.com

Delivery to the following recipient failed permanently:

fordjh@co.monterey.ca.us

Technical details of permanent failure:

DNS Error: Address resolution of co.monterey.ca.us. failed: Domain name not found

----- Original message -----

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=gmail.com; s=20120113;
h=mime-version:date:message-id:subject:from:to:content-type;
bh=yC3yluEMyDrkeJ3DevWSpVBek//YdH4TZxFgJAHXzZw=;
b=l6QuFNdHkzw8KNsAuN18uc1YOZF5OiMHbis4sw+AEWOD5pQkGdW0NercNhIeaxCdc2
nLFmktk37JICxhTG9K7n21UMej9YrtNqdA1CHm1Hq3SSyPNXOZbKFxGimtVkCEiw3F2U
u46C/MJ8Snxfu6GA6EpQO0XJ+9UONvjC/frzVhoh597anuWaR/ZHHuf8YPd7BeLVgnRv
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sRcGiYRUaX67/qhq1qS7ZJYFziLaDuL5d8E8pcUY8B3pOcJrcX33/3tEubv1m1qUCR46

w48A==

MIME-Version: 1.0

X-Received: by 10.55.48.16 with SMTP id w16mr50625311qkw.13.1429722629715;

Wed, 22 Apr 2015 10:10:29 -0700 (PDT)

Received: by 10.96.73.193 with HTTP; Wed, 22 Apr 2015 10:10:29 -0700 (PDT)

Date: Wed, 22 Apr 2015 10:10:29 -0700

Message-ID: <CAO0HDveXKjp-jWbWLQvDa5C26wkGrpk3rr1P+BerU=-R892SnQ@mail.gmail.com>

Subject: Safe place for dogs

From: Edith Lord-Wolff <edithlordwolff@gmail.com>

To: fordjh@co.monterey.ca.us

Content-Type: multipart/alternative; boundary=001a11490dda78bc2a0514533def

Dear Mr. Ford,

I was so excited when the Canine Sports Center was started. I drive past the site every day and hope it will become a beautiful place for dogs and owners. PLN130352 Comments to Draft Environmental Impact Report. I strongly support the efforts to make this a reality. We need a safe place to exercise and train our dogs in Carmel. Thankyou

Edith Lord-Wolff

33-1

Comment 33, Ms. Edith Lord-Wolff

Comment Response 33-1: Commenter states support for the project. Comment noted.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Tuesday, April 28, 2015 1:26 PM
To: Mack, David x5096
Subject: FW: PLN 130325 Carmel Canine Sports Center Comments to the Draft Environmental Impact Report

John Ford
 RMA - Services Manager
 Resource Management Agency -- Planning
 (831) 755-5158

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<https://aca.accela.com/monterey/Default.aspx>

From: Jane Lundy [mailto:richardlundy@comcast.net]
Sent: Wednesday, April 22, 2015 5:46 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; Ford, John H. x5158; Bob Brower
Subject: PLN 130325 Carmel Canine Sports Center Comments to the Draft Environmental Impact Report

The Carmel Canine Sports Center will be a wonderful haven for dog owners who want an enclosed, dog-friendly venue to work with their pets. The dogs can roam freely under their owner's supervision as well as be trained for various dog sports such as herding, agility, rally, obedience, etc. The proposed 24 events would be relatively small ones, perhaps similar in size to the agility, obedience and rally trials held in Toro Park. In no way would they be the size of the Del Monte Kennel Club show held at the Carmel Middle School in July. Certainly the possible events at CCSC would not resemble the size, noise nor traffic of the Concours and other events currently permitted at Quail Lodge; they would be considerably smaller.

34-1

Other than being a new idea, there should be nothing to fear from this well thought out sports center for dogs and members. CCSC would not adversely affect the current water allocation of land that has been used for various kinds of farming for fifty plus years.

34-2

Why not give the Carmel Canine Sports Center a green light?

Jane Lundy

Comment 34, Ms. Jane Lundy

Comment Response 34-1: Comment noted. Commenter offers opinion that size of events at CCSC will not be comparable to other large events held in the County.

Comment Response 34-2: Commenter states opinion on the project not adversely affecting the current water allocation of the site, which has been farmed for fifty plus years. Comment noted.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, April 27, 2015 7:25 AM
To: Mack, David x5096
Subject: FW: PLN130352 Carmel Canine Sports Center

John Ford
 RMA - Services Manager
 Resource Management Agency -- Planning
 (831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Chris Sawyer [mailto:cns@cnsawyer.com]
Sent: Thursday, April 23, 2015 8:22 PM
To: Ford, John H. x5158
Subject: PLN130352 Carmel Canine Sports Center

Dear Mr Ford,

We are long time residents of Carmel Valley writing in support of **PLN130352 Carmel Canine Sports Center** with comments about the Draft Environmental Impact Report.

CCSC would be a great addition to our local community with precious little negative impact. Keeping this 40 acre parcel as open land and thus avoiding it from becoming subdivided and sold off to accommodate a number of Mac-Mansions is most beneficial to retaining the rural character of Carmel Valley.

There will, actually, be no additional traffic congestion impacting Carmel Valley Road for 341 days of the year as members will stop to exercise their dogs on their regular trips to the mouth of the Valley and beyond. Those of us who live in the Valley have, over the years, learned to consolidate our errands to make as few trips into town as possible. Visiting CCSC would be just a stop along the way.

35-1

The additional traffic caused by 24 day's of events per year will be nothing compared with the unbelievable congestion caused by the many events of all kinds at Quail and Carmel Valley Ranch and especially during the annual car event. Ongoing car events are also a regular happening at Baja Cantina where the overflow parking is everywhere on the adjacent street (CCSC will have off street parking). If car lovers can tie up traffic for a week and more, why shouldn't dog lovers have an opportunity to have a few events creating a far smaller impact?

35-2

As to the pollution effect on the Carmel River, I think the private horse facilities including the Trail and Saddle Club that border the river have a far greater, daily impact on the river than would a few dogs exercising on the CCSC property. In addition, dogs regularly go in the river at Garland Park with no restrictions.

35-3

Finally, the amount of our precious water used for the Carmel Canine Sports Center's operation will be far less than it would be should these 40 acres be converted to residential use or even row crops farming.

35-4

I urge you to permit the CCSC project.

Sincerely,

Chris and Robin Sawyer

20 Scarlett Road
Carmel Valley, Ca 93924

Comment 35, Mr. Chris and Robin Sawyer

Comment Response 35-1: Commenter states support for the project and states opinion that daily operations would not have negative impact on traffic levels within the area. Comment noted. For issues regarding trip generation refer to Comment Response 21-2.

Comment Response 35-2: Comment noted.

Comment Response 35-3: Comment noted.

Comment Response 35-4: Commenter states opinion that water proposed for use for facility would be less than what would be used for residential development or full-agricultural farming of the site. Comment noted.

April 25, 2015

Letter of Support for Carmel Canine Sports Center

I am a 33 year resident of Carmel Valley and have been a supporter of the Carmel Canine Sports Center since its inception.

I travel Carmel Valley Road on a daily basis and my visits to CCSC would be incorporated within existing trips.

36-1

I would travel on other Monterey County highways less frequently than I currently do if the sports center was an available facility.

Doing the type of obedience and retriever training that I am engaged in is not possible at Garland Park or the Carmel Beach. There is far too much interference there by out of control, untrained dogs, to allow for any meaningful work on the part of my dogs.

36-2

The CCSC will fill a needed niche for serious dog trainers and enthusiasts and will not negatively impact the environment and way of life of the area residents. In fact it is a more desirable and gentle use of the property than more housing development or even agriculture.

I respectfully request your approval of this project.

Sincerely,

Wendy Johnston
Carmel Valley, CA
johnstonwl@comcast.net

Comment 36, Ms. Wendy Johnston

Comment Response 36-1: Commenter states support for the project and gives opinion that daily trips to site would be incorporated within existing daily trips throughout Carmel Valley. Comment noted.

Comment Response 36-2: CCSC would provide a location for people to train their dogs. Comment noted.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Sunday, April 26, 2015 7:26 PM
To: Mack, David x5096
Subject: FW: EIR for Canine Sports Center

From: Nicholas Willis [ncwillis@msn.com]
Sent: Sunday, April 26, 2015 10:49 AM
To: Ford, John H. x5158
Subject: FW: EIR for Canine Sports Center

Apologies for mistyping your email address. (My father's initials were HJ.)

Sincerely,

Nicholas Willis

From: ncwillis@msn.com
To: fordjh@co.monterey.ca.us
CC: district1@co.monterey.ca.us
Subject: EIR for Canine Sports Center
Date: Sat, 25 Apr 2015 12:38:32 -0700

Dear Mr. Ford,

We are residents of Quail Lodge and want to submit our opinion on the subject EIR.

As the EIR states, the principal concern is traffic. Specifically, the prospect of 50 or so RV's clogging our small street, Valley Greens Drive (VGD), up to 24 times a year is unacceptable. The problem is not so much on ingress, since the RV's can simply turn right off CV Road onto VGD and then to the Center.

Egress is the unacceptable issue. The RV's will soon discover that turning left onto CV Road from VGD – an uncontrolled intersection – is both dangerous and time consuming. The prospect of ten or more of these vehicles backed up on VGD, blocking all normal traffic, especially cars that want to turn right onto CV Road, is bad enough, but the "back-up plan" for these RV's, which they will soon discover, is to trundle down VGD onto Rancho San Carlos and over a one-lane bridge (for all large vehicles) and then left onto CV Road at the controlled intersection. That cannot be allowed to happen: The bridge will become another choke point, seriously impeding normal traffic from Quail Lodge, Quail Meadows and the Preserve from entering or exiting CV Road. And of course, the RV's will find a way to choke both exit points at once.

37-1

One last point: Many residents of our area are elderly, frequently requiring quick medical services, principally to CHOMP. We have lived here 18 years and can report at least one ambulance (with siren on) a week coming into our area. We hope such emergencies don't occur when the RV's are on our road.

Sincerely,

Nicholas and Carlaine Willis
7009 Valley Greens Cr. Carmel

cc: Supervisors
Fernando Armenta
John Phillips

Simon Salinas
Jane Parker
Dave Potter

Comment 37, Mr. Nicholas and Carlaine Willis

Comment Response 37-1: Comment noted. The DEIR did consider the impacts of special events to the intersection of Carmel Valley Road & Valley Greens Drive. As described in Section 4.12.2.1, *Project Details* approximately 125 feet of Valley Greens Drive to the west of the Project Site entrance is privately controlled and maintained by the Quail Lodge & Golf Club. Consequently, as described in MM TRANS-3 unless the Applicant can enter into agreements with private road holders, traffic exiting the Project site, including RVs would not be permitted to turn left onto Valley Greens Drive traveling west toward the Carmel Valley Road & Rancho San Carlos Road intersection. This traffic would be directed by an Applicant-funded, County-approved traffic monitoring program for all special events. To ensure that monitors are qualified, the Applicant will be required to fund an adequate number County-approved and licensed traffic monitors for all special events. This would include managing traffic flow in the intersection of Carmel Valley Road & Valley Greens Drive.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Sunday, April 26, 2015 7:34 PM
To: Mack, David x5096
Subject: FW: Carmel Canine Sports Center

From: johnparks2@comcast.net [johnparks2@comcast.net]
Sent: Sunday, April 26, 2015 9:32 AM
To: Ford, John H. x5158; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; rbrower@chateaujulien.com
Cc: summer@carmelcaninesports.com
Subject: Carmel Canine Sports Center

Board Members and County Planner,

I urge you to support the proposed Carmel Canine Sports Center. At this time I don't plan to become a member of CCSC but do attend dog events so I am somewhat impartial and knowledgeable. I have read the DEIR and find that at least some of the adverse impacts to be overstated. I have also followed the opponents letters to the Monterey Herald and find them to be more fear than fact based. Following are a few of the concerns and benefits that I'd like to address.

- **RV's:** Since the site is too small for an all breed conformation show, I doubt that there would ever be anywhere near 70 RV's. The most I have ever seen at an agility trial or a specialty is less than 25. Traffic congestion is minimal as participants filter in the day before an event and out the last day of the event as they finish their particular classes. At least one opponents letter was concerned about waste leaks from RV's. In all my years of RV'ing I've never seen one. With the modern systems built into the units it just doesn't happen. Basic RV park rules will alleviate this and noise concerns. 38-1
- **Barking Dogs:** Dog owners do NOT allow uncontrolled barking at events or during practice. It is a distraction for dogs in the ring and frankly annoying. Once in awhile there is a dog that barks throughout it's agility run. Runs last between 20 and 60 seconds. A few of us were invited on a tour of the CCSC grounds and the only dog I heard barking was due to one of the residents across the way taking their dog to play fetch on the golf course. 38-2
- **Dog Waste:** This is NOT a dog park. People involved in dog sports pick up after their dogs and dispose of it properly. Most of us rarely if ever visit dog parks because of illnesses and parasites spread by uncontrolled waste. 38-3
- **Safety:** CCSC will be a great place for dog owners and dogs to have a safe place to train and trial. I drive by Garland Park a couple of times a week. Stopped once and vowed to never return because of all of the poison oak and aggressive dogs off leash. 38-4
- **Beautiful Park Setting:** The Carmel Canine Sports Center site is and will continue to be a beautiful park like setting. 38-5
- **Convenience:** I and most of the local dog sport enthusiasts that I know and train with drive by this site on a regular basis so it would be a convenient stop.

Please approve the proposed Carmel Canine Sports Center for the benefit of the local residents, Monterey County and dog lovers!

Thank you,
 John Parks
johnparks2@comcast.net
 831-449-3787
 831-320-7707

Comment 38, Mr. John Parks

Comment Response 38-1: Comment noted. As described in Section 2.4.3.3, *Events* under the proposed Project up to 70 RVs would be permitted onsite during event days. Consequently, the impact analysis assumes a worst-case scenario to capture all of the potential transportation and traffic related impacts associated with RV transportation and parking. Issues regarding noise from RVs are described in Impact NOI-3. For additional analysis, please refer to Comment Response 31-2.

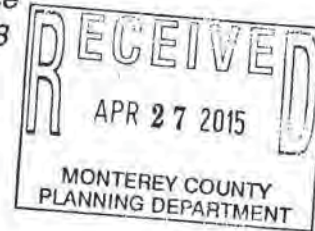
Comment Response 38-2: Comment noted. Noise impacts from Daily Operations are summarized in Table 4.10-3. As described in Section 2.4.3.8, *Noise Restrictions* membership agreements would require dog owners to control barking and staff members would be trained to intervene if any member or guest allows persistent barking to occur. Penalties for non-compliance would include immediate expulsion and loss of membership. As described in Impact NOI-2 daily operational noise associated with the proposed Project would not result in a substantial permanent increase in ambient noise levels.

Comment Response 38-3: Comment noted. As described in Section 2.4.3.7, *Solid Waste Management*, solid waste generated at the Project site, including dog waste would be disposed of under a contract with Waste Management. Dog manure would be collected as produced and deposited in specially marked impermeable containers. Additionally, as described in Section 2.4.3.7 and required by MM HYD-2, the Applicant would prepare a Manure Management Plan prior to Project construction that would provide guidelines for composting and/or disposal of any significant quantity of manure that may be produced in livestock concentration areas.

Comment Response 38-4: Commenter states project would be great place to train dogs; states displeasure with other public dog areas. Comment noted.

Comment Response 38-5: Commenter states site will remain “beautiful and park-like” with implementation of project. Comment noted.

Charles E. Davis
7071 Fairway Place
Carmel, CA 93923



April 25, 2015

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

Re: PLN130352 Carmel Canine Center

Dear Mr. Ford,

As a 20 year resident at Quail Lodge in Carmel, I have read with much interest the recently released Draft EIR. Without question, this report confirms what all of us have known for many months and that is, the proposed Carmel Canine Center should not be permitted to be erected on the proposed site. Regardless of the spin the developers have espoused, this project should not and cannot be approved.

In examining the Project Alternatives, it is patently clear that neither Alternative 1, nor Alternative 2, provide acceptable options. Let's look at each of these:

ES-6.1.1 Alternative 1 - No overnight RV Parking / Camping Alternative

This alternative would not entail overnight RV parking / camping during events. The result, of course, would be for the already unacceptably high levels of traffic to increase substantially as RV's would be required to travel to and from the Event Center each day. Exactly where are these RV's supposed to park? There are very few RV parks within a reasonable distance from Quail and they have a limited number of parking spaces. At prices approaching \$100 per night, there is little doubt these same behemoths would, by default, be parking along Carmel Valley Road, Valley Greens Drive and our residential streets. The result would be even more traffic, more noise and more pollution. To even suggest this as an acceptable alternative is unimaginable.

39-1

ES-6.1.2 Alternative 2 - No Special Events Alternative

This alternative, which essentially curtails any special events, including overnight RV camping is equally impractical and inconceivable. By the developers own admission, the economic viability of this venture is predicated upon their ability to schedule these highly profitable "Special Events." Even granting permission to proceed without these, almost certainly would lead to "creep" in the project. Once they got a foot in the door, they would come back with an appeal to amend the permit, claiming they cannot survive without these events.

39-2

ES-6.1.3 No Project Alternative

This is the only acceptable alternative. The argument that the developers have invested substantial funds into this project and that they should somehow be given a pass, is specious. From the very beginning, they have dodged permit applications, misled the community as to their ultimate intentions and lied about construction and development at the site. Anything other than a complete refusal of permission would reward their mischief and send a message to all those considering their own projects that it is "better to beg forgiveness than seek permission." For the reasons that many in the community have already given (and that the Draft EIR has confirmed), the Carmel Canine Center is the wrong project in the wrong location. The application should be rejected on its merits. Indeed, in light of the multiple Class I impacts of the proposed project, it seems likely the application would already have been rejected, but for the investment made by the developers.


39-3

For this reason, the Planning Department's decision on this application represents an important test. This is an opportunity to set a positive precedent by refusing permission, notwithstanding the developer's financial gamble that commencing construction would ensure the success of their application. The clear answer from the Department must be that there is one set of rules for all, and that they will be applied consistently, rigorously and without bias, in the interests of the community they are designed to protect. Granting permission would damage both the Department's credibility and the community, and will encourage others to flout the rules. As County officials, the developers know this better than others and they have certainly tried to use it to their advantage.

page 3

Mr. Ford, you are similarly situated, in that you are in the unenviable position of being required to review and make recommendations on a project that has been proposed by the very folks that sign your paycheck. There is a general perception in the community that you will recommend approval of this project, with minor mitigations, because of your allegiance to Commissioner Diehl. I hope you will take a step back from all the rhetoric surrounding this controversy and fulfill your obligation to serve the entire community by unequivocally recommending the rejection of this project in its entirety. It is wrong for the nearly 400 residents of Quail and it is wrong for the community at large.

Sincerely,



Charles Davis

cc: Monterey County Supervisors:

Fernando Armenta, John Phillips, Simon Salinas, Jayne Parker, Dave Potter

Comment 39, Mr. Charles Davis

Comment Response 39-1: Comment noted. As described in Section 7.6.1.1, *Effect of Alternative on Resource Areas* this alternative would result in the potential for greater overall impacts to traffic as it would require RVs, event trailers, and vendors to enter and exit the site at the beginning and end of each event day. Additionally, the prohibition of overnight RV parking/camping would potentially result in event patrons needing to use RV park/camping areas at nearby parks. This could increase demand during weekends when these facilities are already largely operating at capacity. As described in Section 2.4.3.3, *Events* CCSC supports the restriction of parking on Valley Greens Drive, including creation of a “No Parking” zone the length of Valley Greens Drive. With regard to overnight RV parking along Valley Greens Drive, camping is prohibited on public property per Monterey County Code 14.18.020, which states that no person shall camp between the hours of 6:00 P.M. and 6:00 A.M. on any public road or public property, except when the public property is expressly designated and posted for overnight stay..

Comment Response 39-2: Comment noted. The CEQA Guidelines emphasize that the selection alternatives must be based primarily on the ability to reduce impacts relative to the proposed Project, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” This alternative would achieve most of the basic objectives of the Project described in Section 1.2, *Project Objectives*, but would also substantially reduce significant effects of the Project, particularly with regard to transportation and traffic. Any future request for special events under this alternative would have to be approved on a case-by-case basis by Monterey County or through a permit amendment and additional supplemental CEQA analysis.

Comment Response 39-3: Comment noted. The intent of this EIR is to disclose and describe the context and intensity of potential environmental impacts that could result from implementation of the proposed Project. The Planning Commission will ultimately vote to approve or deny the proposed Project or one of its alternatives. Even if significant impacts are identified in the EIR the Board of Supervisors could still approve the proposed Project with overriding considerations (see Comment Response 67-7).

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, April 27, 2015 5:06 PM
To: Mack, David x5096
Subject: FW: Quail Canine Sports & Events Center

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: KEITH DOMNICK [mailto:krmrd@me.com]
Sent: Monday, April 27, 2015 4:07 PM
To: Ford, John H. x5158
Subject: Quail Canine Sports & Events Center

Reference: EIR report April 2015**We believe Alternative 7.6.3 "No-Project Alternative" is the only realistic choice.**

In our opinion the proposed canine activities center is totally impractical at the suggested location. There are very few periods of light traffic at the intersection of Carmel Valley Rd. and Valley Greens Dr.. Locals already experience lengthy delays at this intersection at any time of day. Often 5 mins at peak times when the eastbound flow of traffic is virtually continuous as two lanes merge into one just west of the intersection. On roads such as Carmel Valley Rd., RV's always slow down and back up traffic. This will only add to the frustration level of drivers who must use the road each day. In turn that will lead to a higher incident of accidents and deaths on this road. Keep in mind there are a lot of elderly drivers in the area. They moved to the area to experience a slower, quieter pace of life. The additional traffic and noise associated with the proposed canine center would, without doubt, have a negative impact on there lives and devalue property values.

40-1

40-2

Keith & Margaret Domnick
7055 Valley Greens Drive
Carmel, CA 93923

Comment 40, Mr. Keith and Margaret Domnick

Comment Response 40-1: Comment noted. As described in Section 4.12.4, *Environmental Impacts*, relative to the thresholds for determining significance for transportation impacts typical daily operations associated with the proposed Project would result in a less than significant increase in traffic at vicinity intersections during the weekday and Friday peak hours. However, as described in Impact TRANS-3 special events associated with the proposed Project would result in increases in traffic at vicinity intersections, particularly Carmel Valley Road and Valley Greens Drive during the Friday P.M. peak hour, which would be potentially significant but could be reduced to less than significant levels with the implementation of MM TRANS-3. For details regarding the quantitative assessment of transportation related impacts, please refer to Appendix H.

Comment Response 40-2: Comment noted. For a summary of transportation and traffic impacts, see Comment Response 40-1. Noise impacts are described in Section 4.10, *Noise*. For additional noise analysis, please refer to Comment Response 31-2.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, April 27, 2015 3:50 PM
To: Mack, David x5096
Subject: FW: Carmel Canine Sports Center

John Ford
 RMA - Services Manager
 Resource Management Agency -- Planning
 (831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: holtdvm@comcast.net [mailto:holtdvm@comcast.net]
Sent: Monday, April 27, 2015 1:56 PM
To: Ford, John H. x5158
Cc: Diehl, Martha
Subject: Carmel Canine Sports Center

P.O. Box 846
 Carmel Valley, CA 93924
 April 27, 2015

County Planner John Ford
 Monterey County Planning Department
 168 W. Alisal Street @Capitol, 2nd Floor
 Salinas, CA 93901

Dear Mr. Ford:

I strongly support the Carmel Canine Sports Center project. It will be a safe and legal place for conscientious dog owners and their pets to train or to just enjoy the natural beauty of Carmel Valley. Dog owners who actually train and compete in canine sports competitions are a very considerate group of people. They respect the environment and the residents who live in areas surrounding their events. I don't believe that any event at the CCSC would impact the area adversely.

As for the impact of traffic from events, it would be minimal compared to the annual events that are already in place, such as the Concourse. Why should certain groups have use of public roads to the exclusion of others? As a resident of Carmel Valley since 1972, I have learned to plan my trips to "town" judiciously, and I know that others in our area do the same. For example, I belong to the Carmel Valley Athletic Club, and if I were to go there for a class or fitness session, I could take my dogs to the center either before or after, without using extra gas or adding to road congestion.

41-1

41-2

Another issue raised by the DEIR is that dogs should be restricted from swimming in the river at this site. As a long time resident of Carmel Valley, I know that people swim their dogs all up and down the river at public places such as Garland Park and private property as well. There are no restrictions there, and I don't understand the reasoning behind the proposal to prohibit dogs at the CCSC. 41-3

It is my belief that the CCSC will be an asset to our community. Thank you for your time and consideration of my concerns.

Yours truly,
Leslie Holt

Comment 41, Ms. Leslie Holt

Comment Response 41-1: Comment noted. Refer to Comment Response 21-4.

Comment Response 41-2: Commenter states that trips to the project site could be incorporated into existing daily trips made throughout the Carmel Valley. Comment noted. For trip generation estimates refer to Comment Response 21-2.

Comment Response 41-3: Comment noted. Refer to Comment Response 21-5.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Tuesday, April 28, 2015 7:29 AM
To: Mack, David x5096
Subject: FW: CARMEL CANINE SPORTS CTR

John Ford
 RMA - Services Manager
 Resource Management Agency -- Planning
 (831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Lisa Carlisle [mailto:tjlisa10@yahoo.com]
Sent: Monday, April 27, 2015 6:18 PM
To: Ford, John H. x5158; 100-District 1 (831) 647-7991; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; 100-District 3 (831) 385-8333
Subject: CARMEL CANINE SPORTS CTR

Dear Mr. Ford:

We would like to make it known we are opposed to the Carmel Canine Sports Center. We are residents at Quail Lodge, having recently moved here from the fast-paced Silicon Valley. Our desire is to live in a community less congested with cars and to drive the local roads without sitting in heavy traffic. We feel the Sports Center will bring in too many cars, RVs and people to the tranquil setting we chose to retire to. The thought of RVs driving down Valley Greens Drive to access Rancho San Carlos Road is a frightening one; this is a road used by elderly (and less responsive) people walking their dogs, young mothers with children in strollers and people of all ages enjoying the serenity of their neighborhood. Yes, Quail Lodge is a neighborhood, not just a resort and golf course. And we think it's safe to say that nobody wants to live in a neighborhood with RVs and event noise.

42-1

42-2

Please consider the requests of everyone opposed to this Center. It's just not the right place for this type of business.

Thank you for your consideration,

Lisa and T.J. Protsman
Valley Greens Circle
Carmel, CA

Comment 42, Ms. Lisa and T.J. Protsman

Comment Response 42-1: Comment noted. Valley Greens Drive is a public street and has been designed to accommodate vehicular circulation, pedestrians, and golf carts in a safe manner. The County does not expect that traffic associated with the proposed Project (even with RV's) would change the safety conditions of the roadway. In addition, as described in Section 2.4.3.3, *Events*, RVs associated with the proposed Project would only access the Project site on the proposed 24 event days that would occur throughout the year. Additionally RVs would not have in and out privileges which would further reduce local RV traffic during special events. Safety along vicinity roadways has been addressed in the EIR under Impact TRANS-7. Event participants, including RVs, would be directed to access the Project site via the Valley Greens Drive intersection with Carmel Valley Road, which is a side-street-stop controlled intersection. This intersection also includes an improved right turn lane from the eastbound lane of Carmel Valley Road and a left turn lane from westbound Carmel Valley Road. The majority of traffic would access the site traveling eastbound on Carmel Valley Road and turning south on Valley Greens Drive. After turning onto Valley Greens Drive incoming traffic would then access the site itself by turning left off of Valley Greens Drive into an improved entrance area designed to allow traffic to fully clear the roadway before entering the newly proposed controlled access gate. The County Traffic Engineer considers the line of sight for this intersection as safe for a Class A motor home reaching up to 45 feet in length and potentially towing trailers or another vehicle. Therefore, typical daily operation associated with the proposed Project would result in less than significant hazardous conditions.

Comment Response 42-2: Comment noted. Impacts associated with noise and traffic are described in Sections 4.10, *Noise* and 4.12, *Transportation and Traffic*, respectively. Please refer to these sections for a detailed analysis of potential impacts to the surrounding Quail Lodge neighborhood.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Tuesday, April 28, 2015 4:17 PM
To: Mack, David x5096
Subject: FW: PLLN130352 Comments to the DEIR

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

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From: Rosalind Gray Davis [mailto:grupodavis@earthlink.net]
Sent: Tuesday, April 28, 2015 12:15 PM
To: Ford, John H. x5158
Cc: 100-District 5 (831) 647-7755
Subject: PLLN130352 Comments to the DEIR

April 28, 2015

Dear Mr. Ford, County Planner,

We are writing in support of the Carmel Canine Sports Center with regards to PLN130352 Carmel Canine Sports Center, Comments to the Draft Environmental Impact Report.

CCSC is very important to our family. My husband is handicapped and he gets much love and support by coming to watch our Portuguese Water dog and others at the Center. We share family time together and with friends in a very special space. It is such a great idea and would be of little negative impact on anyone.

I read the DEIR for CCSC with much interest. We firmly believe that the benefits outweigh any negative impact. Why doesn't the analysis of the "no project alternative" include all the impacts that would be generated if the land were to resume organic row crop farming or be developed into giant, estate homes? All these impacts should be compared to the potential impacts for the proposed project rather than assuming valuable property would remain vacant and unused forever. We all know this will not happen.

43-1

We strongly believe that this proposal would help preserve the rural character of Carmel Valley that is so precious to so many of us. It is to the public's benefit to have a place where people with dogs can congregate among others that enjoy the same activity. Please let this happen and thank you for your consideration.

Rosalind and Robert Davis
10136 Oakwood Circle
Carmel, CA 93923

Comment 43, Ms. Rosalind and Robert Davis

Comment Response 43-1: Comment noted. As described in Section 7.6.3, *No-Project Alternative* consistent with CEQA Section 15126.6(e) the No-Project Alternative describes the effects of the property remaining in its existing state at the time of the publication of the NOP. However, it is important to note that while the site has not been actively farmed for several years, no permit is necessary to conduct farming operations on the site. The description of impacts to agricultural resources indicate that if difficulties in identifying a suitable agricultural tenant were to continue, the potential exists for the site to be subject to development for LDR uses with the associated loss of prime farmland. However, any future development of use of the site at this time is speculative.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Friday, May 01, 2015 9:36 AM
To: Mack, David x5096
Subject: FW: PLN130352 Carmel Canine Sports Center Comments to the Draft Environmental Impact Report

John Ford
 RMA - Services Manager
 Resource Management Agency -- Planning
 (831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Wayne Moon [mailto:moonsite1@aol.com]
Sent: Thursday, April 30, 2015 6:08 PM
To: Ford, John H. x5158
Subject: PLN130352 Carmel Canine Sports Center Comments to the Draft Environmental Impact Report

Dear Mr. Ford,

Sometimes we "lose sight of the forest, for the trees". I have reviewed the Draft EIR for the CCSC and find that the "forest" here is the cumulative impact that this proposed commercial activity will have on the local community.

- The EIR suggests that noise of barking dogs will be controlled by asking significant offenders to leave. However, with an anticipated 300 dogs for some events, barking can not be controlled. Dogs bark! Even smaller numbers of dogs can provide significant noise; just think of the last time a neighbor of yours had a barking dog. Now multiply that by 10, 20, 70, or more. 44-1
- Seventy RVs make a lot of noise, day and night! The volume rises as we add normal human interactions, electric generators on RVs, loud speakers, and lighting. Curfews on each of these as suggested do not provide day time relief, and even at night the noise will still impact the community. 44-2
- Traffic is a significant problem as acknowledged in the Draft EIR. The access to Carmel Valley Road at Valley Greens Drive creates a real danger of personal injury and use San Carlos Road crosses a narrow bridge and passes the pedestrian and residential intensive Quail Lodge Golf Course. 44-3

Surely, there are better places to locate this activity where there is less of an impact on the residential community. If there must be an approval for anything of this nature, the only option that comes close to being acceptable is Alternative 2.

Thank you for your attention.

Wayne Moon
 Carmel, CA

Comment 44, Mr. Wayne Moon

Comment Response 44-1: Comment noted. As directed by the County, the noise analysis provided in Section 4.10, *Noise* relies on information provided in the Noise Impact and Mitigation Study for the Project by Environmental Consulting Services. The noise analysis has considered dog agility events. The findings of the noise analysis are that the dogs involved in these events are well trained and do not often bark. The comment would present a scenario similar to a dog retention facility where dogs are left alone for prolonged periods of time and are subject to barking. The County considers these two scenarios as different.

Comment Response 44-2: Comment noted. Potential noise impacts associated with the proposed special events are described under NOI-3. Operation of large outdoor events could result in a potentially substantial temporary or periodic increase above ambient noise levels in the vicinity of the proposed Project site. The Project site is located in a rural, low density area characterized by relatively low ambient noise levels. As described in Section 4.10.2, *Existing Setting* the predominant source of noise in the Carmel Valley is vehicular traffic on roads. Noise levels associated with Project-related daily operations and special events would not exceed acceptable afternoon peak hour traffic noise levels of 52-54 dBA. Similarly generator noise is approximately 45-55 dBA at 50 feet (Environmental Consulting Services 2013). During overnight stays associated with special events, noise levels for up to 70 generators at the nearest sensitive receptor, located approximately 400 feet from the Project site, would not exceed 64 dBA. Events with overnight RV parking would only occur a maximum of 24 separate days per year and implementation of MM NOI-3 would reduce these impacts to less than significant levels. Similarly, competition event noise would also occur during the 24 event days, primarily within the Member Training Area in the central portions of the site. Event competition noise would primarily result from use of an amplified sound system, training commands and whistles, patrons socializing, and occasional dog barking. However, the amplified sound system would be used primarily for operational and emergency announcements and would be limited to operating hours only consistent with MM NOI-3. Additionally, screening would be provided along the western edge of the property in order to soften the noise generated from the Project site. Consequently, with the implementation of MM NOI-3 impacts from competition event noise would be less than significant relative to the thresholds provided in Section 4.10.4.1, *Thresholds for Determining Significance*.

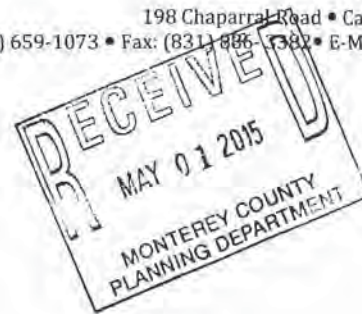
Comment Response 44-3: Comment noted. According to the Traffic County Engineer access to the site from Carmel Valley Road through the Valley Greens Drive intersection does not create a real danger. As described in Impact TRANS-7 the majority of incoming traffic would be traveling eastbound on Carmel Valley Road turning right onto Valley Greens Drive and then left across Valley Green Drive to access the Project site. Approximately 10 trips during the peak hour of special events would come to the site by westbound Carmel Valley Road which would require a left turn through the intersection of Carmel Valley Road & Valley Greens Drive. The DEIR states: "This turning movement could introduce hazardous conditions with motor homes, reaching up to 45 feet in length (Class A motor home) and potentially towing trailers or another vehicle, navigating an unprotected left hand turn across Carmel Valley Road. However, the County Traffic Engineer considers the line of sight for this turning movement as *safe for a vehicle of this size*. The County does not view this as an increase in risk of personal injury. Further, MM TRANS-3 has been written to require that either improvements be installed as part of the CVTIP or qualified monitors be used to control traffic during special events. Either of these options will adequately address concerns with turning movements through the Carmel Valley Road & Valley Greens Drive intersection.

The County does not view the use of the Rancho San Carlos Bridge across the Carmel River as a safety hazard. Oversized vehicles continuously use that bridge, and RV's are currently able to cross that bridge. Should an access agreement permit Project-generated trips along this route, the Applicant or County will install a "narrow bridge" sign at the Rancho San Carlos Bridge location.



Julie A. Cason

198 Chaparral Road • Carmel Valley, CA 93924
Phone: (831) 659-1073 • Fax: (831) 886-1382 • E-Mail: jalc3@comcast.net



April 29, 2015

County Planner John Ford
Monterey County Planning Department
168 W. Alisal St. @ Capitol 2nd floor
Salinas, CA 93901

RE: PLN130352 Carmel Canine Sports Center - Comments to the Draft EIR

Dear Mr. Ford:

As a resident of Carmel Valley who travels G16, CA 68, and Highway 1 regularly, I strongly support the Carmel Canine Sports Center's proposed use of the now-fallow agricultural land behind Valley Hills Shopping Center and across from Quail Lodge.

Personally, being a member of CCSC would reduce my car trips greatly. I drive to Salinas to Motiv K9 for swimming and to Doggone Dirty Dock Diving in Hollister—trips that would be eliminated if I could combine my dog's exercise and training with my regular errands. I know of a number of other dog owners for whom this would be true.

45-1

As a citizen and resident of Carmel Valley, I greatly value the preservation of organic agricultural land. Livestock, hay, flowers, trees, open space seem to me to be the best possible use of the land, given CV's Master Plan and its (our collective) endorsement of "rural character." I strongly oppose the construction of more estate homes and place a high premium on open space.

45-2

That makes me wonder: Why doesn't the analysis of the "no project alternative" include **all** of the impacts that would be generated if the land were to resume full-scale organic row crop farming OR be developed into estate homes, with their attendant multiple-car garages and outbuildings? Shouldn't all these impacts be compared to the potential impacts of CCSC? We all know that valuable, flat acreage isn't going to stay that way forever unless we support uses that preserve it.

45-3

I would greatly appreciate your sharing my comments and question with the Planning Commission and being notified about future meetings or decisions about the project. Thank you for your consideration.

Sincerely,

Julie A. Cason

cc (via email): Fernando Armenta, John M. Phillips, Simon Salinas, Jane Parker, Dave Potter

Comment 45, Ms. Julie A. Cason

Comment Response 45-1: Comment noted. For trip generation estimates refer to Comment Response 21-2.

Comment Response 45-2: Comment noted. For a discussion of agricultural resources and land uses please refer to Sections 4.2, *Agricultural Resources* and 4.9, *Land Use and Planning* respectively. Please note that the EIR provides analysis of potential impacts for the proposed Project and its alternatives described in Chapter 2.

Comment Response 45-3: Comment noted. As described in Section 7.6.3, *No-Project Alternative* consistent with CEQA Section 15126.6(e) the No-Project Alternative describes the effects of the property remaining in its existing state at the time of the publication of the NOP. The purpose of the alternatives analysis is not to provide a project level analysis of the alternatives, but rather to provide a comparison of impacts between the project and the alternatives. However, this section also describes that it is important to note that while the site has not been actively farmed for several years, no permit is necessary to conduct farming operations on the site. The description of impacts to agricultural resources indicate that if difficulties in identifying a suitable agricultural tenant were to continue, the potential exists for the site to be subject to LDR development with the associated loss of prime farmland. However, any future development of use of the site at this time is speculative.

Alex N. Lilley

17 Alta Madera
Carmel, CA 93923
Phone: 831-624-3604
Fax: 831-620-0267
Cell : 650-255-4130
Email: alilley@pacbell.net

May 1, 2015

John Ford, County Planner
Monterey County Planning Department
168 W. Alisal St. @ Capitol
2nd floor, Salinas, CA 93901

Subject: Carmel Canine Sports Complex, Draft EIR PLN130352 Lilley Comments

Dear John:

I have reviewed the Draft EIR dated April 2015. I agree with the conclusion that the Environmentally Superior Alternative is the No Project alternative.

46-1

There are some specifics in the draft which I do not agree with or have concerns about. They are:

- Under NOI-3
 - The Draft EIR states that the operation of events will cause a substantial increase in ambient noise in the project vicinity. It then says that the effect will be less than significant with mitigation. This assumption is based on the development of an event management plan. It is unclear how this plan will reduce the noise generated by dogs barking, bull horns blaring and traffic arriving and departing – except that the plan needs to manage hours of operation so that amplification systems and RV generators stop operation at 7pm. This does little to reduce the noise during daytime hours. I have been at these shows during the daytime and they generate a lot of noise. I am not in a position to say that they do or do not exceed “allowable” noise levels, but they certainly substantially exceed the noise levels of today in this tranquil neighborhood.
- Under TRANS-3
 - As a resident of Tehama and a member of Quail Lodge golf course, I have the challenge of using the Carmel Valley Road/Valley Greens/Tehama intersection on a daily basis. Making right turns onto Carmel Valley Road from either Valley Greens or Tehama is a reasonable proposition depending on the time of day. Making left turns onto Carmel Valley Road from either side street, OR crossing Carmel Valley Road from Tehama to Valley Greens (or vice versa) can be a life threatening proposition. Sightlines to the East are OK, but not to the West. There is a hill and curve which hide most oncoming traffic until the last minute. Traffic is typically travelling at speeds of 60+ mph, despite the 50 mph speed limit. Adding to this traffic during special events (with 200 cars and 70 RV's) will add to already dangerous conditions.

46-2

46-3

Draft EIR PLN130352, Lilley Comments

- Mitigation for this situation suggests three alternatives: 1) creation of a stop light; resistance to this from the Carmel Valley Association is high and will take a long time (if ever) to implement. 2) getting approval from private road holders to reroute all event traffic through Quail to Rancho San Carlos and onto Carmel Valley Road at the stop light. This then means that residents and golfers at Quail will be subject to and endangered by this extreme flow of traffic. Also traffic over the narrow bridge on Rancho San Carlos is a challenge in the best of times if 2 cars are trying to get across the bridge. 3) supplying a traffic monitor at the intersection of Valley Greens and Carmel Valley Road. My concern here is what the stipulation will be for the hours that the monitor will be present. An event is stated to be 3 days. People will arrive the day before the event and may leave the day after, so this could be a 5 day period with increased traffic. Will the monitor be there for 5 days, 3 days, 2 days, 1 day, or only parts of a day? Depending on the details here, mitigation could be insufficient. Also, traffic monitors may be needed along Valley Greens to Rancho San Carlos Road if the traffic is routed that direction. 46-4

- Under BIO-3
 - All dog waste shall be collected and placed in dog waste collection receptacles. What happens to it after that? Does it get mixed in with other waste and become part of the manure management plan? Manure is typically mixed from horse waste or cattle waste. These are herbivores and their waste is different in character from dog waste, dogs being carnivorous. My concern is that introduction of dog waste has health hazard implications. 46-5

- Monitoring
 - Most sections of this document state mitigation procedures, but then state that the applicant is responsible for monitoring compliance. This sounds like the fox guarding the hen house. For example, if there is overflow parking onto Valley Greens Drive, who will hand out tickets or have cars towed? If neighbors complain about noise levels, with whom do they lodge their complaint, what are the penalties and what is done about it? If dog waste is not completely collected, what are the penalties and who enforces them? 46-6

- Under ES-6.2
 - Alternative 2 is identified as the environmentally superior alternative – canine sports park, no events. My concern here is that this exposes us to the slippery slope of project creep. Once the park is in, maybe “small events” or “charity events” will be proposed and allowed. It does not appear that the owners of the sports complex can make money from Alternative 2, so they will continue to seek ways to expand the project in order to enhance their financial position. 46-7

One of the reasons this issue has generated so much energy in the community is that the applicant is a member of the planning commission. As such, she should know that an enterprise like this would need to pass muster, yet she has proceeded as though it would surely get approval. We first became aware of this event center in the spring of 2013. As we drove into Quail on Valley Greens Drive we saw a big sign indicating that the “dog park”

Draft EIR PLN130352, Lilley Comments

● Page 3

May 1, 2015

would be opening soon, with events scheduled for July. Since the time that LUAC denied the project, the applicant has continued to set up the venue in preparation for its eventual approval – setting up jumps, bringing in landscaping, grading and even bringing in sheep. I hope that the planners will listen to the input from the community and decide that this is the wrong venue for this complex. There are efforts to create Monterey Downs, which would include an equestrian center in Fort Ord. Why not combine the Canine Center with that effort? The goals for both appear to be well aligned.

46-8

Sincerely,



Alex N. Lilley

Cc: Dave Potter, County Supervisor District 5
Friends of Quail

Draft EIR PLN130352, Lilley Comments

Comment 46, Mr. Alex N. Lilley

Comment Response 46-1: Commenter states opinion that the “No Project Alternative” is the Environmental Superior Alternative. The EIR identified “Alternative 2” as the environmentally superior alternative. Comment noted.

Comment Response 46-2: Comment noted. Refer to Comment Response 44-2.

Comment Response 46-3: Comment noted. The DEIR identifies impacts to the Carmel Valley Road & Valley Greens Drive intersection during special events. MM TRANS-3 has been written to either have improvements made to the intersection as part of the CVTIP work, or to require monitors control that intersection during special events. This would reduce this impact to a less than significant level.

Comment Response 46-4: Comment noted. In the event that a built improvement is not constructed or that agreements cannot be reached for the use of private roads, the County-approved and licensed traffic monitors would be present on event days for the duration of the event, beginning before participants arrived to the Project site and ending after participants have departed the site. For more information please refer to Memorandum from County Traffic Engineer dated 17 July 2015.

Comment Response 46-5: Comment noted. The Manure Management Plan under MM HYD-2 would describe appropriate dog waste composting procedures and would ensure that they meet public health and safety requirements as on ongoing condition of the Environmental Health Bureau.

Comment Response 46-6: Comment noted. The County, along with other relevant agencies (e.g., CDFW, SWRCB, etc.) would review and approve all plans required by mitigation measures prior to issuance of construction permits or initiation of the use. Following construction and implementation of the proposed Project compliance with all mitigations would be carried out consistent with the Mitigation Monitoring and Reporting Program. Any non-compliance issues would be resolved through zoning enforcement (Monterey County Zoning Ordinance 21.84) and the County’s mitigation monitoring program. A mitigation measure has been added to require the submittal of an Applicant-prepared and funded annual compliance report to the County. If the County determines that permit conditions or Project mitigations are not implemented or are determined to not sufficiently address project-related effects, the County may re-open the conditional use permit. Such an action would require a publicly noticed hearing before the Planning Commission and may result in a revised project (e.g. project description, conditions of approval, or mitigations). If the County determines that no sufficient revisions or amendments are feasible and the permit findings can no longer be supported, the County is empowered to conduct a publicly noticed permit revocation hearing to vacate the Use Permit approval. Additionally, should the County determine that a public nuisance exists, the County may summarily abate a public nuisance, and County Counsel or the District Attorney, upon order of the Board of Supervisors, may bring civil suit, or other action, to enjoin or abate the nuisance.

Comment Response 46-7: Comment noted. The CEQA Guidelines emphasize that the selection alternatives must be based primarily on the ability to reduce impacts relative to the proposed Project, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” This alternative would achieve most of the basic objectives of the Project described in Section 1.2, *Project Objectives*, but would also substantially reduce significant effects of the Project, particularly with regard to transportation and traffic. Any future request for special events under this alternative would have to be approved through a permit amendment process and subject to CEQA review.

Comment Response 46-8: Commenter states that development of a canine center should be combined with efforts to create Monterey Downs (a different project) upon lands within the former Fort Ord. Monterey Downs is proposed by a different Applicant/developer and the development of a Canine Center is not a part of that application. The developers of the Project evaluated a site within the former

Fort Ord, which is contained within Section 7.5.1 of the EIR. This 27-acre site is located approximately five miles northeast of the Carmel Valley, which could meet the intent of most of the Project objects. Challenges associated with this site include the documented presence of threatened and endangered plants and animals, hazardous materials associated with historic military use, and land use consistency issues with planned redevelopment, which would potentially pose similar environmental constraints to the proposed Project. Additionally, the use proposed was deemed not to be consistent with the economic development deed restriction on the property as determined by the Fort Ord Reuse Authority.

May 1, 2015

Via Email and U.S. Mail

Mr. John Ford, County Planner
Monterey County Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901

Re: Carmel Canine Sports Center (Wolter Properties LP)
PLN 130352

Dear Mr. Ford:

I am writing this letter in support of the Carmel Canine Sports Center. I am submitting this letter as a resident of Carmel Valley and dog owner, and not on behalf of any organization.

I believe the project is an excellent use of the land and a very compatible addition to the surrounding area, which consists of commercial uses (restaurant/bar, stores, lodge/resort), agricultural uses (nursery, feed store, cropland), recreational uses (golf course) and residential uses (family dwellings). Dogs play an important role in and are an integral part of agriculture, recreation and family living. A facility that promotes and encourages owners to participate and spend quality time with their dogs can only have positive results.

47-1

As planned, the project will provide a natural setting without over use of valuable water resources and will maintain the agricultural/rural nature of the area. Noise levels will be at a minimum, especially when compared to the neighboring restaurant/bar with live music, car functions, and public events at the lodge/resort. While concerns may be voiced over barking dogs, I think most people would have to agree that the majority of dogs bark when they are left alone and bored. Very few dogs bark while interacting with their owners and being allowed to run and play.

47-2

47-3

Traffic, which is always a concern, will increase slightly during special events, but will not compare to that experienced during “car week” and other activities in the area, such as car nights routinely held during summer months and special events held at the lodge/resort. All parking will be on site, thereby not impacting the surrounding area.

47-4

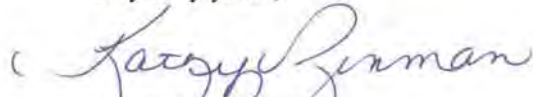
47-5

Two large dog events were held in the past at the golf course/resort, and resulted in absolutely **no** complaints of any kind (traffic, noise, etc.).

Mr. John Ford, County Planner
May 1, 2015
Page Two

The Carmel Canine Sports Center will be a wonderful asset for the many dog owners and others interested in participating in and watching dog activities, while maintaining the rural environment.

Very truly yours,



KATHY ZINMAN
37501 Passajara Road
Carmel Valley, CA 93924
(831) 659-2296

cc (via email only): Supervisor Simón Salinas
Supervisor Fernando Armenta
Supervisor John M. Phillips
Supervisor Jane Parker
Supervisor Dave Potter
Bob Brower, Monterey Peninsula Water
Management District

Comment 47, Ms. Kathy Zinman

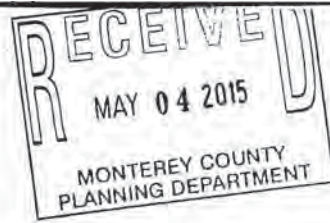
Comment Response 47-1: Commenter states belief that the proposed Project is an excellent use of the land and is compatible with the surrounding area, which includes commercial uses, agricultural uses, recreational uses, and residential use. Comment noted. Issues surrounding agriculture, land use, and recreation are discussed in further detail within Section 4.2, *Agricultural Resources*, Section 4.9, *Land Use and Planning*, and 4.11, *Recreation*, respectively.

Comment Response 47-2: Commenter states that the Project will provide a natural setting without over use of the water. Comment noted.

Comment Response 47-3: Comment noted. These special event-related noise levels are discussed in Impact NOI-3. As described in the EIR, these impacts would be less than significant with the implementation of MM NOI-3, which would place noise restrictions on special events at the project site. As described in Impact LU-1, the Project site would function in much the same way as the Quail Golf Course and noise produced from the Project site would generally be compatible with the surrounding LDR and commercial setting.

Comment Response 47-4: Comment noted. Refer to Comment Response 21-4.

Comment Response 47-5: Comment noted. Transportation and traffic impacts associated with parking are discussed in Impact TRANS-5. The parking plan for the proposed Project has been reviewed by the County and tentatively approved. The parking supply is adequate for the maximum event size of 250 people and no street parking is proposed or would be required as result of Project implementation.



To: County Planner John Ford
 RE: PLN130352 Carmel Canine Sports Center - Comments to the Draft Environmental Impact Report

I recently read the DEIR for Carmel Canine Sports Center (CCSC) and strongly support it. I believe that the community benefits outweigh any imagined negative impacts. However, I would like to comment on a few points:

- The traffic analysis - how can it be stated that this business will generate increased traffic? I live in Carmel Valley village and plan to stop at the CCSC only when I am already passing by on my way to or from town. How is local traffic use any worse than the regularly held LARGE events held in the same area? These annual events seem to become larger each year and last for longer periods of time. These events definitely impact the traffic flow of the entire peninsula. Are these events being held to similar scrutiny? Parking for use at the CCSC will be within the area designated as the CCSC. We will not be adding to the cars that have been parking along the street outside the CCSC. 48-1
- Land use - I think the CCSC maintains the rural character of the area. How can dogs, sheep, open space, and locals enjoying the natural setting not be characterized as keeping with the current rural character? 48-2
- River access - Twice a week, I walk my dog in Garland Park. I see numerous owners and dogs access the river at several spots within the park. Why are dogs allowed in the river in Garland Park and would not be allowed in the river at the CCSC? 48-3
- RV use - As a RV owner, and attendee at one of the Land Use public meetings awhile back, I'd like to address a few concerns. RV owners are very used to following and respecting posted camping rules such as quiet hours, check in/out procedures and camp ground rules. I doubt that the small number of RVs that will attend the few events per year will have a negative impact on the community. 48-4
- 48-5
- 48-6

Thank you for your consideration.

Lisa Crawley
 Lisa Crawley
 198 Chaparral Road
 Carmel Valley, CA 93924
 831-238-1826

Comment 48, Ms. Lisa Crawley

Comment Response 48-1: Comment noted. For trip generation estimates refer to Comment Response 21-2.

Comment Response 48-2: Comment noted. Refer to Comment Response 21-4.

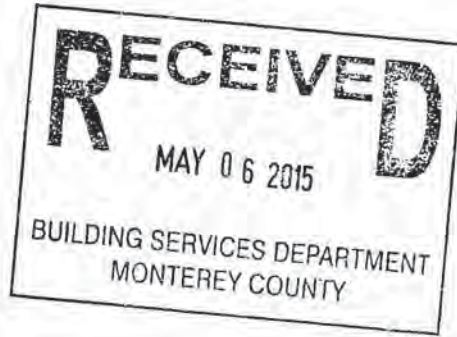
Comment Response 48-3: Comment noted. Project-related impacts associated with parking are described in Impact TRANS-5. Refer to Comment Response 47-5.

Comment Response 48-4: Comment noted. Issues surrounding aesthetics are discussed in Section 4.1, *Aesthetics and Visual Resources*. Additionally, land-use impacts associated with the conversion of agricultural lands at the Project site are discussed in Impact LU-1.

Comment Response 48-5: Comment noted. Refer to Comment Response 21-5.

Comment Response 48-6: Comment noted. Potential impacts associated with RVs are described in for a number of resources areas including Section 4.1, *Aesthetics and Visual Resources*, Section 4.9, *Land Use*, Section 4.10, *Noise*, Section 4.11, *Recreation*, and Section 4.12, *Transportation and Traffic*, among other areas of the EIR.

May 2, 2015



County Planner, John Ford

Dear Mr. Ford,

My wife and I own a home located at 7054 Valley Greens Circle, Carmel, CA 93923. We live in the Quail Lodge neighborhood and we will be directly impacted by the proposed Canine Sports Center nearby.

My wife and I strongly oppose the project and do not want to have any project whatsoever in that area. Please consider our requests to deny any proposed project, events, RV parking, overnight parking. We want none of these things.

49-1

Thank you.

A handwritten signature in cursive script, appearing to read "Alan J. Goldman and Sandra Goldman".

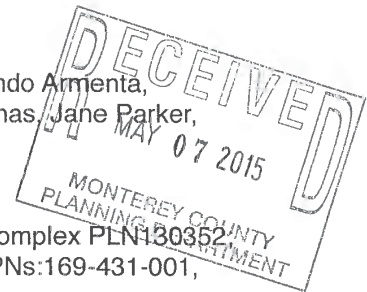
Alan J. Goldman and Sandra Goldman

Comment 49, Mr. Alan J. Goldman and Sandra Goldman

Comment Response 49-1: Commenter opposes the proposed Project and does not want any project in the area. Comment noted. Impacts associated with the No-Project Alternative are described in Section 7.6.3, *No-Project Alternative*.

To John Ford
Monterey County Planning Department
168 W Alisal Street, 2nd floor
Salinas, CA, 93901

cc County Supervisors, Fernando Armenta,
John M Phillips, Simon Salinas, Jane Parker,
and Dave Potter



Comments on DEIR for Wolter Properties (Carmel Canine Sports Center Complex PLN 130352 SCH# 2013121077) located at 8100 Valley Greens Drive, Carmel Valley APNs:169-431-001, 002,- 003,- 006.- 007,- 008,- 011, and -012

Dear Mr Ford,

We are local concerned and affected residents. Our home is located about 150 yards from the only entrance to the proposed Canine Sports Center facility.

The most important issue addressed in the draft EIR is the local road and traffic situation which is not adequate to allow access to the facility for events which require up to 70 RVS on the site. There is no way to mitigate or otherwise make such access feasible without major changes to the local traffic and access road situation which includes turns from Carmel Valley Road onto Valley greens Drive as well as the access to Carmel Valley road from Highway 1 and Highway 1 itself. Highway 1 is already beyond its capacity on most afternoons during the periods when the participants RV's would have to arrive the day before scheduled events (up to 25 event days per year requested). All south bound traffic including tourist access to the Mission. Pt Lobos, Big Sur and beyond must use Highway 1.

50-1

Access to the site by up to 70 RV's, (most towing automobiles, to allow the event participants to get in and out of the facility separately during the event days) exceeds the capacity of the existing access roads and local traffic conditions.

An additional issue not addressed by the Canine Event Center DEIR but does affect local residents is control of on site parking required for event participants, event spectators, and dog product vendors required to financially support the events. We do not believe the Canine facility operators can prevent these outsiders from parking on the neighborhood streets which are County Roads.

50-2

In any case, the presence of multiple RV's parked overnight on the site during Canine Events constitute temporary RV Parks in night lighting and other County requirements that are not compatible with the site location in a residential neighborhood. Moreover, sponsoring or operating such Canine events by the Centers owners constitute a business which can not be defined as 'Farming' under the conditions of the use permit requested.

50-3

Please register our strong opposition to the use of this proposed Canine Sports Facility for any such multiple event use which will disturb our quiet residential neighborhood.

Sincerely,

Bruce Meyer and Valda Cotsworth
8079 Lake Place, Carmel CA, 93923
May 5, 2015

Comment 50, Mr. Bruce Meyer and Valda Cotsworth

Comment Response 50-1: Comment noted. Refer to Comment Response 38-1.

Comment Response 50-2: Comment noted. Refer to Comment Response 47-5.

Comment Response 50-3: Comment noted. As described in Section 4.9, *Land Use and Planning*, 4.11, *Recreation*, and Chapter 5, *Consistency with Plans and Policies*, the proposed Project would be consistent with the existing land use designation at the Project site as well as the surrounding vicinity.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Wednesday, May 13, 2015 2:36 PM
To: Mack, David x5096
Subject: FW: PLN130352 Carmel Canine Sports Center Comments to the Draft Environmental Impact Report

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Jane Lundy [mailto:richardlundy@comcast.net]
Sent: Tuesday, May 12, 2015 8:37 PM
To: Bob Brower; Ford, John H. x5158; 100-District 3 (831) 385-8333; 100-District 2 (831) 755-5022; 100-District 1 (831) 647-7991; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Cc: Summer Emmons
Subject: PLN130352 Carmel Canine Sports Center Comments to the Draft Environmental Impact Report

To Who It May Concern:

This is a plea to please approve the Carmel Canine Sports Center. Where else on the Peninsula can a dog owner find a safe, legal place to exercise and work his dog off leash? Yes, one can go to the Carmel Beach or Garland Park but as dog walkers there are not always terribly aware of their dogs' activities or have their dogs under control, it is not a safe, comfortable place to walk many dogs. The usage and access at the Carmel Canine Sports Center will be carefully monitored, offering an excellent and convenient place for dog walking and/or training . At present, there are far too few safe and legal areas for dog walking.

51-1

Additionally, when approved, The Carmel Canine Sports Center will provide a local venue for dog trial (rally, agility herding, etc.) so the any local owners will not need to travel an hour or more to compete. Local owners and participants also mean fewer overnight trailers and people who are familiar with the access to the location.

51-2

After serious consideration, Carmel Canine Sports Center deserves your approval.

Thank you,

Jane Lundy

Comment 51, Ms. Jane Lundy

Comment Response 51-1: Commenter is in support of the proposed Project and feels it will provide a safe, legal place to exercise and work his dog. Comment noted. The availability of recreational opportunities within the Carmel Valley are described in Section 4.11, *Recreation*.

Comment Response 51-2: Commenter believes the proposed Project will provide a local venue for dog related activities, which will reduce the need to travel out of the area to complete. Comment noted.

Dear John Ford,
County Planner

I am writing in support of the Carmel Canine Sports center. The EIR indicates some key issues that have been voiced by a vocal opposition. I will be addressing traffic, noise and retention of agricultural resources.

Traffic

The maximum car trips on Carmel Valley road indicated in the EIR is 247 including staff and patrons. This number implies that each trip on CV road would be the sole purpose of visiting CCSC. This does not include:

1. Visits may be combined with other trips on Carmel Valley road for shopping visiting eating establishment or other business off CV road.
2. The overall impact to Monterey county roads may be diminished as the CCSC provides facilities that currently canine sports enthusiast are traveling greater distances on Hwy 1 and 68 to reach equivalent facilities.
3. All trips to the CCSC will require travel on CV road. I have met many individuals that wish to have this facility approved and plan to use it regularly that live in Quail Meadows and the Preserve. None of these visits will require a trip on CV road.
4. RV traffic will cause a safety hazard on entering and leaving CV road.

52-1

52-2

I noted that the types of events listed have only one event that may have the maximum of 70 RV. This is an Agility Special event. I have competed in the North West Agility regional in multiple times. This event brings competitors from all the western states and southern Ca. The number of campers has been steady around 50. Not all have a RV. 30% camp out of a regular van/car and bring a tent. This area is cool so generators are not needed the battery on the RV provided power needs.

I have seen more traffic in CV village each weekend at the wine tasting and certainly a huge impact on traffic from the Concourse at Quail each year that last a week with large trucks on CV road.

Noise

Opponents to this project indicate public address systems will cause disturbance in the neighborhood. At large Agility events these are used only briefly during the morning and the participants gather in a central location for the briefing and for a few specific periods during the day. Small events do not use a public address system at all during the briefings. Prevailing winds move west to east minimizing the sounds for the Quail residents.

52-3

Currently the regular use of gas blowers at Quail golf course and Lodge exceed any noise from RV or barking dogs. I believe the Concourse and golf fundraisers also use loud speakers for their events.

Agricultural resources

Carmel Valley Master Plan 4.2.2 indicates the rural agricultural nature should be encouraged. The activity planned for CCSC retention of open space meets this goal.

Monterey county code 16.40.020 indicate all attempts to prevent loss of agricultural resources should be made before the land is developed for other purpose.

52-4

Open land used for outdoor activity ie, sheep herding, open grassland, trails Is preferable to permanent housing. The development of expensive residential is not without its own permanent impact on the traffic, views and use of county resources. All of these would have staff and require road trips on Carmel Valley road daily

I consider the CCSC consistent with the goals of the CV Master Plan to retain the rural character and open space.

Sincerely

Roberta Troxell
27 Flight Rd
Carmel Valley

Comment 52, Ms. Roberta Troxell

Comment Response 52-1: Comment noted. For trip generation estimates refer to Comment Response 21-2. Trip generation estimates were determined in consultation with the County Traffic Engineer to be conservative to account for reasonably foreseeable traffic associated with the proposed Project consistent with CEQA Guidelines.

Comment Response 52-2: Comment noted. As described in Section 2.4.3.3, *Events* the proposed Project would allow for up to 70 RVs to be parked on the Project site overnight. Consequently, trip generation estimates included a conservative estimate that assumed maximum attendance at special events.

Comment Response 52-3: Comment noted. Refer to Comment Response 44-2.

Comment Response 52-4: Comment noted. Potential impacts to land use are addressed in Section 4.9, *Land Use and Planning* and policy consistency is address in Chapter 5, *Consistency with Plans and Policies*. The EIR has found the proposed Project is consistent with the designated LDR land use (see Impact LU-1). As described in Impact AG-2, the proposed Project would maintain over 32 acres of the Project site as irrigated fields. Further, the proposed Project would not constitute a permanent conversion of agricultural lands and would protect the long-term viability of the Project site for agricultural operations.

Joel & Dena Gambord
 PO Box 222940
 Carmel, CA

County Supervisor Dave Potter
 Monterey Courthouse
 1200 Aguajito Rd, Suite 1
 Monterey, CA 93940

Dear Supervisor Potter

It isn't often a development proposal comes before you that has such universal community interest and support. The Carmel Canine Sports Center has my support and many of my friends who live in this community. I hope you will look beyond the spurious and selfish complaints of those who "have theirs, and want no one else to enjoy the same thing"

Surely there of those who are opposed to the project for various reasons, some are valid and most are not. Without a doubt the old cliché NIMBY is in play here. Generally speaking, most people are opposed to change, of any kind. Change involves the unknown. The unknown can be frightening to many people. But, this is no reason to deny your approval of this well thought out and valuable addition to our dog loving community.

The opposition to the project have to a large degree been disingenuous about the facts. For example, the opposition has claimed that 24 weekends a year there will be large events, when the truth is that it is only 24 days a year will host activities to non-members - this is a large difference. The opposition has failed to recognize the limitations on the number in attendance, the strict control of noise from generators and loud speakers put forward by the developers themselves who recognizes the privacy and ambiance of the neighbors needs to be considered and protected. The CCSC wants to be a good neighbor, and an accepted neighbor, in a neighborhood they know is special

53-1

53-2

You have the ability to exercise your good common sense to the DEIR. When the EIR talks about dogs in the Carmel river potentially polluting the water, all one has to do is look upstream to Garland Park where I've taken my dogs a number of time to swim in the river off lease. There's no reason CCSC should be held to a different standard then our own local park.

53-3

I urge you to support this project because it is a worthwhile addition to our community. You have the ability to address the neighbors concerns by attaching reasonable conditions to the use permit. This is what good planning is all about.

Sincerely Yours

Joel & Dena Gambord

Comment 53, Mr. Joel and Dena Gambord

Comment Response 53-1: Comment noted. A detailed description of the proposed special events has been provided in Section 2.4.3.3, *Events*. The proposed CCSC would host up to 24 days of events throughout the year, with events typically occurring over a three-day weekend on Friday, Saturday, and Sunday. Consequently, events would generally occur over 8 weekends annually.

Comment Response 53-2: Comment noted. Applicant-committed event restrictions are described in Section 2.4.3.3, *Events*. Additional mitigations are included in the EIR to further reduce the impact of the special events and other impacts associated with the proposed Project (e.g., MM NOI-3 as well as MM TRANS-3).

Comment Response 53-3: Comment noted. Refer to Comment Response 21-5.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Wednesday, May 13, 2015 3:40 PM
To: Mack, David x5096
Subject: FW: PLN130352 Carmel Canine Sports Center

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

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<https://aca.accela.com/monterey/Default.aspx>

From: Daniel Matuszewski [mailto:dcmatuszewski@aol.com]
Sent: Wednesday, May 13, 2015 3:33 PM
To: Ford, John H. x5158
Cc: Daniel Matuszewski; 100-District 5 (831) 647-7755; 100-District 4 (831) 883-7570; 100-District 3 (831) 385-8333; 100-District 2 (831) 755-5022; 100-District 1 (831) 647-7991
Subject: PLN130352 Carmel Canine Sports Center

Comments on the Draft Environmental Impact Report

1. The EIR continues to ignore the fact that the property in question is zoned low-density residential. If the projected CCSC is permitted to open, it immediately would become a commercial operation, violating the existing zoning: a large intrusive commercial footprint in a quiet residential neighborhood. Why is that zoning issue continually ignored?

2. Does the EIR not understand that such a violation of the current zoning regulation would amount to a neighborhood-busting departure? The EIR suggests a “temporary modification” of the current legal zoning.

3. What can such a “temporary modification” for 10 years (!) possibly mean except a de facto violation of existing zoning? Such manipulation of terms makes nonsense out of the whole system of zoning regulations. Why bother with regulations if you can turn them upside down on a whim?

54-1

4. How would such a “modification” not jeopardize the security of 300-plus surrounding homesteads and their ability to enjoy the quiet use of their residential properties?

54-1
cont.

5. Over 400 local residents organized as the Friends of Quail, and over 600 members of the local Carmel Valley Association, have expressed their vigorous and principled objection to the construction of such an intrusive commercial operation, yet the EIR virtually ignores their existence completely. When a homeowner is required to put up orange tape to signal a possible minor modification of his existing residence, why does the EIR allow the developer to plunge ahead with a major 43-acre zoning transformation while totally ignoring the principled concerns of existing neighbors?

54-2

6. How would the massive new traffic congestion generated on a daily basis, much less by projected special events traffic with oversized RV vehicles, possibly be “mitigated”? Did the EIR staff actually drive the impossibly narrow Rancho San Carlos bridge to ascertain how dangerous that choke point is?

54-3

7. How does the EIR possibly intend that “mitigation” be monitored on the turn off of Carmel Valley Road onto the already busy and overloaded Valley Greens Road access to the projected narrow access gate to the center? With no stoplight, and no expanded turn lanes or roundabout, any projected “mitigation” is absurd and an inexplicable concession to the developer.

54-4

8. All other zoning, water, environmental, noise, and other violations aside, the traffic issue is paramount, and cannot possibly be mitigated. Here, as in the “temporary modification of zoning” for 10 years, why does the EIR suggest a grace period for the developer to attempt to resolve an already overloaded (by existing county standards) and unsustainable traffic bottleneck?

54-5

9. If current traffic at that juncture is overloaded, and new traffic would be “unavoidable” according to the EIR, why would the EIR allow such a project to go forward?

54-6

10. Why does the EIR seem to adopt the rhetoric of the developer and suggest that the facility would be a new recreational outlet in the Valley? In fact, such a facility would

54-7

represent a very large 43-acre commercial operation in size, but it would provide only a very small handful of actual jobs, bringing very little return or financial boost to the local economy. While ignoring the commercial reality of such an operation, why didn't the EIR consider the actual potential financial viability of such a venture?

54-7
cont.

11. While touting the recreational potential of such a new commercial venture, why does the EIR ignore the existence of a small private park that actually currently caters to canine owners and their pets within a mile of the projected development. At the junction of Rancho San Carlos Road and Valley Greens Road, there is an existing 3-4 acre open property that is actively used by dog owners and their pets on a daily basis. It is free, it is neighborhood-friendly, it is non-intrusive, and it is non-commercial. It has adequate existing parking, and, while belonging to other permissive owners, it continues to serve the canine community quietly and efficiently without neighborhood destruction or zoning violation. As with the major objections of an overwhelming number of immediate residents, why would the EIR ignore the existence of such a facility?

54-8

Comment 54, Mr. Daniel Matuszewski

Comment Response 54-1: Comment noted. Refer to Comment Response 52-4.

Comment Response 54-2: Comment noted. The purpose of the EIR prepared for the Project is to disclose potential environmental impacts which could result from implementation of the proposed Project, and to identify mitigation measures which may reduce those impacts as much as possible. The EIR process solicits comments from agencies with expertise in certain disciplines and also the public to insure that all relevant information is addressed. This information is then presented to the body responsible for making a decision on the project, in this case the Planning Commission.

Comment Response 54-3: Comment noted. Refer to Comment Responses 20-6 and 21-2.

Comment Response 54-4: Comment noted. The DEIR has evaluated the ability of this intersection to function, and it has been demonstrated through modeling that with the exception of on Friday P.M. peak hours during special events the intersection will function at an acceptable Level of Service. For those periods during special events when the intersection is not functioning at an acceptable level there would either be improvements made as part of the CVTIP or there would be monitors required to control the intersection operations.

Comment Response 54-5: Comment noted. Traffic is thoroughly addressed in DEIR Section 4.12 *Traffic and Transportation*. The impacts of the project are detailed in that section and there is no grace period to address the transportation impacts identified.

Comment Response 54-6: Comment noted. The EIR does not allow any project to go forward; the EIR simply identifies potential environmental impacts and evaluates the potential to mitigate those impacts. The EIR is a tool the decision makers will use to understand the impacts of the project and weigh the benefits and liabilities of the project.

Comment Response 54-7: Comment noted. The analysis of the financial viability of a project is outside the scope of an EIR.

Comment Response 54-8: Comment Noted. The EIR has evaluated the proposed project and evaluated feasible alternatives. These alternatives are related to the project objectives submitted by the Applicant. This project is not intended to be a public park, but a location where members can take their dogs for training in various skills.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Wednesday, May 13, 2015 5:19 PM
To: Mack, David x5096
Subject: FW: Carmel Canine Sports Center

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

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<https://aca.accela.com/monterey/Default.aspx>

-----Original Message-----

From: Mary Severson [mailto:gussierose@comcast.net]
Sent: Thursday, May 07, 2015 2:02 PM
To: Ford, John H. x5158
Subject: Carmel Canine Sports Center

Dear Mr. Ford,

I am entirely in favor of the suggested Sports Center, and support it intellectually and financially.

55-1

I drive by the turn almost every day, and would frequently add a stop to enjoy it with my dogs safely and privately.

I do not accept the idea that its presence would disrupt a quiet residential neighborhood. The occasional bark can be heard from any dog in the area.

55-2

The current use of the land with sheep, crops, fields, and garden is a delight to see and experience.

55-3

Carmel Canine Sports Center would, in my opinion, be a wonderful addition to Carmel Valley.

Sincerely,

Mary Severson

Comment 55, Ms. Mary Severson

Comment Response 55-1: Comment noted. For trip generation estimates refer to Comment Response 21-2.

Comment Response 55-2: Comment noted. Impacts to the noise environment associated with daily operations are summarized in Table 4.10-3. As described in Impact NOI-2, these impacts would be less than significant. Impacts associated with special event-related noise would be less than significant with the incorporation of MM NOI-3.

Comment Response 55-3: Comment noted. Impacts associated with visual resources are presented in Section 4.1, *Aesthetics and Visual Resources*.

**Re: PLN130352 Carmel Canine Sport Center
Comments to the Draft Environmental Impact Report**

Biological

MM Bio-4a. These mitigation measures require that dogs be on leashes at all times outside the food safety fence, require pamphlet distribution and prohibits canine use of the Carmel River. Pamphlet distribution and self-monitoring are unreliable mitigations, as evidenced by off leash dogs on the nature trail west of Rancho San Carlos, where leash requirements are posted. Over the last 2 years the applicants have posted 7 pictures of their dogs swimming in the river (see attachments 1-7, pictures from the CCSC Facebook page), touting this as a benefit of membership at CCSC, which indicates a willingness to allow dogs to be off leash and to swim in the river.

56-1

Other than the project owners, who will be responsible for monitoring the in the river activity? How often will that occur? What is the consequence of violation? How will compliance be assured?

Noise

MM No1-3. Requires a Special Event Management Plan. Regardless of a management plan, it is not possible that 250 attendees, with up to 300 dogs, will not cause noise interruptions to a round of golf. The training field at the project is adjacent to the tee boxes, the fairways and the greens on holes 12 and 13 of the golf course and across from the tee box and fairway on hole 14. Dog training and events include whistles, commands and amplified sound, which are all inconsistent with the golf course setting.

56-2

Who at the County will be monitoring complaints regarding noise and violations of arrival and departure timing? It appears that compliance will depend on community complaints and then only if the County acts on those complaints. Mitigation is based on annual review of complaints. Does this mean that it could be over a year before any complaints would be addressed?

Recreation

The EIR states that the project would provide an additional quasi-public recreation resource, thereby creating a beneficial effect on recreational resource availability and diversity.

All of Monterey County is a quasi dog park, most of which is free. Based on the handful of involved supporters of the project it appears that there aren't substantial numbers of locals who want to pay to train their dogs in agility and herding; and therefore, the need for events, which would attract

56-3

dog owners from around the country. How is that a beneficial recreational resource for locals?

56-3
cont.

Why didn't the EIR address the juxtaposition of this project with Quail Lodge and Quail Lodge Golf Course, a substantial existing business where their functions are inconsistent with each other and where the majority of use of the existing golf course is by locals?

56-4

Traffic

Why didn't the EIR study the event/RV traffic impacts to Hwy 156? Event attendees who arrive in RVs usually come from out of the area. The most reasonable route for those RVs to follow would be along Hwy 156 from Hwy 101 to Hwy 1 and then back out the same way. Weekend events would see up to 70 RV traveling west on Hwy 156 on Friday afternoons and evenings, and east on Sunday afternoons and evenings. This highway is impacted to such a degree that solutions such as toll roads are being discussed. It is only right that communities along that highway be given the information about traffic impacts, and that the applicants provide that information in the EIR.

56-5

MM Trnas-3a & 3b. Event traffic mitigation.

This mitigation relies on possible future changes. The RTIP *might* be amended. A traffic light or roundabout *could* be installed. An agreement with road holders *might* be arranged. A traffic attendant *could* be hired.

Why was there no mention of how difficult an amendment to the RTIP might be? Does Monterey County have the funds to install a traffic light or roundabout at the intersection of Carmel Valley Road and Valley Greens Drive? Is it possible for that to occur under the Carmel Valley Master Plan? What level of traffic disruption to the flow of traffic in and out of Carmel Valley would occur during that construction? Would the expense and disruption be warranted for a commercial enterprise of this nature, where the most benefit goes to out of the area dog owners? How far in the future would this occur and would approval for the project be on hold until completion?

56-6

Is it possible for the applicant to work out an arrangement with the road holders of Rancho San Carlos and the west end of Valley Greens Drive when there is nearly universal opposition to the project by those road holders?

Aren't the actions of a traffic monitor the same as a traffic light, and doesn't that violate the Carmel Valley Master Plan? What level of disruption to the flow of traffic would occur if a traffic monitor were stopping traffic on Carmel Valley Road for the project's traffic to exit? Who at the County would ensure that the monitor was hired? Would additional

56-7

traffic monitors be required to keep exiting drivers who don't want to wait in the queue at Valley Greens Drive and Carmel Valley Road from exiting via the parking lot at Valley Hills Shopping Center? How would that effect the businesses in the shopping center?

56-7
cont.

The EIR didn't mention maintenance of Valley Greens Drive and impacts to that road from the project's daily and event traffic, especially the RV traffic. Why didn't the EIR identify the legal entrance to the project property, which isn't 8100 Valley Greens Drive? Access to the property from Valley Greens Drive is via an easement, and as such the property owner has never contributed to the CSA funds that go toward maintaining area roads (see attachment 8, CSA-25 map). It is highly unfair that a community that is nearly unanimous in it's opposition to the project would have to pay to repair damage caused by the increase in traffic, particularly RV traffic. How would that be mitigated?

56-8

Alternatives

Alternative 1—No overnight RV parking/camping

This is the least desirable alternative. With the cumulative effect of traffic rated significant and unavoidable it is impossible to see how this would not increase traffic with the entrance and exit of RVs at the end and beginning of each day. Where would the RVs park when they are off site? How would that impact Carmel Valley Road and Hwy 1?

56-9

Alternative 2—No RVs and no events

This alternative does nothing to mitigate the significant and unavoidable impact of daily traffic. Nor does it mitigate the negative effects of dog training on the golf course. Increased traffic from daily project traffic creates a safety issue at the 3 places where golfers cross Valley Greens Drive during a game of golf. Non-members who visit the Golf Course must park across from the Club and cross Valley Greens Drive to get to the club. That wasn't addressed in the EIR. Nor was the school bus pick up and drop off of children on Valley Greens drive. Those children cross Valley Greens Drive twice a day during the week.

56-10

Alternative 3—No project

This is the only alternative that has no cumulative effect on traffic, doesn't put golfers or school children at risk, doesn't endanger the huge investment that Quail Lodge & Golf Club has made in the community, doesn't add to the degradation of Valley Greens Drive, doesn't put additional stress on the narrow bridge on Rancho San Carlos and doesn't rely on assumptions of future improvements to mitigate cumulative traffic effects.

56-11

It is not a community's responsibility to reach a project's objectives. The Quail Lodge community is heavily "evented" and the negative impacts of more events is troubling. The EIR bases the on site mitigations on self-monitoring. On the ground observations over the last 2 years show that there has been a shocking disregard for process by the applicants; therefore, self-monitoring should not be a considered mitigation. The remaining mitigations are based on assumptions of future improvements and agreements, some or all of which may never occur. Taken together the mitigations are not effective enough to outweigh the cumulative impacts, leaving alternative 3-No Project as the only effective alternative.

56-12

**Jain L. Farnsworth
7076 Valley Greens Circle
Carmel, CA 93923
831-250-7030
farnworth@comcast.net**

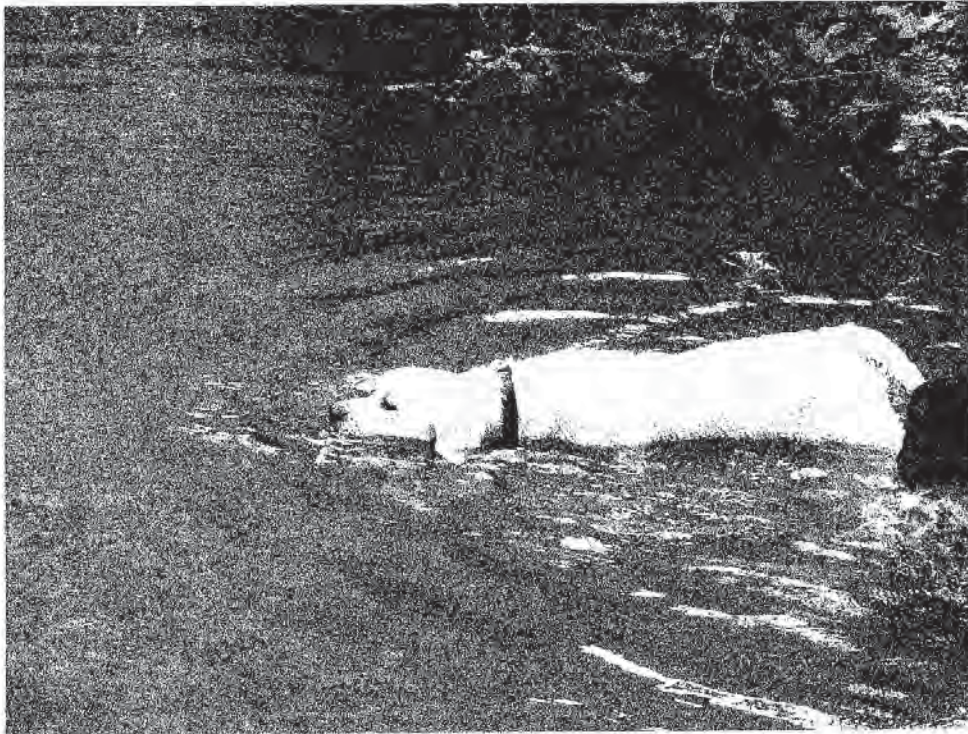
Attachments 1-8

(10) Carmel Canine Sports Center

<https://www.facebook.com/CarmelCanineSportsCenter/photos/a.31...>

Attachment 1

August 21, 2012



Carmel Canine Sports Center
 August 21, 2012

After a long, hot day, the best way to cool down is to take a walk in the park. We are planning on monitoring the dogs to make sure they are safe and healthy. Let us know if you see any dogs that are acting strangely.

You can help by taking pictures of the dogs and posting them on Facebook. We will be looking for photos of dogs that are acting strangely.

Like · Comment · Share

3 Comments · 1 Like

Write a comment...

Share this photo on Facebook

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Share this photo on Email

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(10) Carmel Canine Sports Center

<https://www.facebook.com/CarmelCanineSportsCenter/photos/ms.c...>

Attachment 2

April 15, 2013




CARMEI Carmel Canine Sports Center
CARINE April 15, 2013 ·
SPORTS CENTER

Pivalfrent colles

Like · Comment · Share

5 people like this.

 Write a comment...

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Create Ad

Shop Birch Lane
Make yourself at home! Shop Nightstands at Birch Lane
182,704 people like this

Save at Wayfair
Up to 70% off everything home
166,742 people like this

(10) Carmel Canine Sports Center

<https://www.facebook.com/CarmelCanineSportsCenter/photos/a.31...>

Attachment 4

March 18, 2014



 County Canine Sports Center
 March 18, 2014 ·
 1,234 likes · 56 comments

Here's a photo of the new dog in the park. It's a very nice dog and it's very friendly. It's a very nice dog and it's very friendly.

Like · Comment · Share

County Canine Sports Center · March 18, 2014 · 1,234 likes · 56 comments

Great photo! The dog is very nice and it's very friendly.

Reply · Like · Comment · Share

Great photo! The dog is very nice and it's very friendly.

Reply · Like · Comment · Share

Great photo! The dog is very nice and it's very friendly.

Reply · Like · Comment · Share

(10) Carmel Canine Sports Center

<https://www.facebook.com/CarmelCanineSportsCenter/photos/pcb....>

Attachment 5

May 15, 2014



Carmel Canine Sports Center
May 15, 2014

Like Comment Share

David's the Dog

Like Comment...

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Chris A.

Erin Black Line
I'm glad to be a part of Carmel Canine Sports Center. I'm
here.

100% people like this.

Erin Black Line
I'm glad to be a part of Carmel Canine Sports Center. I'm
here.

100% people like this.

(10) Carmel Canine Sports Center

<https://www.facebook.com/CarmelCanineSportsCenter/photos/ms.c...>

Attachment 6


February 2, 2015



CARME
CANINE
SPORTS
CENTER Carmel Canine Sports Center
February 2 -

At Carmel Canine Sports Center.

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Create Ad

Shop Birch Lane
Make yourself at home! Shop Nightstands at Birch Lane
182,702 people like this

Save at Wayfair
Up to 70% off everything home
166,744 people like this

(10) Carmel Canine Sports Center

<https://www.facebook.com/CarmelCanineSportsCenter/photos/ms.c...>

Attachment 7

February 2, 2015




CARME
CANINE
SPORTS
CENTER Carmel Canine Sports Center
February 2

At Carmel Canine Sports Center.

Like · Comment · Share

Peter Sako likes this

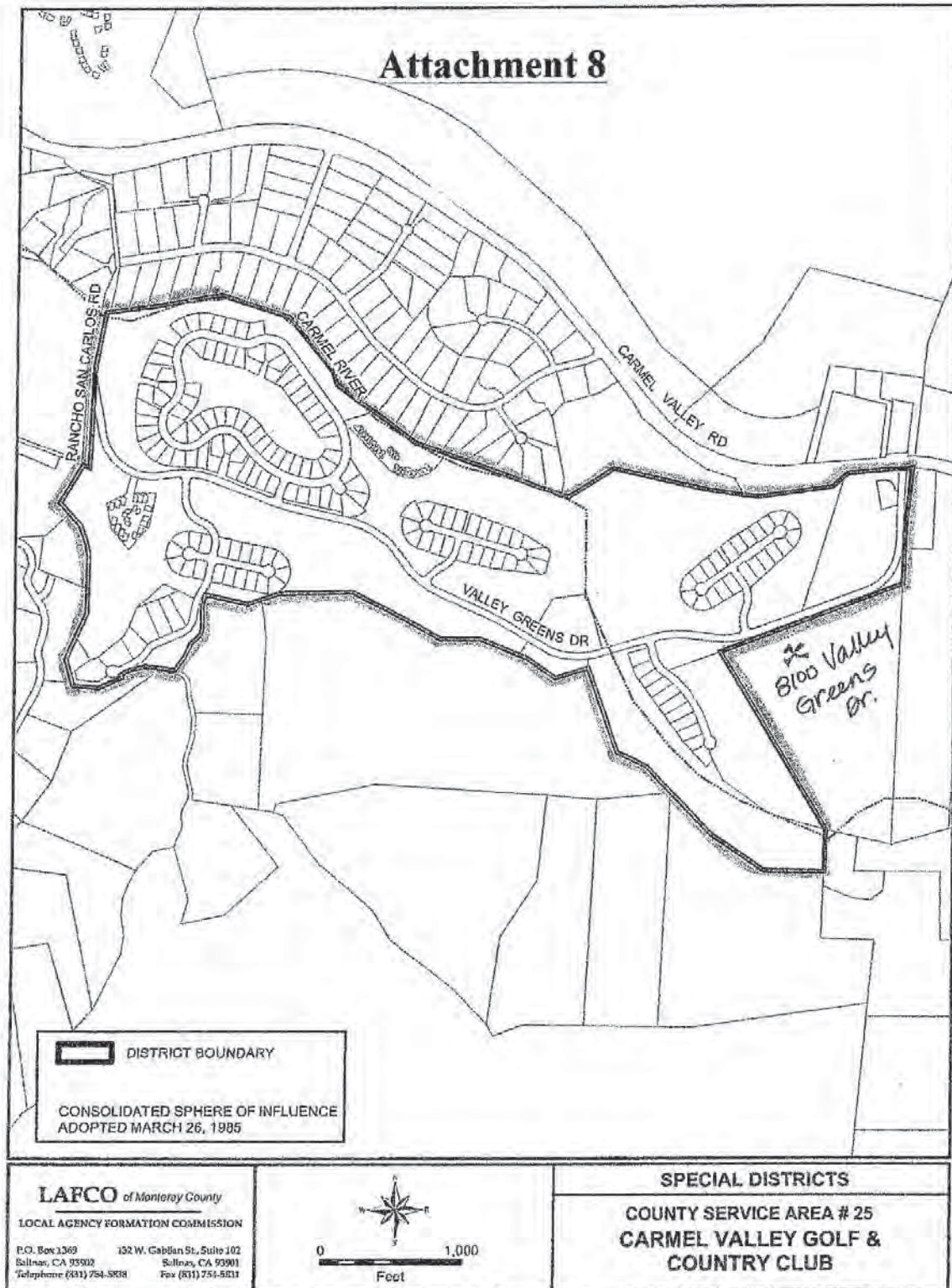
 Write a comment...

Sponsored

Create Ad

Shop Birch Lane
Make yourself at home! Shop Dining Tables at Birch
Lane
162,701 people like this

Dining Tables
Great deals on Dining Tables and more at Wayfair!
166,740 people like this



Comment 56, Ms. Jain L. Farnsworth

Comment Response 56-1: Comment noted. Refer to Comment Response 46-6 regarding to permit compliance requirements and the County's enforcement process. MM BIO-4a, -4b, and -4c would be required as a condition of approval. Additionally, these mitigation measures require close coordination with the Monterey County, CDFW, and MPWMD, including semi-annual and annual reporting. Should violations be observed or should adaptive management triggers be reached it would be the responsibility of Monterey County to enforce compliance with regard to these mitigations.

Comment Response 56-2: Comment noted. Refer to Comment Response 44-2. MM NOI-3 requires annual review of the Special Event Management Plan; however, noise complaints could also be filed with Monterey County under Ordinance No. 5250, which requires that nighttime noise be kept below a 65 dBA maximum. These complaints would be considered during the annual review of the Special Event Management Plan. The County would retain the ability to modify the conditions in the plan to address any concerns or non-performance issues that may arise. This would potentially include, but not be limited to, a reduction in the number of events, restrictions on attendance at events, and a reduction in the time period allowed for amplified sound or RV generator use.

Comment Response 56-3: Comment noted. Please refer to Impact REC-2. Within the vicinity of the proposed Project, there are 10 County-identified public recreation areas that permit dogs on a leash, of these, three are small city squares in the City of Carmel with small amounts of recreation space. The proposed Project would provide a recreational resource for dog owners to train and exercise their dogs in an enclosed outdoor facility not otherwise available within the County.

Comment Response 56-4: Comment noted. The proximity of the Quail Lodge and Quail Lodge & Golf Club was assessed in the EIR over a number of resource areas. Please refer to Impact LU-1.

Comment Response 56-5: Comment noted. Per direction from the County Traffic Engineer, Highway 156 is sufficiently far from the site that it would be difficult to estimate or model the impact of the project. Improvements to roads such as Highway 156 are recognized to be impacted by cumulative traffic and for that reason improvements to that roadway are included in the Regional Transportation Impact Fee.

Comment Response 56-6: Comment noted. MM TRANS-3 presents a menu of options for mitigating the potential impacts associated with intersection operations at Carmel Valley Road and Valley Greens Drive. Improvements to Carmel Valley Road are actually covered under the Carmel Valley Transportation Improvement Plan (separate from the Regional Transportation Improvement Plan). Work to date on the CVTIP has looked at improvements to the intersection of Carmel Valley Road and Valley Greens Drive but an improvement at this location has not been adopted as part of the CVTIP. Until the CVTIP is amended, the Applicant shall *either* seek agreements with private road holders or provide County-approved and licensed traffic monitors during special events. If the CVTIP is modified and an improvement is made to this intersection then the impact would be less than significant.

Comment Response 56-7: Comment noted. The proposed Project would be consistent with the Carmel Valley Master Plan as described in Table 5-1, Chapter 5, *Consistency with Plans and Policies*. County-approved traffic monitors would help direct traffic, but would be able to do so with more precision and efficiency than a traffic light. The County-approved licensed traffic monitors would be present for the duration of the special events (i.e., Friday evenings). This impact is not a continuous impact and does not warrant a permanent improvement; however, a permanent improvement (traffic light or round about) would adequately address the impact. As described in the Plan Requirements and Timing for MM TRANS-3 the Applicant shall demonstrate to the County that County-approved licensed traffic monitors have been secured at least one week prior to the date of a special event at the Project site. An

encroachment permit will be required and the encroachment permit will require that that the traffic monitors are approved by the California Highway Patrol.

Comment Response 56-8: Comment noted. The County has confirmed that access to the property is legal as shown on the proposed site plan. The amount of traffic generated by this use is not expected to have an a significantly adverse effect and thus no impact was identified.

Comment Response 56-9: Comment noted. As described in Section 7.6.1.1, *Effect of Alternative on Resource Areas* this alternative would result in the potential for greater overall impacts to traffic as it would require RVs, event trailers, and vendors to enter and exit the site at the beginning and end of each event day. Additionally, the prohibition of overnight RV parking/camping would potentially result in event patrons needing to use RV parking/camping areas at nearby parks. This could increase demand during weekends when these facilities are already largely operating at capacity. As described in Section 2.4.3.3, *Events* CCSC supports the restriction of parking on Valley Greens Drive, including creation of a “No Parking” zone the length of Valley Greens Drive. With regard to overnight RV parking along Valley Greens Drive, camping is prohibited on public property per Monterey County Code 14.18.020, which states that no person shall camp between the hours of 6:00 P.M. and 6:00 A.M. on any public road or public property, except when the public property is expressly designated and posted for overnight stay. While event attendees may choose to park along Valley Greens Drive under this alternative, their vehicles would be subject to citation and removal.

Comment Response 56-10: Comment noted. Alternative 2 would have identical impacts to the proposed Project during daily operations; however, it would eliminate potential transportation-related issues associated with the proposed special events. Implementation of this alternative would not reduce daily traffic; it would eliminate the transportation-related impacts resulting from the proposed special operations. Similarly, this alternative would eliminate noise associated with the proposed special events. Further, Alternative 2 would still accomplish the majority of the Project objectives.

Comment Response 56-11: Comment noted. For a complete description of impacts associated with the No-Project Alternative please refer to Section 7.6.3.1, *Effect of Alternative on Resource Area*.

Comment Response 56-12: Comment noted. Refer to Comment Response 46-6 regarding to permit compliance requirements and the County’s enforcement process.

Penelope A. Jones 1215 Sylvan Road Monterey, California 93940

May 14, 2015

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

PLN 130352 CARMEL CANINE SPORTS CENTER – COMMENTS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Ford,

I think that the Carmel Canine Sports Center is a wonderful idea for the dedicated dog owners on the Monterey Peninsula.

We need a safe and legal place to exercise and train our dogs. I drive to dog training classes two nights a week. I do errands in the Carmel Valley once a week and could easily combine dog exercise/training with my errands. This would not create any extra traffic.

57-1

I regularly participate in performance dog events (obedience and rally trials). These events are limited in the number of dogs that may be judged in a given time period. I don't believe that such events at CCCS would generate huge, road clogging amounts traffic on the Carmel Valley Road. The majority of the people I compete with drive regular cars or SUVs – not motor homes – and have one or two dogs.

57-2

I no longer walk my dogs on the Carmel Beach due to safety issues – human and canine, nor do I go to public dog parks because there are too many unsupervised and untrained dogs handled by people who do not have a background in dog training or dog supervision.

I look forward to being able to attend small seminars and clinics at CCCS taught by some of the top dog trainers in the country who are located in this area. Local dog breed clubs could hold an occasional meeting at CCCS combined with a walk over a fenced, safe property for their dogs (a real treat for dogs that usually have only small yards and on-leash walks for exercise), and a picnic on the lawn.

57-3

Please support the Carmel Canine Sports Center!


Penelope A. Jones

Comment 57, Ms. Penelope A. Jones

Comment Response 57-1: Comment noted. The proposed Project would provide a beneficial effect on recreational resource availability and diversity (refer to Impact REC-2). For trip generation estimates refer to Comment Response 21-2.

Comment Response 57-2: Comment noted. For a description of transportation and traffic related impacts, refer to Section 4.12, *Transportation and Traffic*. The proposed Project would allow for a maximum of up to 70 RVs camped overnight during special events, therefore the Transportation Impact Study and the EIR conservatively estimated full RV attendance during special events per CEQA Guidelines.

Comment Response 57-3: Comment noted. Please refer to Comment Response 57-1.

Monterey County Resource Management Agency – Planning Department
168 W. Alisal Street, 2nd Floor, Salinas, CA 93901
(831) 755-5025
www.co.monterey.ca.us/rma

Attention: Carl P. Holm, AICP, Acting Director
Direct phone: 755-5103
holmcp@co.monterey.ca.us

RE: Martha Diehl Dog Park
PLN130352

**Our comments on the EIR Draft
May 14, 2015**

http://www.co.monterey.ca.us/planning/major/Carmel_Canine_Sports_Center/Deir_040115/Deir_PLN130352_040115.htm

Who we are

We are the owners of a 20acre parcel within 200 feet of the proposed commercial Dog Park. Our residence is on the hillside, overlooking the Wolter's 48acre property.

In January of 2014, at the Carmel Valley Land Use Advisory Committee meeting at the Lutheran Church, we made the following public comments:

"In most neighborhoods, sound is strictly regulated. Automobiles, chain saws, lawn mowers and airplanes are all subject to measurable sound restrictions. Noisemakers must be in compliance with codes. Barking dogs are noisemakers and should be likewise regulated. The Monterey Parks District already refuses to issue a camping permit when it appears that there will be more than two dogs per campsite. (14.12.110) And that is in a designated park. Our neighborhood should be at least as quiet as our County parks."

On December 27, 2014, we sent written comments to Carl P. Holm, AICP, Acting Director.

We have read the Draft EIR and respectfully submit the following comments and suggestions:

Line 3: Applicant is asking for spaces for 70 RVs. This, by the way, is more than the combined number of spaces of the legitimate Carmel-by-the-River RV Park and Saddle Mt. RV park combined. How many cars will be allowed additionally?

58-1

For us, the biggest issue is the sound of barking dogs. Will there be a limit to the number of dogs allowed in the park at one time?

58-2

For example, the Monterey Parks District already refuses to issue a camping permit when it appears that there will be more than two dogs per campsite. (14.12.110) Not counting the dogs in cars or walk-ins, 2 dogs per RV would be a minimum of 140 dogs in our quiet neighborhood at one time. That is a lot of dogs. That could be a lot of barking.

58-3

Line 25: If “socializing of dogs” means barking, the Wolter’s property would not be an appropriate location for dogs to exercise, train, and socialize because it is in an established private residential area.

58-4

Lines 28-29: Applicant is proposing a “Supporting infrastructure improvements would be temporary and would include a modular clubhouse, small modular office, modular restroom, and a small storage building, as well as an on-site septic system.” “Modular” does not refer to size. After all, the Salina High school filled the downtown with modular classrooms. A total, not to exceed - square footage should be specified. It sounds like at least 200 guests could be using the toilet facilities, all on a new septic infrastructure. A Cal Am well is at the corner of the Wolter’s property. Will this affect the quality of their water?

58-5

Lines 31-32: The Project site along the Carmel River outside the existing fence for picnic areas and walking pathways for general exercise, walking, and play areas is within 500 feet of our home. We can hear conversations of Applicant Martha Diehl’s husband and their dog from our deck. If dog training involves anything more than silent commands, (like hand gestures) we would hear them. Voice commands would not be appropriate on this property.

58-6

Impact BIO-6. “The operation of the proposed Project site as well as the associated noise generated at the Project site would potentially adversely affect the use of the Carmel River as a riparian wildlife corridor.” The Applicant says no mitigation measures are required. Maybe birds don’t care, but people do.

The noise of barking dogs would adversely affect human lives who use the riparian wildlife corridor. Aren’t human lives as important as those of wildlife?

Impacts of NOI-1-3: “Daily operational noise associated with the Project would not result in a substantial **permanent** increase in ambient noise levels in the project vicinity.” Therefore, the Applicant says, no mitigation measures are required.

58-7

Whether permanent or temporary, the sound of barking dogs and the commands

of their instructors would be unacceptable in our neighborhood.

58-7
cont.

Applicant never addresses mitigating the sound from barking dogs

“Operation of large outdoor events would result in a substantial temporary or periodic increases in ambient noise levels in the Project vicinity.” The Applicant discusses hours of operation and allowable noise levels of RVs, but never mentions the sound of barking dogs as requiring mitigation measures.

58-8

How loud is a dog bark?

Existing Monterey Statutes also “determined that noises exceeding eighty-five (85) dbA measured fifty (50) feet therefrom impairs hearing, impedes convalescence, hinders concentrated mental effort, interferes with relaxation and sleep, depreciates property values, and causes stress and nervous tension and consequent irritability, insomnia, accident proneness, and, cardiovascular diseases. (Section 10.60.010)

58-9

It is generally acknowledged that a dog's bark is between 60 and 110 decibels. Are two dogs louder than one? Are a hundred dogs louder? Has anybody in the County tested to determine the actual sound levels of that many barking dogs?

Do we have the trained personnel and equipment to test for noise compliance?

58-10

Existing Monterey Statutes say it shall be unlawful for any person to keep, maintain, or permit on any lot or parcel of land, any dogs, cats, household pets, or any other animal which by any sound or cry shall disturb the peace and comfort of any neighborhood. (Section 8.36.010) This is exactly what would happen here.

58-11

Disturbing the peace and comfort of our neighborhood with the sound of barking dogs is already unlawful. This fact alone should be enough to deny the operation of any commercial enterprise that permits barking dogs.

A cacophony of barking dogs

At night, a dog is likely to need to go out and take care of business. How will the peace and comfort of our neighborhood be maintained if another dog (or two or 20) have been let out at the same time?

58-12

When one dog barks, other dogs bark. We see no way of stopping this, other than requiring muzzles.

Section 8.36.010 is very clear about the penalties for anyone not in compliance. Violators must be identified and suffer penalties. Who in the County will be equipped to actually measure the sound of barking dogs to determine if they are

58-13

in compliance? Who will have the responsibility to enforce compliance? Who would be liable for paying any fines? Who would be responsible for the property losses referred to in Section 10.60.010? Mitigation ought to include a “Sinking Fund”, funded by the land owner and Applicant Business Owner. Such monies could be used to train and equip those who will enforce County sound ordinances.

58-13
cont.

Barking dogs would disturb the peace and comfort in our neighborhood and would depreciate our property values along with those of adjacent properties at Quail Lodge. A “Sinking Fund” could provide monies to any property owners whose property may have been devaluated by the dog park

58-14

We love our quiet Carmel neighborhood. We love our dogs. If we hear our dogs barking outside, we bring them in. If we hear our neighbor’s dogs barking, we call the neighbors and they bring them in. Who will require the operators of the Commercial Dog Park to bring dogs in when they bark?

58-15

All this makes us wonder: Why aren’t events to exercise, train, and socialize dogs held at the Monterey County Fairgrounds? Isn’t this what our Fairgrounds are for?

58-16

In summary:

ES-6.2 Environmentally Superior Alternative: We suggest Ft Ord, Monterey Fairgrounds. Any place other than the quiet Carmel Valley.

58-17

Muzzles would solve the problem

There are enough existing County regulations to prohibit a noisy canine event center in our neighborhood. Requiring muzzles on all dogs in the Commercial, money making Dog Park would solve the problem. The Applicant should not be excused from operating under the existing laws of our County simply because she is a member of the Monterey Planning Commission. If anything, we expect her to operate at the highest standards of compliance.

Thank you.

Craig and Carol Vetter
Schulte Road, Carmel
craig@craigvetter.com
carol@craigvetter.com

624-5156

Comment 58, Mr. Craig and Carol Vetter

Comment Response 58-1: Comment noted. As described in Section 2.4.3.3, *Events* a maximum of 250 people would be hosted onsite during special events. Parking space for up to 200 vehicles, as well as a designated overflow area, would be made available. All parking would be fully accommodated on-site and no on-street parking would be required (refer to Impact TRANS-5).

Comment Response 58-2: Comment noted. During special events there would be a maximum of up to 300 dogs on-site during the largest events. The number of dogs at the Project site during daily operations would vary; however, as described in Section 2.4.3.2, *Daily Operations* the Applicant is targeting a membership goal of 500, with anticipated average use of 20 percent per day. Consequently, it could reasonably be anticipated that approximately 100 dogs would use the proposed CCSC throughout the day.

Comment Response 58-3: Comment noted. Noise impacts from daily operations are summarized in Table 4.10-3. As described in Impact NOI-2, impacts associated with daily operation of the proposed CCSC would be less than significant relative to the thresholds for determining significance presented in Section 4.10.4.1. Membership agreements would require dog owners to control barking, and staff members would be trained to intervene if any member or guest allows persistent barking to occur (refer to Section 2.4.3.8, *Noise Restrictions*). The Project also proposes additional landscaping to provide additional noise screening. Operation of special events at CCSC would result in substantial temporary or period increases in noise levels, with events occurring up to 24 days throughout the year (refer to Impact NOI-3). However, these temporary increases in noise levels would be reduced to a less than significant impact with the implementation of MM NOI-3. Under this mitigation noise would be restricted during the evening times when background ambient noise levels are lower. Further, the Special Event Management Plan required under this mitigation would be reviewed annually and the County would retain the ability to modify the conditions in the plan to address any concerns or non-performance issues. This would potentially include, but not be limited to, a reduction in the number of events, restrictions on attendance at events, and a reduction in the time period allowed for amplified sound or RV generator use. Refer to Comment Response 58-2 regarding number of dogs on site.

Comment Response 58-4: Comment noted. The term “socializing” in this context refers to dogs interacting with other dogs. Refer to Comment Responses 58-2 and 58-3 regarding number of dogs and noise impacts associated with the proposed Project.

Comment Response 58-5: Comment noted. Please refer to Table 2-2 for a description of the footprint for each of the proposed modular facilities. With regard to the potential effect of the proposed septic system on water quality, the Environmental Health Bureau has determined that adequate area exists for on-site waste water disposal. Additionally, Policy CV-5.5 requires a geologic and soil survey to assess the suitability of the proposed Onsite Wastewater Treatment System (OWTS) site and to ensure that wastewater disposal would not pose a threat of contamination to the aquifer. The OWTS would be reviewed for proper siting and design in accordance with standards of the Monterey County Code 15.20, the Central Coast Basin Plan, and the Carmel Valley Wastewater Study. Consequently, as described in Impact HYD-4, the use of an OWTS would result in less than significant impact given conformance with existing OWTS policies.

Comment Response 58-6: Comment noted. Refer to Comment Responses 44-2 and 56-2. As described in Impact NOI-2, the noise associated with daily operation of the proposed CCSC would include ongoing agricultural operations, dog barking, daily canine training and exercise activities (i.e., whistles and commands), and increased traffic on vicinity roadways. While the proposed Project would increase noise levels slightly (refer to Table 4.10-3), these increases would not exceed the thresholds described in Section 4.10.4.1, *Thresholds for Determining Significance*.

Comment Response 58-7 Comment noted. Please see response to Comment 38-2.

Comment Response 58-8: Comment noted. Please see response to Comment 44-1.

Comment Response 58-9: Comment noted. According to the noise study which was relied on for the noise analysis in the EIR per County direction, the projected noise levels are not anticipated to be this high. Please see Section 4.10, *Noise* of the DEIR.

Comment Response 58-10: The question relates to whether there are personnel trained to test for noise compliance. The mitigation measure does not set a threshold for noise generation, and thus no metered monitoring would be required. The modeled noise generation for this site shows that the noise generation will not create a significant adverse impact upon the environment.

Comment Response 58-11: Comment references Monterey County Code Section 8.36 which addresses circumstances in which animals are allowed to continually bark and howl in such a manner as to create a public nuisance. According to the County, occasional barking does not trigger abatement under this section. As discussed in other responses member agreements will require dog owners to control their pets. The dogs at this location will not be left alone and allowed to continually bark.

Comment Response 58-12: Mitigation Measure MM NOI-3 requires a Special Event Management Plan which would include provisions for responding to dogs barking at night. This plan would be evaluated annually to identify successes and areas where improvement is necessary to insure that special events are managed in an appropriate manner.

Comment Response 58-13: Per County standards enforcement of MCC Chapter 8.36 is not a matter of taking sound measurements. It charges the Animal Control Officer with making the determination that there is a nuisance which needs to be abated. The Monterey County Environmental Health Bureau would take noise readings to determine if the operation of the facility exceeded the limits established in MCC Chapter 10.60. The operator would be liable paying fines associated with violations of this Code.

Comment Response 58-14: Comment noted.

Comment Response 58-15: Comment noted. See response to Comment Response 58-12.

Comment Response 58-16: Comment noted. For discussion of Alternatives see Section 7, *Alternatives, of the DEIR*.

Comment Response 58-17: Comment noted. For discussion of Alternatives see Section 7, *Alternatives, of the DEIR*.

Response to the EIR on the Carmel Canine Sports Center

The EIR is quite thorough and overwhelming to read but I would like to reiterate, as the EIR does, that the traffic impact is the key issue against this project.

Section 4.12 TRANSPORTATION AND TRAFFIC

As stated “The proposed project would result in significant and unavoidable long-term impact to Transportation and Traffic.” This section goes on to say that the traffic from Ocean Ave (Highway 1) onto Carmel Valley Road is already at impacted levels. Also saying that on event days the traffic on Rancho San Carlos, Valley Greens Road and Carmel Valley Road would cause “immitigable significant impacts”.

59-1

What the EIR does not address is the massive impact this project and event days would have on the entire Monterey Peninsula. Participates in RVs would be coming from all over and the flow of traffic at the turn-off to the Monterey Peninsula, Highway 156, Highway 1 into and out of Carmel, Pebble Beach, Big Sur, Monterey would be at capacity and often at a stand still. We have a plethora of events already on the Peninsula, including Quail Lodge, Pebble Beach, Laguna Seca, and many others, and we all have experienced that stand still traffic. There would likely be traffic issues that would affect Highway 68 and in and out of Salinas. 70 RVs and 200 more cars on 24 events days that can be 3 days long is “significant” traffic.

59-2

As to the problem of “immitigable significant impacts” due to traffic the county would have to adopt a Statement of Overriding Considerations of the Public Interest, that is another level of negotiations that is likely to fail.

59-3

In light of the many other issues in this proposed project, which others will address, there is no choice but Alternative 3---No Project at all. The reason Alternative 2 does not work is for the same reasons as listed above. Though there would be 70 less RVs on the road with Alternative 2, there would still be 200-300 cars a day on 24 events days that may last 3 days each. The same intersections would be impacted and signals or multi-lane roundabouts would have to be installed. The EIR report clearly says that with Alternative 2—some traffic would be reduced but there would still be “*significant and unavoidable*” impacts on traffic and transportation.

59-4

Tom Broman and Brooke Knight
8063 Lake Place
Carmel, CA 93923
(H) 831 624-1362

Comment 59, Mr. Tom Broman and Brooke Knight

Comment Response 59-1: Comment noted. As described in the DEIR the proposed Project would result in a significant and unavoidable impact to the segment of Highway 1 from Ocean Avenue to Carmel Valley Road (refer to Impact TRANS-4). Additionally, the proposed Project would result in a substantial contribution to cumulative impacts at vicinity intersections and road segments (refer to Impacts TRANS-9, -10, and -11). Consequently, as described in Section 7.7, *Identification of Environmentally Superior Alternative*, this EIR has identified Alternative 2 as the environmentally superior alternative as it would eliminate special event-related impacts but would still achieve the majority of the Project objectives.

Comment Response 59-2: Comment noted. Significant cumulative impacts to traffic have been identified in Impact TRANS-9, -10, and -11. These impacts address cumulative traffic for planned, pending, and approved projects within a conservative 5 mile radius of the Project site. Refer to Memorandum from County Traffic Engineer dated 17 July 2015.

Comment Response 59-3: Comment noted. A Statement of Overriding Considerations would have to be adopted for the proposed Project or any of its alternatives with significant and unavoidable impacts.

Comment Response 59-4: Comment noted. Under Alternative 2, the proposed daily operations at the proposed CCSC would not change; however, Alternative 2 was selected as the environmentally superior alternative because this alternative would meet the majority of the Project Objectives outlined in Section 1.2, *Project Objective* but would not include special events or any of the associated traffic, including RV traffic. Regardless cumulative impacts associated with daily operations under this alternative would be significant and unavoidable. The No-Project Alternative is the only alternative with no environmental impacts but does not meet any of the Project Objectives.

The hallmark of courage in our age of conformity is the capacity to stand on one's convictions—not obstinately or defiantly (these are gestures of defensiveness, not courage) nor as a gesture of retaliation, but simply because these are what one believes.

...Rollo May, American Psychologist

Dear Mr. Ford,

This is a letter of strong support and one with firmly held convictions in favor of the Carmel Canine Sports Center which is a “gold mine within reach” for responsible dog owners and enthusiasts, like my husband and me, who have dreamed of a tranquil environment where our highly trained and skilled dogs can exercise, practice, perform and play in a safe environment that would be a unique sanctuary of sorts on the Monterey Peninsula. The safe haven that the Carmel Canine Sports Center has the potential to provide would be entirely free of the multitude of highly reactive and undisciplined dogs, often off-leash, that are allowed on beautiful paths in Carmel, on the scenic Recreation Trail along the Coast, on Carmel Beach and on many other public properties on our Peninsula.

60-1

I believe that, too often, perception becomes one's reality, and, in this case, many who stand in opposition of the Carmel Canine Sports Center have memories of negative experiences with dogs whose owners neglected to properly train their dogs. It took months for an employee at the Community Hospital of the Monterey Peninsula (CHOMP) to come near my Bichon Frise, Cody, who has been a certified therapy dog at the hospital for over 8 years, because, as a child, this employee was nipped by a dog who was running loose in his neighborhood. This employee would be the first to tell you that, by observing Cody over an extended period of time, he learned to trust and to identify what a difference lies between a well-trained dog and a dog who is undisciplined. He now gets down on his knees and greets Cody with sincere head pats and kind words every time we visit his unit.

It is highly conceivable that many who stand in opposition of the Carmel Canine Sports Center have not, as this hospital employee did, taken the time to go beyond those negative perceptions that are real for them. I would urge these individuals to observe well-disciplined dogs at sanctioned dog shows involving conformation, agility, obedience, rally, nose work, field work, hunt work and other activities approved by formal organizations which include, but are not limited to, the American Kennel Club and the National Association of Canine Scent Work. An overwhelming majority of the handler/dog teams that would be members of Carmel Canine Sports Center, if it becomes a reality, are members of these highly structured and sanctioned organizations, and their dogs would model most appropriate behavior.

The founders with the conviction that the Carmel Canine Sports Center represents dared to dream of this aforementioned peaceful and pastoral environment, juxtaposed with respectful and responsible dog owners and their canine partners. I laud the perseverance, dedication and courage which they have modeled, and I urge you to help this dream become a reality for the many of us who zealously support the Carmel Canine Sport Center. I respectfully ask that my letter be shared with the Planning Commission.

Sincerely,
Julianne (and Thomas) Craig

Comment 60, Ms. Julianne and Thomas Craig

Comment Response 60-1: Comment noted. Please refer to Impact REC-2 for a description of the beneficial recreation-related impacts associated with the proposed Project.

May 15, 2015

RMA Planning Department County of Monterey
168 West Alisal Street, 12nd Floor
Salinas, CA 93901
mackd@co.monterey.ca.us

Re: Carmel Canine Sports Center Draft EIR

Dear Mr. Mack:

The DEIR, Chapter 3, Cumulative Projects Scenario states:

The analysis of cumulative impacts contained in this EIR includes the impacts of the proposed Project plus all other pending or approved projects within the affected area for each resource. The affected environments for most of the resource areas analyzed in this EIR was determined to be limited to within five miles of the Project Area.

However, Section 15355 of the CEQA Guidelines, CUMULATIVE IMPACTS, states:

“Cumulative impacts” refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

A five mile limitation is inappropriate, given Carmel Valley’s residential character and residents’ dependence on Carmel Valley Road. The majority of venues for employment, professional and medical services, education, and shopping are found on Carmel Rancho and Rio Roads at the western end of the valley and in Monterey and other Peninsula cities, accessed by Carmel Valley Road and Highway One. These include Carmel Middle and High Schools, Monterey Peninsula College, Cal State Monterey Bay, the Naval Postgraduate School, the Defense Language Institute, the Carmel Rancho and Crossroads shopping and professional centers, Community Hospital, Del Monte Center in Monterey, medical and professional offices in Monterey, and the Edgewater and Sand Dollar shopping centers in Sand City.

61-1

The County has identified 413 existing vacant residential lots in Carmel Valley, and in a legal settlement with the Carmel Valley Association, has agreed to an additional 190 for a total of 603. These will create an average of 6,000 daily trips, of which a large majority will have significant impacts on the sections of Carmel Valley Road and Highway One impacted by the Canine Sports Center. A count of lots east of the Canine Center would determine these traffic impacts.

61-2

Please explain why t these traffic impacts haven’t been analyzed?

And please explain what the impact of this traffic on affected road segments and intersections will be?

61-3

Sincerely,

Richard Stott
4000 Rio Road #3
Carmel, CA 93923
831 239 5521
rhstott@comcast.net

Comment 61, Mr. Richard Stott

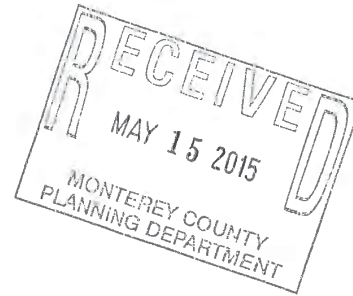
Comment Response 61-1: Comment noted. This EIR examines cumulative effects using a list of past, present, and probable future projects that could produce related or cumulative impacts, including, projects outside the control of the agency (CEQA Guidelines Section 15120). The analysis of cumulative impacts contained in this EIR include impacts of the proposed Project plus all other pending or approved projects within the affected area for each resource. The cumulative impact area can vary by resource area. For example, cumulative impacts to aesthetics and visual resources are generally limited to the Project watershed. Further, cumulative impacts to water resources are generally limited to within the watershed. Consequently, the affected environment for most of the resource areas analyzed in this EIR was conservatively limited to within 5 miles of the Project Area. This captures key areas that could be affected by cumulative impacts associated with the proposed Project. As described in the Transportation Impact Study the cumulative conditions associated with transportation and traffic are reflective of future traffic conditions assuming buildout of land uses in the area consistent with the General Plan and Carmel Valley Master Plan (refer to Appendix H).

Comment Response 61-2: Comment noted. As described in Comment Response 61-1, the cumulative conditions analyzed in the transportation and traffic section assume buildout of land uses in the area consistent with the General Plan and Carmel Valley Master Plan (refer to Appendix H).

Comment Response 61-3: Comment noted. See Comment Response 61-2.

3000 Lopez Road
Pebble Beach, California 93953
May 14, 2015

County Planner John Ford
Monterey County Planning Department
168 W. Alisal Street @ Capitol, 2nd Floor
Salinas, CA 93901



RE: PLN130352 Carmel Canine Sports Center – Comments to the Draft Environmental Impact Report

Dear Mr. Ford:

I wish to extend my strong and enthusiastic support for the Carmel Canine Sports Center.

I am a fourth generation Californian. My great grandparents vacationed on the Peninsula annually for six weeks each year starting before 1900. I have been a resident of the Peninsula since December 15, 1974. The first home I owned was at 7542 Fawn Court off of Meadows Road, not far from Quail Lodge so in close vicinity to the CCSC. My maternal grandparents resided at 9500 Center Street in the Apartments behind the Safeway at Mid-Valley so I am well familiar with the area under consideration.

I have been associated with dogs all my life with both sets of grandparents and parents with dogs in the family before I was born. I was 13 years old when we began going to dog shows so have a lifetime experience in understanding events related to canines.

So with this 50 years of experience (including judging in USA, Canada, Norway, Sweden, Wales and England), I think there is a misconception about dog events which opposition does not understand or want to understand. The type of events which would be held at CCSC are the type where participants do not need to stay to a conclusion of the event. Most exhibitors leave after their dogs have competed so there is no huge exodus of vehicles all at the same time. People leave events throughout the day so the congested traffic on Carmel Valley Road which the detractors want you to believe will exist will simply not. I do not think it is unfair to suggest that at the end of any event, more than 75% and even more of participants will have already departed. Those who stay are usually those who are workers to clean up after the events. So I dispute any significant impact on Carmel Valley Road traffic.

62-1

The Monterey Peninsula has a long tradition of support for canines. The Ladies Kennel Association founded in Monterey in 1908 was the first dog club in America to be completely organized and run by females. The shows were held at the old Hotel Del Monte and in 1924 the club was folded into the new Del Monte Kennel Club founded by Peninsula environmentalist Samuel Finley Brown Morse. Mr. Morse and many of the civic leaders from the Peninsula were supportive of the club's events. Del Monte Kennel Club has trained over 15,000 dogs in

Obedience classes held at the Fairgrounds since 1982 and before. DMKC is the only dog club in America with two American Kennel Club Lifetime Achievement Award winners, Miss Dorothy Macdonald and Mrs. Pat Craige Trotter, both of whom live near the mouth of Carmel Valley. DMKC is also the only club in America who has had four members who have judged Best-in-Show at Westminster Kennel Club (Oliver Carley Harriman in 1971, Derek Glenon Rayne in 1983, Dr. Jacklyn Hungerland in 1995 and Miss Macdonald in 2001. The Westminster Kennel Club dog show is the second oldest sporting event in America, with only the Kentucky Derby being older.

I would add there is simply no place in Pebble Beach to even walk dogs without considerable traffic so the proposed CCSC is a godsend. Garland Ranch is just too far away.

62-2

One more thing I would like to add. My first cousin Catherine Sutliff Foldesi is blind. She lives in Richmond, Virginia and she uses and trains guide dogs for others. The CCSC site would be an incredible addition to the Peninsula as a safe location for people with disabilities to train their dogs. The potential for this site and the possibilities of all the good they can do are unfathomable. This is a really important and potentially valuable asset to the Monterey Peninsula. I sincerely hope it is approved.

62-3

Thank you for your consideration.



Henry Sutliff, III

Comment 62, Mr. Henry Sutliff, III

Comment Response 62-1: Comment noted. For trip generation estimates refer to Comment Response 21-2.

Comment Response 62-2: Comment noted. Refer to Comment Response 56-3.

Comment Response 62-3: Comment noted. For a description of beneficial recreational impacts associated to the proposed Project refer to Impact REC-2.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Friday, May 15, 2015 5:47 PM
To: Mack, David x5096
Subject: FW: CANINE SPORTS CENTER

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: ibendyr@aol.com [mailto:ibendyr@aol.com]
Sent: Monday, May 04, 2015 5:30 PM
To: Ford, John H. x5158; 100-District 5 (831) 647-7755
Subject: CANINE SPORTS CENTER

Dear Mr. Ford & Mr. Potter,

I am writing to urge you to vote against the Canine Sports Center adjacent to Quail Lodge area.

This is a good idea but it is planned in the wrong area.

| 63-1

As a 35+ year resident of that area, I suggest you vote against this project.

Thank you.

Dr. Gerald A. Tarsitano
7035 Valley Greens Cir.
Carmel, Ca. 93923

Comment 63, Dr. Gerald A. Tarsitano

Comment Response 63-1: Comment noted. For a description of the site election process, please refer to Section 7.4, *Site Selection Process* and Section 7.5.1, *Alternative Sites*.

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

The Draft Environmental Report (DEIR) on the proposed Carmel Canine Sports Center (CCSC) is a voluminous document analyzing various aspects of the project. However, on close examination several questions arise. Below are some of my observations.

Section 4.1.1 Aesthetics and Visual Resources

“Development that is incompatible or inconsistent with the agriculture or low-profile character of a semi-rural and publicly reviewable scenic area can be disruptive to the existing aesthetic character.” The DEIR fails to acknowledge that the totality of the project, the daily activity plus weekend events, including a substantial number of RV and vehicle traffic, would certainly be disruptive to the normal residential character of the area. The EIR also fails to reconcile the project with the Carmel Valley Master Plan, which “aims to preserve the region’s rural character and area’s scenic and visual resources to avoid incompatible development....”

64-1

4.2.4.2 Project Impacts and Mitigation Measures

The DEIR states that five acres would be temporarily converted to non-ag use. How temporary? The word is mentioned three times in lines 15-18 but nowhere does it state how long this “temporary” period is. Five years? Ten years? Length of the lease? The omission of this bit of information in the DEIR is key to understanding the ramifications of the project. To conclude that the project “would have a beneficial impact to agricultural resources” is misleading and evasive. Are we talking about agriculture or five acres for a dog country club?

64-2

64-3

4.4 Biological Resources – Mitigation Measures

The DEIR requires the Applicant to prepare a dog waste management and manure management plan and is responsible for monitoring compliance. It neglects to say how this is to be supervised to ensure compliance. Who is to monitor? The County? The Applicant? It only states that the project must provide pertinent data along with an annual report. An annual report? Only once a year? And then, if infractions are noted, how long a time is permitted to rectify them?

64-4

4.9 Land Use and Planning – Project Daily Operations and Events

Once again the DEIR talks about preparation of a Special Events Management Plan. Another item to be done presumably by the Applicant and then await approval. Who will see that the plan is being implemented? What is the time frame? The DEIR states that if—if-- the adaptive mitigations are determined to be incompatible, the County has the authority to see that they are compatible. Who does this and when? We are not told. The DEIR concludes that with the mitigations, the impacts to changes in land use character would be less than significant. However, the community might wait a long time before compliance of adaptive mitigations is achieved.

64-5

4.10.1 Representative Noise Levels

Why did the DEIR not list dog barking noise on the chart listing the noise levels of common outdoor activities, especially since the project is about a canine sports center?

64-6

4.12.2.3 – Transportation and Traffic – Mitigation Measures

Who would be responsible for the installation of a traffic signal or roundabout at the intersection of Carmel Valley Road and Valley Greens Drive? Who would pay? Who would provide and pay for a “licensed traffic monitor to direct traffic and manage traffic at the Carmel Valley Road & Valley Greens Drive intersection during special events”? In addition, the increased traffic along Rancho San Carlos Road will result in a traffic backlog because of the narrow bridge on Rancho San Carlos bridge. An RV or truck and an automobile coming in the opposite direction cannot cross the bridge at the same time. The traffic would be backed up along Carmel Valley Road and Valley Greens Drive.

64-7

64-8

7.6 – Project Alternatives – No-Project Alternative

The DEIR notes that although the site has not been actively farmed for several years, no permit is necessary to conduct farming operations on the site. The report states, “By not providing a tenant and supplemental income to continue agricultural uses, there is increased potential for the Project’s eight contiguous assessor parcels could be developed as residential properties, which under the existing zoning would only require the issuance of Design Approval prior to development.” Why does the DEIR mention this? Is this a threat? Local residents have long been aware that the site is zoned for low density residences. The intimation is gratuitous and disingenuous.

64-9

CONCLUSIONS

One of the problems with the DEIR is that it evaluates the proposed CCSC as a fait accompli. Although the DEIR examines each consideration of the project individually, the totality of the project is lost in the morass of jargon and technical vocabulary. The dog park is in place; agricultural land is preserved; the community has a new recreational location for canines. But the reality is more complicated. Lost in the DEIR is a realistic assessment of the project as it exists in a day-to-day context. The area will have greatly increased traffic, every day, all day long and into the evening. There will be noise and lights, not to mention the carnival like atmosphere on the many weekend events proposed by the Applicant. Attendees at dog events come from distances far from Monterey County. Who benefits from the Project? Agriculture or the community? The DEIR is ambiguous.

64-10

64-11

The disruption caused by the installation of the CCSC in a residential community demonstrates that this is the wrong site for this project.

Sincerely,

Gabrielle Walters
 7074 Valley Greens Circle
 Carmel, CA 93923

Comment 64, Ms. Gabrielle Walters

Comment Response 64-1: Comment noted. The thresholds for determining significant impacts to visual resources are provided in Section 4.1.4.1, *Thresholds for Determining Significance*. Additionally, the impact assessment methodology is provided in Section 4.1.4.2, *Impact Assessment Methodology*. As described in Impact AES-1, implementation of the proposed Project would affect the visual quality and aesthetic character of the Project vicinity; however, this impact would be less than significant. While the proposed Project would alter the agricultural character of the site, given the size, scale, and type of development, the proposed Project would be consistent with the surrounding semi-rural character, which includes LDR and commercial development. Additionally, the Project proposes visual screening consisting of a six-foot wooden fence and additional vegetation that would limit most views into the Project site. As RV overnight stays would be temporary and occur a maximum of 24 nights per year, there would be no aesthetic impacts associated with RV parking during the large majority of the year. During events where RV overnight stays are accommodated, RVs would be located in a parking area set back from Valley Greens Drive to minimize visibility from adjacent areas. Consistency with the Carmel Valley Master Plan is addressed in Chapter 5, *Consistency with Plans and Policies* within Table 5-1.

Comment Response 64-2: Comment noted. Per Monterey County Zoning Ordinance, Title 21, it has been assumed that the proposed CCSC would be operational until the date of permit expiration as defined in the Conditional Use Permit (CUP). The structures that are proposed as a part of the Project are all “temporary” in that they are modular facilities without foundations or substantial grading requirements. Consequently, the proposed CCSC facilities could be removed and the Project site could be returned to agricultural operations following expiration of the CUP.

Comment Response 64-3: Comment noted. Refer to Comment Response 52-4. The initial term of the lease is for 10 years. This may be extended, but a project objective is to maintain or enhance agricultural viability for this site. This is why no permanent improvements are being made to the site, and some of the site will continue to be used for agricultural purposes. This would result in beneficial impacts as described in more detail under Impact AG-2.

Comment Response 64-4: Comment noted. The Manure Management Plan would be prepared by the Applicant and reviewed and approved by the Monterey County Environmental Health Office. Monterey County would be responsible for enforcing compliance with all mitigation measures. Refer to Comment Response 46-6 regarding to permit compliance requirements and the County’s enforcement process.

Comment Response 64-5: Comment noted. Under MM NOI-3 the Applicant would prepare a Special Event Management Plan that would be provided to County staff for review and approval. The County would be responsible for enforcing the plan through zoning enforcement (Monterey County Zoning Ordinance 21.84). Additionally, the County would retain the ability to modify the conditions in the plan to address any concerns or non-performance issues that may arise. The plan would be reviewed on an annual basis by County staff; however, noise complaints could also be filed with Monterey County under Ordinance No. 5250, which requires that nighttime noise be kept below a 65 dBA maximum. These public complaints, if made, would be considered during the annual County review of the Special Event Management Plan.

Comment Response 64-6: Comment noted. Noise from dog barking is described under Impact NOI-2. The noise level from dog barking to nearest receptors, between Quail Lodge at 400 feet and Lake Place at 600 feet, would fall between 50 to 58 dBA.

Comment Response 64-7: Comment noted. The intersection of Carmel Valley Road & Valley Greens Drive has been looked at for either a roundabout or a traffic signal. These improvements would be installed through the Carmel Valley Transportation Improvement Plan. The Applicant would be required to pay traffic fees for improvements to the road network in Carmel Valley. Until such a time as those

improvements are installed, special event traffic would need to be controlled at this intersection with County-approved and licensed traffic monitors. These monitors must meet qualifications established by the California Highway Patrol. The Applicant would pay for these traffic monitors.

Comment Response 64-8: Comment noted. Special event traffic would only affect this intersection if the Applicant could reach agreements with private road holders. The County Traffic Engineer has reviewed the accident history and determined that the accident potential for this intersection is not substantially greater than the surrounding intersections.

Comment Response 64-9: Comment noted. The EIR discloses this information to interested reviewers who may not have the same local knowledge (e.g., State Water Resources Control Board, National Marine Fisheries Service, etc.) in order to provide a reasonable range of uses that are permitted by base zoning, and which could occur on the Project site under the No-Project Alternative.

Comment Response 64-10: Comment noted. As described in Section 4.12, *Transportation and Traffic*, implementation of the proposed Project would result in significant and unavoidable impacts to transportation resulting from special event operations and the Project's contribution to cumulative impacts.

Comment Response 64-11: Comment noted. As described in Section 4.10, *Noise*, noise impacts associated with daily operation of the proposed CCSC would be less than significant; the majority of noise impacts would result from special events, which would occur up to 24 days per year at the Project site. Mitigation has been proposed which would address noise and lights from special events.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, May 18, 2015 6:20 PM
To: Mack, David x5096
Subject: FW: Comment on PLN130352 Carmel Canine Sports Center

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

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<https://aca.accela.com/monterey/Default.aspx>

From: Deborah Larson [mailto:deborahlarson9@gmail.com]
Sent: Saturday, May 16, 2015 12:59 PM
To: Ford, John H. x5158; 100-District 5 (831) 647-7755; rbrower@chateaujulien.com; summer@carmelcaninesports.com
Subject: Comment on PLN130352 Carmel Canine Sports Center

Hello to all of you,

I have not commented on an EIR before, but am taking time to do so for the Carmel Canine Sports Center. I was really excited many months ago when I heard that this facility was being opened and had been looking forward to a safe place to take our new dog. Sadly, it was delayed and delayed, and I learned all of the difficulties they had run into in getting it open to the public.

I live in Carmel Valley and travel Carmel Valley Road daily. We have a 2 year old vizsla named Gracie. She is my first dog, and is VERY active, needing about 2 hours per day of walking and running around. We often take her to the grassy area (owned by Quail Lodge?) off of Rancho San Carlos. I think it is a courtesy that could be revoked at any time as it is not an official public park, so I would be really happy to have the CCSC open nearby to ensure a convenient and safe place to exercise our dog. The paved trail

65-1

that begins near this grassy space and leads to Palo Corona trail is also a place we regularly walk with Gracie. However, it is shared with car traffic for the first part of it and requires dogs to be on leash. Also the parking area for this trail is constantly full and so there is nowhere to park to go on this walk. Having the CCSC with its own parking spaces would be really a good thing for convenience and safety.

65-1
cont.

I have been to a few dog events at Carmel Middle School just down the road. They were fun to attend and there was little barking going on as the dogs people take to events tend to be well socialized and well behaved. The dog events I attended caused much less traffic impact on Carmel Valley Road than the car and motorcycle and bicycle racing events which seriously tie up traffic for my daily drive several times a year. The number of cars who I expect would attend minor dog competitions at CCSC would be not that noticeable, and as for my self and several dog owning friends, we would be going on that road anyway for work, or to walk the dog on the nearby trail.

65-2

65-3

There are no outdoor dog agility courses in Carmel yet, and I would like to have one nearby. Carmel prides itself on being one of the dog-friendliest towns in the country. I believe the CCSC would be a wonderful addition to our community! I'm so surprised at the trouble there has been to open this little dog center. It would be such a nice place to take our dogs, meet other like minded people, and to be safe in a fenced area without foxtails. Also, more off-leash areas are especially needed now that the trails at Fort Ord National Monument have been restricted to leash only.

65-4

65-5

The Quail Lodge hotel, restaurant, and golf course across the street from the CCSC I imagine have a lot more people going in and out

65-6

every day than would use this little dog center. Driving on Carmel Valley Road every day I don't notice the traffic from Quail Lodge and don't think the CCSC would have a noticeable impact either. The proposed events would be smaller than those already taking place in the area and I don't believe would cause any problem.

65-6
cont.

65-7

I understand that the CCSC would use a very minimal amount of water compared to other uses that would be allowed on the site if CCSC was not there. That is a beneficial use of the land given the current drought situation.

65-8

Well, I'm sorry to not be a very eloquent letter writer, but I wanted to support the CCSC being allowed to open for business, hopefully as soon as possible! Thank you for considering my opinions in making your decision to allow this to happen.

Sincerely,
deborah larson
671 country club drive
carmel valley, ca 93924
831-913-9370

Comment 65, Ms. Deborah Larson

Comment Response 65-1: Comment noted. Beneficial impacts resulting from the implementation of the proposed Project are discussed in Impact REC-2.

Comment Response 65-2: Comment noted. Noise impacts related to special events would be mitigated to less than significant levels under MM NOI-3, which would limit noise impacts at 7:00 P.M. when ambient noise levels are low.

Comment Response 65-3: Comment noted. For trip generation estimates refer to Comment Response 21-2.

Comment Response 65-4: Comment noted. Refer to Comment Response 65-1. Beneficial impacts resulting from the implementation of the proposed Project are discussed in Impact REC-2.

Comment Response 65-5: Comment noted. Refer to Comment Response 65-1. Beneficial impacts resulting from the implementation of the proposed Project are discussed in Impact REC-2.

Comment Response 65-6: Comment noted. Existing intersection and road segment operations are described in Table 4.12-2 and Table 4.15-5. For trip generation estimates refer to Comment Response 21-2.

Comment Response 65-7: Comment noted. Per CEQA Guidelines, this EIR evaluates impacts associated with the proposed Project relative to the existing baseline conditions present at the time of the publication of the NOP. Existing developments, including the Quail Lodge & Golf Club, Baja Cantina, and Earthbound Farms as well as associated events are included in that baseline as described in Section 4.12.2.7, *Local Event Traffic*. Implementation of the proposed Project would result in potentially significant impacts associated with special events when compared to existing conditions, as described in Impact TRANS-3. In order to reduce the severity of this impact to less than significant levels, mitigation measures would be required, including MM TRANS-3.

Comment Response 65-8: Comment noted. Water usage is discussed in Section 4.8, *Hydrology and Water Quality*.

May 17, 2015

John Ford, County Planner
Monterey County Planning Department
168 W. Alisal Street, Second Floor
Salinas, Ca. 93901

Re: PLN130352 Carmel Canine Sports Center - Comments to the Draft Environmental Impact Report

Dear Mr. Ford,

I am writing in support of the Carmel Canine Sport Center. As a lifetime resident of Carmel mid-Valley and longtime dog owner, I have been anxiously awaiting the approval of the CCSC. Growing up near the Quail Lodge neighborhood, I feel a particular nostalgic attachment to those farm fields and very much wish them to be preserved as open space as long as possible. So I read the proposed DEIR for CCSC with much interest. I support the project and firmly believe the benefits far outweigh any negative impacts. I was however puzzled by the traffic analysis. Clearly any activity on these properties will require more traffic trips than if the property is kept as a fallowed farm field, but how can anyone think eight large level lots in this area would remain completely undeveloped permanently? Why doesn't the analysis of the "no project alternative" include all the impacts that would be generated if the land were to resume full scale organic row crop farming or be developed into estate homes (including second units, barns, garages and all the other things that we see on large level lots in this area) on the eight existing large level lots? Shouldn't all these impacts be compared to the potential impacts for the proposed project rather than assuming valuable property would remain vacant and unused forever? This seems naive to me. Another comment regarding traffic...if the permit is approved, I plan to visit the CCSC daily in conjunction with my usual errands. Therefore, it would not add an "additional trip" onto Carmel Valley Road, since I will be traveling along it regardless. I know many other locals will also do the same. Has this been considered when determining the number of additional traffic estimated?

66-1

66-2

Another area of the DEIR that particularly makes little sense to me is the prohibition against dogs swimming in the river. As a child we played, swam and rafted in the Carmel River (ALWAYS with our dogs) and the swimming hole at the edge of the Wolters property was a particular favorite of mine and many of the locals. Currently, my dogs and I access the river at numerous well-used points such as Dampierre park in Carmel Valley, at the end of Dorris Drive in mid-valley, multiple areas of Garland Park, off of Schulte Road, behind Ranch Canada golf course as well as at the lagoon at Carmel River Beach. There are many other local dogs owners who use these spots too. Why is it allowable for dogs to play in the river at those sections, but no longer on the Wolters privately owned property? I am a first hand witness to the longstanding historical use of that section of the river for people and dogs so I refute the argument that there is no precedence for that.

66-3

For those of us responsible dog owners who are looking for safe and adequate space to train and exercise our dogs, the Carmel Canine Sports Center will be a godsend.

Sincerely,
Summer Emmons
8564 Carmel Valley Road
Carmel, Ca. 93923

Comment 66, Ms. Summer Emmons

Comment Response 66-1: Comment noted. As described in Section 7.6.3, *No-Project Alternative*, no permit is necessary to conduct farming operations on the site. Additionally, as the Project site's eight contiguous assessor parcels are all zoned for LDR uses, development of the site for residential use would require the issuance of Design Approval prior to development. While a Transportation Impact Study (refer to Appendix H) was not conducted for other types of developments at this site, developments with more dense occupancy would likely result in more severe transportation-related impacts. However, it should be noted that LDR development, which generally results in approximately 10 average daily trips (ADTs) per residential unit, would not necessarily result in a greater trip generation relative to the proposed Project, which would include approximately 496 daily weekday trips associated with employees, member visits, and classes.

Comment Response 66-2: Comment noted. For trip generation estimates refer to Comment Response 21-2.

Comment Response 66-3: Comment noted. Refer to Comment Response 21-5.

Meisinger, Nick

From: Jack Hardy <jdhardy43@gmail.com>
Sent: Sunday, May 17, 2015 11:53 AM
To: Ford, John H. x5158; Mack, David x5096
Cc: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Subject: PLN130352: Carmel Canine Event Center Draft Environmental Impact Report ("DEIR") dated April 2015

Gentlemen:

The purpose of this message is to comment on the Carmel Canine Event Center DEIR referred to above and to point out how, by its own terms, the DEIR makes clear that this ill conceived, out of place and entirely commercial venture cannot proceed in compliance with the California Environmental Quality Act ("CEQA").

CHARACTERIZATION OF THE PROJECT

The tone of the DEIR is misleading in that it adopts and restates biased and unsubstantiated claims by the proponents as to the the "agricultural" and "temporary" nature of the project. The land is under a long term lease and the proposed "modular buildings" are not only unsightly and out of harmony with the community in which they will be placed but can be expected to last indefinitely. The DEIR adopts the proponents' view that the facilities are temporary without any analysis of the terms of the lease or its renewal provisions or whether there is an option to purchase the property. This project and the attendant facilities are not and were never intended to be "temporary" in any commonly understood meaning of the word.

67-1

The incidental raising of grass and maintenance of a small number of sheep purely for commercial dog training does not constitute, under any reasonable definition, an "agricultural" use. Raising grass and tending sheep are, under different circumstances, agricultural in nature but not in this instance where it has from the start been the stated intention of the proponents to build and operated a private, commercial dog training facility on the site. The facility is a private, membership based facility not open to the general public and available only to those willing and able to pay whatever fees the proponents can extract. It does nothing to enhance the already extensive and readily available dog recreation and training areas available to the public in Monterey County.

67-2

It is from this perspective that the DEIR proceeds and in doing so mischaracterizes or misses the real purpose and impact of the project. This is a purely commercial non-agricultural venture, entered into by its proponents for profit and with no intent to benefit the public or surrounding community and with no intent to ever use the property for agriculture or, if the project is successful, ever return the land to agricultural uses. The County Planning Commission, of which one of the proponents is a member, has, to date, permitted unprecedented development and use of this project under this guise without any permitting or compliance with local or state law. That is highly inappropriate and probably illegal. Permitting the DEIR to be premised on similar misconceptions is equally unacceptable.

The DEIR is flawed in that it fails to evaluate the project solely as a commercial venture and fails to evaluate or assess the impact of the illegal development of the project and the underlying potential conflicts that have permitted that development to date. The DEIR's conclusion that there are Class IV beneficial impacts from the project, i.e., only temporary conversion of the land to commercial from agricultural use and the creation of additional quasi-public recreational facilities, is flawed and biased by the proponents' characterization of the project and not supported by the facts. The conversion is not temporary and the facilities are private and for commercial gain, not quasi-public.

67-3

67-4

TRAFFIC

The DEIR rightly points out that the project imposes Class I "significant and unavoidable" negative traffic impacts on the relevant intersections and roads accessing the project. The alternatives, other than the "no project" alternative, do not alter those conclusions nor do those alternatives suggest any credible much less reasonable measures to lessen those impacts. The DEIR supposes that the traffic impacts could be lessened either (i) by major alterations of the affected intersections, none of which are planned or funded, or (ii) by obtaining permission from unrelated and largely adverse property owners for the use of privately owned Rancho San Carlos Road and a portion of Valley Greens Drive. These intersection alterations are simply not going to happen in the near term, if ever, and certainly not in time to benefit this "temporary" facility. It is even less likely that the very property owners who are actively opposing this facility will ever permit the use of their property to benefit the project they find so detrimental to their community and their property interests. In no event should any further development of the project be permitted or any permits granted until the necessary intersection alterations have been completed and any required permissions from affected property owners obtained.

67-5

Another significant consideration not addressed by the DEIR's suggestion that use of Rancho San Carlos Road would lessen the negative traffic impacts is the existence of the very narrow bridge on that road where it crosses the Carmel River. That bridge is already posted as being too narrow to accommodate more than one truck or other over-sized vehicle at a time. How can it be assumed that it is safe or practicable to permit multiple trips by up to 70 large cumbersome recreational vehicles, many towing trailers or other vehicles, across this bridge? What is the potential impact on access by emergency vehicles to the Quail Lodge community, Quail Meadows and the Preserve of accidents on and blockage of this critical and currently over-stressed bridge? The DEIR contains no adequate assessment of this issue. Indeed, it would seem that instead of proposing use of the Rancho San Carlos Road bridge as an acceptable form of access to the project, the DEIR should require that use of that bridge be prohibited to traffic accessing the project.

67-6

Chapter 6 of the DEIR, and specifically section 6.3 (for some reason not specified in the table of contents of the DEIR), addresses irreversible environmental impacts under CEQA. Section 6.3 speaks directly to "unavoidable significant environmental impacts", meaning adverse impacts that are both significant and not susceptible to being mitigated to an acceptable level. Section 6.3 concludes that certain transportation and traffic impacts of the project, including project alternatives other than the "no project" alternative, cannot be mitigated to an acceptable level. In such circumstances, CEQA requires as a pre-requisite to approval of the project, that the County adopt a "Statement of Overriding Considerations" (not defined in the DEIR) justifying its approval of the project. The DEIR does not specify what these "overriding considerations" might be, perhaps the preparers of the document could think of none. Or maybe that is why section 6.3 was not specifically identified in the table of contents or discussed in the Executive Summary. It seems to be too important a requirement of CEQA to have been given such cursory treatment.

67-7

The Board of Supervisors has a very heavy burden to come up with sound public policy reasons why a project with clearly demonstrated adverse affects on the County's already overburdened transportation infrastructure and other significant negative environmental impacts, and which is overwhelmingly opposed by almost every resident and business in the area of the project, should be approved. To try to justify approval of a commercial venture which will benefit a member of the County Planning Commission on the basis that it constitutes a "temporary" use of "agricultural" land that will benefit the "public" is very tenuous and not likely to resonate with County residents and voters who routinely meet with County restrictions imposed on them and the use of their property. Nor will it resonate with the Superior Court who will almost certainly be asked to review any approval of this project by the County.

CONCLUSION

This submission does not address all of the issues raised by the DEIR. We trust that those other issues will get a full hearing in the course of the EIR process. It does, however, pose very significant issues which are unavoidable and not adequately evaluated by the DEIR.

We look forward to participating in the process and gaining a better understanding of how anyone believes this is a project that merits the County's approval in light of all the negatives associated with it and near overwhelming disapproval by the project's neighbors and those most affected by it. This is particularly difficult to understand in a

context that would require significant discretionary action by the Board of Supervisors to overturn the clear conclusions of the DEIR.

Jack Hardy
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(626) 372-9772
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cc: Monterey County Board of Supervisors

Sent from my iPad

Comment 67, Mr. Jack Hardy and Donna Hardy

Comment Response 67-1: Comment noted. Refer to Comment Response 64-2.

Comment Response 67-2: As described in Section 1.2, *Project Objectives* the purpose of the Project is to provide a membership-based canine sports and event center for the local community (including classes open to both members and non-members), while preserving the opportunity for the property owner to resume the historical use of the property as a full-scale farm. As described in Impact AG-2, the proposed Project would maintain over 32 acres of the Project site as agricultural fields planted generally in hay, grain, pasture crops, fruits, and garden flowers, but would add recreational/commercial use to 5 acres of the existing agricultural property. All structures and infrastructure are designed to be temporary such that upon completion of the life of the Project, all facilities could be removed and the entirety of the site could return to full organic agricultural production.

Comment Response 67-3: Per CEQA Guidelines, the EIR evaluates the proposed Project relative to the existing baseline that was present at the Project site at the time of the publication of the NOP, which included the prior on-site grading of an irrigation pond. The impacts associated with the grading of the site including the pond are analyzed in the EIR. The analysis contained in the EIR includes both the proposed commercial recreational and agricultural uses of the project site.

Comment Response 67-4: Comment noted. Please refer to Comment Responses 67-1 and 67-2.

Comment Response 67-5: If the proposed Project were approved, in lieu of physical intersection improvements or the ability to reach agreements with private road holders, the Applicant would be required to provide, for all special events, an adequate number of licensed traffic monitors (e.g., CHP, Monterey County Sherriff deputies, or other qualified public safety officers) under MM TRANS-3, which would mitigate potentially significant impacts described under Impact TRANS-3.

Comment Response 67-6: Comment noted. Refer to Comment Response 64-8.

Comment Response 67-7: Section 6.1, *Irreversible Environmental Impacts*, and Section 6.3, *Unavoidable Significant Environmental Effects*, are included in the Table of Contents on Page vii. As detailed on page 6-3 of the DEIR, a Statement of Overriding Considerations is a statement of the lead agency's findings regarding the merits of approving a project despite its environmental impacts. A Statement of Overriding Considerations is adopted when the agency decides to approve a project that will cause one or more significant environment effects; the lead agency prepares the statement, which must be in writing and state specific reasons supporting agency action.

May 17, 2015

Monterey County Planning Department

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Attn: John Ford

RE: **Canine Event Center Draft Environmental Impact Report, DEIR 040115, PLN 13052**

The CEC project proposal should never have been considered nor its submittal accepted by the County of Monterey, as its processing involves a significant conflict of interest. Two of the three partners involved hold County appointments to boards and commissions that are responsible for review and approval of the project. Recusal from voting on project approval is far from sufficient protection for the process. Both partners have been in their Board and Commission positions long enough to have developed strong relationships with both their fellow members, the Board of Supervisors and with the County departments and staff. Even without voting, their influence has been and will be significant.

Martha Deihl asked the key question when asked about the potential for conflict of interest at a meeting with the Homeowners at Quail: “So would you deny me the right to have a business in the County?” The correct answer: “Not necessarily, Ms. Deihl. You and your husband should only be denied the right to start a business requiring approval of permits from the County for which you serve.” At that time she stated to the HOA that her term with the Planning Commission was coming to an end that year, but of course once the depth of opposition became apparent, she quickly reversed her position and now remains firmly entrenched in the County development approval process for the foreseeable future. This is exactly how corruption of government process is enabled.

Even if both project applicants were to leave their posts, [and there is no indication that they will do so], their influence with the County will not simply end. The result of this situation is that all votes and approvals come under suspicion of undue influence by the applicants, and all County review of permitting, construction and various management plans will likewise be suspect.

Review of EIR [referenced by page & line number]

Note: This review contains some repetition of comments due to the fact that various sections of the EIR also repeat subjects, data and findings.

1.1 Overview

1-1-32 Clarification: the purpose of the presence of livestock on the property does not constitute agricultural production, but in the proposed project pertains only to the training of dogs.

68-1

1.3 Purpose/Legal Authority

1-3-5 CEC is not a supplemental use, but the primary use of the proposed project. The applicant has stated publicly that without special events the “business plan” will not work.

68-2

1-3-13 According to the Carmel Valley Master Plan, recreational uses similar to CEC are to be concentrated in the vicinity of the Middle School [see 4.9 comments]

68-3

<u>1-3-15</u> CEC is not compatible with adjacent uses, e.g., residences, as emphasized in detail in section 4 of the EIR.	68-4
2. Project Site	
<u>2-3-16</u> Excavation of the pond was completed without County approval and grading appears to be complete as well, other than minor earthwork for the “temporary” structures. Indications to the contrary are only presented as obfuscation of these violations.	68-5
<u>2-5, fig 2-1</u> shows no sod farm as an ongoing part of the operation. This representation is being used to justify “agricultural use” but is of insignificant importance to the project objectives.	68-6
<u>2-7-4/8</u> Garden flower crops, and the like seem not to mix well with dog training, exercising, etc.	68-7
<u>2-4.1.3</u> No means exist to <u>ensure enforcement</u> of restriction of use along the river. An employee of the CEC would have to be present to supervise use, and there is no indication that a full time employee could or would be dedicated to this task. County enforcement of any management plan is not possible, rendering all such <u>management plans in this EIR meaningless as mitigations</u> .	68-8
<u>2-10-16/17</u> Irrigation pond would not save water, but increase use due to evaporation [2.44 AFY]. The real purpose is use as a dog swimming & diving facility.	68-9
<u>2-11-44</u> The daily 100 visits, would equate to 200 more car trips up and down Valley Greens Drive [VGD] through residential neighborhoods, an increase of over 15% of current trips/day per 4.1-9-25. [See 2-12-25].	68-10
<u>2-12-25</u> Use of the CVR/VGD intersection by event participants is unenforceable. Once CEC users have experienced the difficulty of entering CVR from VGD they will find use of the RSC signalized intersection much more convenient.	68-11
<u>2-12-30</u> When 70 RVs plus other vehicles are arriving, this intersection would be blocked beyond use. As a mitigation, a plan for staggered departure is difficult, but staggered arrival is impossible.	68-12
<u>2-14-7</u> “No Parking” will not happen due to events other than CEC, and on-street parking will occur.	68-13
<u>2-16 Table 2.4</u> “Agriculture” is only a setting for the commercial activity that the project is really about. Bringing produce to market would be incidental if it occurred at all, and does not warrant this use of water.	68-14
<u>2-17-2/4</u> Dogs bark. Attempts at regulation to silence of large numbers of dogs will be ineffective.	68-15
<u>2-5.4</u> Nearly all grading, including excavation of the “irrigation pond” has already been done, without any County approval. The applicant should be required to restore the site to its natural condition and appropriately penalized prior to any consideration for entitlements.	68-16
4.1 Aesthetics & Visual Impacts	
<u>4.1-8,10/11</u> Lighting for special events will violate CEQA guideline.	68-17

4.1-12 Photos are deceptive, and actual on-site, perception of the fence will have much more impact on the perception of openness. Still, tops of vehicles will still be visible. The assertion of low to moderate impact on Poplar Lane residences is inaccurate. In any case, portions of the fence proposed in the floodway will not be permitted according to prohibition of obstructions therein.

68-18

4.1-14 Impact AES-1 assessment is incorrect. The nighttime impact of CEC activities compared to its current state will be considerable, and the only enforcement of any restrictions will come as a result of residents who are forced to make formal complaints to the County.

68-19

4.1-16-18 AES-3 is incorrect. Adding another light source is still a problem even though other similar sources exist. The cumulative effect of multiple light sources is significant.

68-20

4.2 Agricultural Impacts

4.2 General. Agricultural use should be defined as the raising and keeping of crops and stock to be consumed, employed for use or brought to market. Use of this Prime Farmland for use as an event center is clearly not “agricultural” A stretch of interpretation of “agricultural zoning” does not qualify as agricultural use, and therefore Prime Farmland is being converted to other use, clearly a significant impact according to 4.2.4.1. Any “agriculture” that is part of the proposal is incidental and used only in an attempt to justify the real use of the property under the proposal. The fact that the conversion is indicated as “non-permanent” is irrelevant. There being no binding project end date, the conversion could result in a long term or permanent commitment of valuable agricultural resources, and the stated impact analysis is incorrect.

68-21

4.4 Biological Impacts

4.4 General. Pond excavation and other grading may have been done before archeological survey; regardless, CEC owner should have been required to have a qualified Archeologist standing by during operations, as homeowners are required to do in subdivisions that have already been graded and built upon.

68-22

4.7 Hazard Impacts

4.7-11 Impact HAZ 1 will be difficult to enforce, particularly in hard to monitor, fire sensitive areas such as the river front, outside the fence and near to the high fire danger zones designated on the map. The potential for BBQ fires in the picnic area there is particularly concerning. County enforcement unlikely.

68-23

4.8 Water Impacts

4.8-9, 33/34 Water collected under riparian rights may not be stored in a reservoir for future use, therefore the plan relies on appropriate right.

68-24

4.8-11,1 Appropriate right perfection is suspect. One partner serves on the Water Board, another on the Planning Commission, a clear potential for conflict of interest exists.

68-25

4.8-12 Figure 4.8-2 shows a majority of the pond to be within the 100 year floodplain. County policy requires such excavations within the 100 year flood plain to be permitted in advance, a requirement that was violated by the applicant. The site must be restored to its original condition and penalties levied.

68-26

<u>4.8-16, 14-25</u> Wood fence proposed as a view mitigation in 4.1 is not mentioned herein. Such a fence would constitute an obstruction to river flow within the 100 year floodplain and therefore could not be permitted.	68-27
<u>4.8-19 & 20</u> The mitigation for Impact HYD-2 is a “management plan” would be <u>impossible to implement and enforce</u> . The County is not equipped or willing to provide oversight and the effect on runoff would not be detectable by casual observers.	68-28
<u>4.8-22-1/11</u> The irrigation pond has already been excavated <u>without permit</u> and should be returned to natural state.	68-29
4.9 Land Use Impacts	
<u>4.9 General</u> . “Prime Farmland” is a valuable resource to the state, despite the current owner’s disinterest in conducting true agricultural activities, and should never have been rezoned LDR and subdivided for residential development. The County should be protecting its true agricultural use, not considering an event center.	68-30
<u>4.9 General</u> . The Special Events including in the project are Commercial activities involving entrance fees, charges for services and retail vending and should not be permitted in LDR, as stated by John Ford at a public meeting held in 2014.	68-31
<u>4.9-6-9/10</u> Events are not a permitted use, and whether the project meets the definition of a “quasi-public” facility is questionable and such interpretation by the County is subject to <u>conflict of interest</u> .	68-32
<u>4.9-9 -30/32</u> CEC is only marginally similar in impacts to the golf course and lodge, but the major difference is that the course and lodge were there before homes were constructed, so context was known by purchasers of surrounding properties. Subsequently adding another commercial activity is unfair to surrounding homeowners.	68-33
4.9 General. This analysis has neglected the portion of the CV Master Plan that requires clustering of recreational uses near the Carmel Middle School, an area served by 4 traffic lanes on CVR, turning lanes off of and onto CVR at a signalized intersection.	68-34
4.10 Noise Impacts	
<u>4.10-9</u> States “special events” are limited to 24 days and to 8 weekends per year. This is the only reference to an 8 weekend limit, and the applicant stated publically that special events could be one-day in duration and that could mean special events might be held up to 24 weekends [most of the good weather season].	68-35
<u>4.10-11, 21</u> , Control of noise depends on abilities and action of diligent, able and aware individual owners. Not all dogs are consistently controllable. Dogs will not sign non-barking agreements.	68-36
<u>4.10-12, 29-31</u> Traffic noise is an irritant to neighboring residences. Adding more of irritation cannot be justified as “less than significant” impact just because other irritants already exist.	68-37
<u>4.10-12, Footnote 1</u> Staggered arrival scheduling is an impractical expectation and cannot contribute to mitigation.	68-38

4.11 Recreation Impacts

4.11-4 Figure 41.11-1 is under-researched grossly misleading in favor of the applicant. Dogs are permitted, on leash, on Quail Lodge Golf Course. The open field at VGD & Rancho San Carlos is used by dog owners as a dog recreational facility and the trail along the river is open to dogs on leash. Carmel and other beaches permit dogs off leash. The area has plenty of facilities for dogs and their owners.

68-39

4.12 Traffic Impacts

4.12-1 The properties proposed for development only have legal access from Carmel Valley Road [CVR] by means of a private driveway. The only manner in which the property can be reached from Valley Greens Drive [VGD] is by use of a "One Foot Easement" meant to facilitate agricultural operations, not afford RV & other non-agricultural access to an Event Center. This project cannot claim legal access from VGD as planned.

68-40

4.12-3-1 No effective indication is given as to how on-street parking will be prevented. During special events currently being held in Quail on-street parking is extensive. County enforcement is unlikely.

68-41

4.12 General. Rancho San Carlos [RSC] should not be considered as a "second access" to the proposed CEC, yet RV drivers in particular, once they have experienced the difficulty of making a left turn from VGD onto CVR will undoubtedly attempt to use the signalized intersection at RSC. Such use of RCS should not be permitted, but cannot be controlled. The negative impact is significant.

68-42

- a. RSC is privately owned and maintained
- b. A portion of VGD is owned and maintained by Quail Lodge
- c. The bridge across the Carmel River is narrow and requires use by one large vehicle at a time.
- d. Lack of sight distance due to curves and elevation changes require large vehicles to come to a near stop before crossing safely
- e. The roadway just south of the CVR/RSC intersection is steep and requires and S turn before flattening out
- f. RSC is used by both pedestrians and cyclists, yet has no sidewalks or shoulders for their safe use.

All of these factors are in conflict with CV Master Plan objectives and are above Significant Thresholds per 4.12-13-9/21

68-43

4.12-13-1 The EIR does not define "minor interchanges". Clarify whether this means "round-abouts", turn lanes [already existing] or other arrangement.

68-44

4.12-15-29/31 Car-pooling with dogs on board is highly unlikely and should not be relied upon in any traffic study.

68-45

4.12-18-10 Grading has already been completed without County approval.

68-46

4.12 General. The Traffic Study seems to treat all vehicles as equal, but this concept leads to inaccuracy. Large vehicles, including RVs, have much more difficulty entering busy roadways from side streets when un-signalized, and they then cause delays of passenger vehicles, further extending wait times. This distorts the LOS grading.

68-47

4.12-10 Pictures point out undesirable conditions that already exist. No more such conditions should be approved. Existing uses DO have precedence over new uses. Saturation point has been reached.

68-48

Summary Statement

This project is inappropriately located, subject questionable processing circumstances and generally ill-conceived. Considerable time and resources have been wasted on a project which the County should have rejected early on for any or all of the following reasons:

- As “Prime Farmland the best and only use for the site should be true [not incidental] agriculture.
- CEC activities, especially those in connection with special events, would have significant [and in this EIR underrated] negative impacts on peaceful rural residential neighborhoods.
- Other land in the County is available for uses like CEC. The applicant is known to have considered Ft. Ord as a location but believed permits would be easier to obtain in the chosen location.
- The applicants, due to their positions on County boards and commissions subject to conflict of interest.

The County attempted to excuse the negative impacts and thereby enable permitting in an earlier “Mitigated Negative Declaration”. Considering the serious and legitimate public objections that were subsequently raised and resulted in the current EIR it is easy to imagine that the close relationship between the applicant and the County has fostered special treatment of the project application.

The “Environmentally Superior” alternative is somewhat more benign in its effect on the Quail community, however other under-rated impacts besides Transportation and Traffic should have weighed the EIR toward the No Project alternative as Superior. The bottom line is that a Canine Event Center does not belong in a peaceful residential community.

68-49

Larry R. Somerton
Quail resident
916/849-7585

Cc: Supervisor Fernando Armenta, District 1
Supervisor John M. Phillips, District 2
Supervisor Simon Salinas, District 3
Supervisor Jane Parker, District 4
Supervisor Dave Potter, District 4

Comment 68, Mr. Larry R. Somerton

Comment Response 68-1: The proposed Project includes a mix of recreational (e.g., dog training and agility training/shows) and agricultural activities (e.g., farming of hay, grain, other pasture crops, vegetables, flowers, fruit, and nursery stock), as well as management of small numbers of livestock animals (e.g., sheep, goats, and ducks). The presence of livestock on the site is to allow for rotational grazing of fenced areas, as well as provide an additional level of training functions/actions for dog owners. The County considers the use of livestock for routine grazing purposes as an agricultural use of the property.

Comment Response 68-2: Comment noted. Refer to Comment Response 68-1.

Comment Response 68-3: Carmel Valley Master Plan Policy CV-5.7 states: *“Existing school facilities should be used a nucleus for expansion of recreational uses. Land next to the Carmel Middle School should be considered for recreational uses.”* As the County interprets it, this policy does not prohibit or restrict recreational uses on other parcels/properties within the Carmel Valley. The proposed Project includes a mixed use of agricultural and recreational uses, both uses which are allowed (i.e., agriculture) or conditionally allowed (e.g., recreation/public quasi-public) within applicable zoning designation of the proposed Project site.

Comment Response 68-4: Comment noted. Land use consistency is evaluated under Impact LU-1. The proposed Project would temporarily modify the working agricultural landscape of the leased property to include secure fenced and private areas for CCSC members and their dogs to exercise, train, and socialize. However, the Project site is located within a transitional area of LDR and commercial development. The Project site would function in much the same way as the surrounding commercial and recreational facilities (e.g., Quail Lodge and Golf Course).

Comment Response 68-5: The proposed Project site has historically been used for routine and on-going agricultural activities. At the time of initial site grading, including creation of the irrigation reservoir, the County considered grading activities to be a part of the agricultural use of the property. Subsequently, the County determined that grading of the irrigation reservoir does/did require issuance and approval of grading permit.

Comment Response 68-6: Comment noted. Hayfield and livestock areas are identified in Figure 2-1.

Comment Response 68-7: Comment noted.

Comment Response 68-8: Comment noted. The comment references the Applicant’s project description. The enforcement of this is found in the mitigation measures (MM BIO-4a, -4b, and -4c). These mitigations would be incorporated into the Mitigation Monitoring and Report Plan which would be conditions of approval that would be implemented and enforced by the County through the Use Permit.

Comment Response 68-9: Comment noted. Grading for the project would include restoration activities, in the location of the partially excavated reservoir, as described in Section 2.5.4, Site Preparation and Grading. Previous grading attributed to the proposed irrigation reservoir, and the estimated volume that has been excavated, was not included in the EIR baseline. Excavated materials, particularly prime soils, would remain on the Project site and would be used to restore the reservoir area of the site.

Comment Response 68-10: Comment noted.

Comment Response 68-11: Under MM TRANS-3 the Applicant would be required to provide County-approved and licensed traffic monitors, during times of special events, for this intersection, which would ensure that traffic is directed and routed in the appropriate direction. Under MM TRANS-3 the Applicant would develop a traffic management plan for special events, which would include appropriate signage

and requirements for directing traffic. This plan would be reviewed and approved by Monterey County prior to issuance of a grading and/or building permit.

Comment Response 68-12: Comment noted. Please see responses to Comment Letter 10, particularly Comment Response 10-4.

Comment Response 68-13: Comment noted. As described in Impact TRANS-5. The Project proposes 169 general parking spaces in addition to a 15-space lot for members and staff. An unpaved overflow area would serve up to 70 RVs or as general overflow parking when RVs are not present. The parking plan has been reviewed by the County and tentatively approved. The parking supply is adequate for the maximum event size of 250 people and no street parking is proposed or would be required. Additionally, under MM TRANS-7, the Applicant would fund the installation of no parking signs prohibiting parking on the south side of Valley Greens Drive for 100 feet east and west of the Project driveway to maintain clear sight lines.

Comment Response 68-14: Comment noted. Refer Comment Response 68-1.

Comment Response 68-15: As described under Impact NOI-2, daily operational noise associated with the Project would not result in a substantial permanent increase in ambient noise levels relative to the significance thresholds presented in Section 4.10.4.1.

Comment Response 68-16: Comment noted. See Response to Comment 68-5.

Comment Response 68-17: As described in Impact AES-3, the proposed Project would create a new light source within an area with limited nighttime lighting; however, the proposed Project would not substantially increase vicinity light sources, given existing nighttime lighting from the adjacent Quail Lodge & Golf Club, the Valley Hills Shopping Center, and existing residences. Implementation of the proposed Project would include security lighting for facilities and down-lit path lighting for member and parking areas during operating hours. Security lighting and office lighting would be turned off by 9:00 P.M. and lighting in parking areas or other operational lighting would be shut off at 8:30 P.M. at the end of operational hours. The Project does not propose stadium lighting, overhead parking lot lights, or any other intensive light sources. Events that include overnight stays would add another nighttime light source generated from RV camping within the designated RV parking area. As RV overnight stays would occur less than 24 calendar days per year, light impacts from RVs would not occur throughout the large majority of the year. The proposed visual screening and mitigation requiring all external RV lights be turned off by 8:30 P.M. would assist in decreasing the amount of Project-generated light during events.

Comment Response 68-18: Comment noted. Refer to Comment Response 31-1.

Comment Response 68-19: Comment noted. Refer to Comment Response 31-1.

Comment Response 68-20: Comment noted. Refer to Comment Responses 31-1 and 68-17.

Comment Response 68-21: Comment noted. Refer to Comment Responses 64-2 and 68-1.

Comment Response 68-22: Refer to Response to Comment 68-5. Please also refer to Section 4.5, *Cultural Resources* for a description of potential archeological resources at the Project site. A Preliminary Archeological Survey was prepared by Susan Morley, M.A., Registered Professional Archeologist (RPA) for the Project site (2013), which identified no prehistoric or historic archeological resources. The Project site has a long history of agricultural use that included regular tilling of surface soils, which would reduce the potential for previously unidentified subsurface artifacts.

Comment Response 68-23: Comment noted. As described in MM HAZ-1 smoking and non-smoking areas would be designated by the Applicant on project plans and approved by Monterey County prior to the issuance of building and/or grading permits for the proposed Project. Refer to Comment Response 46-6 regarding permit compliance requirements and the County's enforcement process.

Comment Response 68-24: Comment noted. Following the receipt of public and agency comments, the Applicant proposes to limit water usage for this project based upon the Riparian Right. The EIR retains discussion of the Appropriative Right for purposes of disclosure of existing setting and resources; however, does not rely upon such right for the proposed Project. The existing water reservoir will be reclaimed as described in the Project Description. The DEIR and impact analysis has been revised accordingly.

Comment Response 68-25: Comment noted. Please refer to Comment Response 68-24. The Applicant will not be pursuing the Appropriative Right for this proposed Project.

Comment Response 68-26: Comment noted. The County Code requires restoration as a first option, but allows for the Applicant to apply for a permit when there are circumstances where permitting is preferable to restoration. The grading permit is a ministerial permit; however, it is included in the project description so that the totality of the project can be evaluated in this EIR.

Comment Response 68-27: The fence within the riparian area of the Project site is described beginning on Page 4.8-16 at Line 19. The fence proposed for view mitigation would be located on the western side of the property. While this particular fence would be located within a floodplain, habitable residences as well as the Quail Golf Course are located between the Carmel River Channel and the proposed mitigation fencing. Consequently, the fence is not likely to have a substantial impact on flood flows relatively to the surrounding existing structures.

Comment Response 68-28: County agencies, including the RMA Environmental Services, along with other responsible agencies (e.g., CDFW, SWRCB, etc.) would review and approve all plans required by mitigation measures prior to issuance of building and /or grading permits. Following construction and implementation of the proposed Project compliance with all mitigations would be carried out consistent with the Mitigation Monitoring and Reporting Program. Refer to Comment Response 46-6 regarding to permit compliance requirements and the County's enforcement process.

Comment Response 68-29: Comment noted. See Response to Comment 68-5.

Comment Response 68-30: Comment noted. Per CEQA Guidelines, the EIR evaluates the proposed Project relative to the existing baseline that was present at the Project site at the time of the publication of the NOP, this includes its zoning for LDR use.

Comment Response 68-31: The LDR zoning (Monterey County Code Section 21.14.050) allows for public/quasi-public uses, such as "*country clubs*", "*golf courses*", and "*other uses of a similar character, density and intensity to those listed in this section*" subject to approval of a Use Permit. The County considers the proposed Project to be of a similar character, density, and intensity of the adjacent Quail Lodge golf course and country club and the Project application includes a request for a Use Permit to allow a membership-based sports and event center. Therefore, as the County interprets the County Code, the proposed Project can be permitted subject to approval by the Appropriate Hearing Authority.

Comment Response 68-32: Comment noted. See Response to Comment 68-31.

Comment Response 68-33: Comment noted. Per CEQA Guidelines, the EIR evaluates the proposed Project relative to the existing baseline that was present at the Project site at the time of the publication of the Notice of Preparation (NOP), including the presence of surrounding commercial and residential

development. County zoning regulations define conditionally permitted uses within each zone district. Such permits are subject to discretionary review and findings of fact to permit such uses. This project may be conditionally permitted in the LDR zone district subject to approval by County Planning Commission.

Comment Response 68-34: Comment noted. See Response to Comment 68-3.

Comment Response 68-35: Comment noted. Special events would be limited to 24 days per year. Due to the scale and types of events that would be hosted, these would generally occur over a three-day weekend Friday, Saturday, and Sunday. However, there is no eight weekend limit.

Comment Response 68-36: Comment noted. Refer to Section 2.4.3.8, *Noise Restrictions* membership agreements would require dog owners to control barking and staff members would be trained to intervene if any member or guest allows persistent barking to occur. Penalties for non-compliance would include immediate expulsion and loss of membership. Consequently, while intermittent barking would be anticipated as a result of daily operations, persistent barking would not be permitted and thresholds of significance for noise impacts would not be exceeded. With respect to special event noise, MM NOI-3 would limit noise from generators and sounds amplification system. The Special Event Management Plan would be reviewed annual and would be revised based on noise complaints, among other criteria.

Comment Response 68-37: Event traffic noise during peak traffic flow for events would be between 52 and 55 dBA as described in Impact NOI-3. The largest noise level change would be associated with peak arrival traffic in the early morning, typically on a Friday and occasionally on a Saturday; however, this noise level is equivalent to acceptable afternoon peak hour traffic noise levels. According the noise study prepared for the proposed Project, the added traffic volumes associated with the Project and special events would not substantially increase ambient noise above that which already exists, or exceed noise thresholds and would result in a less than significant impact.

Comment Response 68-38: Comment noted. As the footnote indicates, event scheduling and traffic and noise analysis is representative of a worst-case scenario. Staggered arrival is not included as a mitigation or considered as a means to reduce impacts.

Comment Response 68-39: Comment noted. Refer to Comment Response 56-3.

Comment Response 68-40: The Project properties were granted legal access from Valley Greens Drive through a series of entitlements, which includes the removal of the “non-access” strip along a 60 foot section of VGD, subject to Board of Supervisors Resolution 03-174. Prior to 2003, there was a non-access strip along Valley Green Drive and the Wolters (property owners) had an agreement in place with the County to allow them access across Valley Greens Drive for their agricultural operations. In 2003, the County approved a Lot Line Adjustment (PLN010503 – Volume 27 of Surveys at Page 27) on the Wolter Property reconfiguring 4 residential lots, subject to BOS Resolution 03-174, which allowed access from Valley Greens for the 4 residential lots. In 2004, an additional Lot Line Adjustment (PLN030336 – Volume 27 of Surveys at Page 104) was approved reconfiguring 4 other lots for residential. The Record of Survey recorded reflecting this LLA showed access for these newly created parcels with a reference to BOS Resolution No. 03-174. Subsequently, in November 2004, the County issued a license (Document No. 2005007120) to allow unrestricted access to the reconfigured parcels created by the 2004 LLA (PLN030336). Based on this information, the Project has legal access to the site from Valley Greens Drive.

Comment Response 68-41: The UP would require parking onsite per the plan reviewed and tentatively approved by the County. MM Trans-7 requires the Applicant to fund “No Parking” signs on the south side of Valley Greens Drive for 100 feet east and west of the project driveway. Enforcement of the no

parking requirement would be subject to normal no parking regulations by uniformed public safety personnel (e.g., Monterey County Sheriff's Office, CHP, or designated traffic control officers). Parking is not currently restricted along Valley Greens Drive.

Comment Response 68-42: As described under MM TRANS-3 the Applicant would fund County-approved and licensed traffic monitors during special events to direct site access via Valley Greens Drive, control traffic, and to allow for improved RV access at the Project site. Consequently, the number of RVs that would inadvertently access the site via Rancho San Carlos road would be negligible. Please refer to Response to Comment 20-2.

Comment Response 68-43: Comment noted. See Response to Comment 68-42.

Comment Response 68-44: Comment noted. The language cited in the comment is a portion of the Carmel Valley Master Plan Policy CV-2.12. The EIR does not attempt to define County policy.

Comment Response 68-45: Comment noted. The assumption that Special Event attendees would or would not carpool with "dogs on-board" is not relevant to the trip generation estimates made for the Project. Please refer to Appendix H of the EIR.

Comment Response 68-46: Comment noted. Refer to Comment Response 68-5.

Comment Response 68-47: The proposed Project's trip generation estimates were developed using data provided in the ITE (Institute of Transportation Engineer's) Trip Generation Manual. Table 4.12-7 of the DEIR notes that RV campers were included in the traffic assumptions and analysis (see note 2).

Comment Response 68-48: Comment noted.

Comment Response 68-49: The Environmentally Superior Alternative was identified based on the reduction of environmental impacts resulting from the proposed Project as a whole and did not solely based its conclusion on potential impacts to the Quail Community.

May 18, 2015

RE: PLN130352 Carmel Canine Sports Center - comments to the Draft Environmental Impact Report

Dear Mr. Ford, members of the Planning Commission, distinguished County Supervisors and Mr. Brower,

I am compelled to write a letter of support for the Carmel Canine Sports Center (CCSC), a project that is currently being considered for approval by the County Planning Commission. The CCSC will provide a wonderful opportunity for many county residents, including several members of my family, to enjoy the company of their dogs. I realize that not everyone is a dog lover/owner, and for that very reason, CCSC is a win/win for everyone – giving us a safe, completely enclosed environment to train, work, and play with our beloved companions, and because it is not public property, would not subject others who might not feel the same way.

69-1

More specifically, however, I would like to address one very specific advantage to having CCSC in our community (please note that it was difficult for me to choose just one, because there are so many, but neither one of us has time to write/read a multiple chapter document). Opponents have been quick to assume that the dog events at CCSC will place an undue hardship on the neighboring communities, with noise, traffic, and other environmental impacts. As an active participant in dog sports, and having just returned from the National Invitational Competition for NACSW in Fort Collins, Colorado (canine scent work – fondly referred to as “sniffer dogs”), I realized that you might not be aware of how incorrect those misperceptions are. This event really drove home the point that there is not a more responsible group of people than dog sport participants. During the entire three day event, I never heard a single barking dog. The location of the competition was at a facility adjacent to a main highway, not unlike CCSC’s proposed location. Despite the number of people involved (40 competitor dogs with their handlers, over 50 volunteers often with their dogs, and countless spectators), there was never a line of cars waiting to get in or out (which I cannot say is true of multiple events held at the neighboring Quail Lodge). I never heard a single barking dog. I talked with spectators who accidentally wandered over from other events happening at the facility who never even knew we were there, even though we were all parked together on a large lot. We brought our own water, packed out our own trash, and while we were “picking up” after our dogs, we picked up trash and debris blown over from the highway. In other words, we certainly left the area in better shape than we found it. And, I never heard a single barking dog! I can’t believe that we impacted traffic, noise, or resources there in any sort of negative way.

69-2

And you might consider these positives – I travelled several hundred miles to attend this event. I went to the local Starbucks in the morning, and bought groceries and gas at the local stores. Monterey County thrives on tourism – wouldn’t it be nice if people attending occasional events at CCSC supported local businesses? And please know that the people who come to these events are a “special breed” (pardon the pun!). Personally, I believe that dog lovers are especially kind and generous because they see how generous their dogs are – beings that give us their love and expect nothing but love and kindness in return. Although that may be a personal opinion, consider this: the hosts of the NACSW event held a raffle fundraiser, which easily could have been used to offset the costs of the event. However, instead, they chose to donate the monies raised to the National Search Dog Foundation and the Colorado Police Canine Association. In three short days, the generosity of the dog performance community raised well over **\$2,500.00** for these charities. Wouldn’t you like to see people like these among us here?

69-3

Thank you so much for your attention. I trust that you will see the benefits of the CCSC in enhancing the Monterey Peninsula as a community that we can all be proud of.

Sincerely yours,

Pam Durkee
22180 Toro Hills Drive
Salinas, CA 93908
pam@thedurkees.us

Comment 69, Ms. Pam Durkee

Comment Response 69-1: Comment noted. Commenter expressed support for the proposed Project.

Comment Response 69-2: Comment noted.

Comment Response 69-3: Comment noted.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, May 18, 2015 7:45 AM
To: Mack, David x5096
Subject: FW: Canine Sports Center

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Jeff Hawkins [mailto:hawkinsj4@hotmail.com]
Sent: Sunday, May 17, 2015 11:01 PM
To: Ford, John H. x5158
Subject: Canine Sports Center

Please deny approval for this project based on traffic, water, noise and disruption of a residential area.

70-1

This center simply does not belong in this location. I've lived in mid valley area for 22+ years and am very familiar with the proposed site and the proposed used does NOT fit the area.

70-2

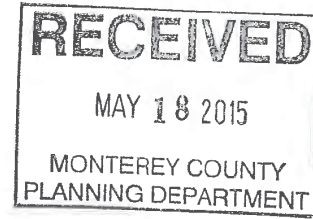
Regards,
Jeff Hawkins
25495 Via Paloma
Carmel, CA 93923

Comment 70, Mr. Jeff Hawkins

Comment Response 70-1: Comment noted. This comment addresses the Project rather than the adequacy of the EIR and should be directed to County decision-makers. Therefore, no response has been provided.

Comment Response 70-2: Comment noted. Commenter states that site is not appropriate for Project but has not provided supporting evidence for the claim.

HARRY H. HENDON
7027 VALLEY GREENS CIRCLE
CARMEL, CALIFORNIA 93923



May 12, 2015

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

Re: Carmel Canine Sports Complex, Draft Environmental Impact Report (DEIR)

Dear Mr. Ford,

I have perused the DEIR and have several major concerns as expressed below.

A claim is made that the project is in compliance with the site zoning which is residential-agricultural. The project meets neither zoning. It is a carnival like business which has no place in the tranquil Quail subdivision setting. The allowed events time is considerably greater than the Monterey County Fair annual event.

71-1

Logistics of staging and un-staging 70 large travel trailers, most pulling secondary vehicles, at Quail are monumental. Adding to this chaos, up to 100 automobiles or more carrying spectators must be accommodated. Some of the spectators will use Valley Greens Drive from Ranch San Carlos Road. However the trailers must negotiate unprotected left turns off Carmel Valley Road— greatly hazardous at best.

71-2

Noise pollution is claimed to be no greater than that allowed by Quail Golf and Country Club. The Quail subdivision is the poster child for the place that “rolls up the sidewalks at 8:00 PM” After 8:00 PM there is virtually no traffic on Valley Greens Drive and a baying animal can be heard for hundreds of yards. The Country Club is not a source of nighttime noise pollution.

71-3

Water use seems to be of little concern in the report. The project is “entitled” to 63.3 Acre Feet of water annually. Under the now proposed residential water usage to be limited to 75 gallons per day per person, 63.3 ACY will supply water for one year for 327 homes with two occupants.

71-4

In summary, I am vehemently opposed to the project if it allows “events”. In that role it should be placed in an appropriate site, such as a fairgrounds.

71-5

Yours truly,

Harry H. Hendon
Harry H. Hendon

cc: Supervisor Fernando Armenta, Supervisor John M. Phillips, Supervisor Simon Salinas, Supervisor Jane Parker, Supervisor Dave Potter

Comment 71, Mr. Harry H. Hendon

Comment Response 71-1: Comment noted. Please refer to Comment Response 68-31.

Comment Response 71-2: As described in Impact TRANS-7, this turning movement could introduce hazardous conditions with motor homes, reaching up to 45 feet in length (Class A motor home) and potentially towing trailers or another vehicle, navigating an unprotected left hand turn. However, the line of sight for this turning movement is considered safe for a vehicle of this size (refer to Memorandum from County Traffic Engineer dated 17 July 2015). Additionally, under MM TRANS-7 the Applicant would fund the installation of no parking signs prohibiting parking on the south side of Valley Greens Drive for 100 feet east and west of the Project driveway to maintain clear sight lines. Consequently, this impact would be less than significant relative to the significance criteria provided in Section 4.12.4.1.

Comment Response 71-3: The proposed CCSC would be open from 7:00 A.M. to 8:30 P.M. during daily operations. Special events, which would occur a maximum of 24 days per year, would include overnight RV stays. During these events, there is a potential for nighttime noise-related impacts as described in Section 4.10, *Noise*. However, under MM NOI-3 the Applicant shall prepare a Special Event Management Plan. The plan would limit noise from special events by prohibiting the use of amplification systems or RV generates outside the hours of 8:00 A.M. to 7:00 P.M. The plan would be reviewed annually and updated based in-part on any received noise complaints and non-compliance issues.

Comment Response 71-4: Comment Noted. Commenter states that water proposed to be used for Project, could supply water to 327 houses. No substantive issue raised.

Comment Response 71-5: Comment noted.

Meisinger, Nick

From: Ann Peterson Mahoney <apmahoney@sbcglobal.net>
Sent: Monday, May 18, 2015 8:23 AM
To: Ford, John H. x5158; Mack, David x5096
Cc: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Subject: Comments on Draft EIR PLN 130130352

Resource Management Agency/Planning Department

Attention: John Ford & David Mack

VIA EMAIL AND FAX (831) 757-9516

Gentlemen:

Re: COMMENTS ON DRAFT EIR FOR CARMEL CANINE SPORTS CENTER

PLN #130352

As long-term homeowners in the subdivision at Quail, we submit the following comments on the subject Draft EIR for the Carmel Canine Sports Center:

Chapter 3: Cumulative Projects Scenario:

The Draft EIR is required to outline “a list of past, present and probable future projects producing related or cumulative impacts”. This chapter includes a Map (Figure 3-1) that plots 16 projects on a map of Carmel Valley. There is an accompanying table, pages 3-2 to 3-7, which lists the project name, address, description and status. ***Please note that Items 3 and 16 are missing from this Table.***

72-1

In addition, this table lumps all past, present and potential future projects together. It would be more helpful for the reader to separate those that are already approved and are definitely going to have impact through buildout, particularly on **traffic**, in the area. For example:

72-2

- Number 16 is The Preserve, where the infrastructure is completed, and houses built on approximately 100 of 300 lots. That means that there are 200 more estate houses with the concomitant trips per day added to the local traffic sometime in the near future – 5 or 10 years out. The homeowners from the Preserve use Rancho San Carlos Road as their ingress and egress route, frequently turning onto Valley Greens Drive if they are coming from or going east toward Carmel Valley Village. The Preserve traffic makes a significant contribution to Rancho San Carlos Road and Carmel Valley Road intersection. Accurate consideration of the cumulative traffic is important. Total new traffic:

72-3

- 200 more estate sized homes. Golf club plus multiple special event venues available at the Preserve.**
- Number 15 is Tehama, also fully approved with all infrastructure in place. There are currently 30 completed homes, and 60 lots remaining to be built on. (32 still owned by the developer; 28 by individuals who are in various stages of planning, approval, construction, or holding the land.) This is at a critical intersection of Carmel Valley Road and Valley Greens Drive. **60 additional estates homes. Golf course, club house, special event venue.**
 - Number 7. Carmel Valley Ranch Resort, already under construction, is the addition of what appears to be **47 hotel units. Golf course and special events venue.**
 - Missing from the table are the completed projects of Rancho Canada Woods and Monterra. There are still homes to be built in these areas, and while the main access for these projects is from Highway 68, owners who are also members of the Tehama Golf Club may access their homes from Carmel Valley Road (intersection of CV Road and Valley Greens Drive). The omission of Canada Woods and Monterra make this table and the Draft EIR unreliable.
 - Number 15 September Ranch is a fully approved project for **73 residential lots and 22 affordable housing lots.** This project is between the stop light on Carmel Valley Road at San Carlos Road and the intersection of Carmel Valley Road and Valley Greens Drive. No improvement of the infrastructure has commenced. A round-about on Carmel Valley Road for access to this project is under consideration. This is a critical and unresolved piece of the traffic flow pattern near the proposed project.

72-3
cont.

72-4

72-5

72-6

72-7

Please identify the impacts from the existing, approved but un-built projects in the DEIR. Please state the DEIR page and identify the data and assumptions attributed to each project.

Chapter 4.4: Biological Resources Mitigation Measure BUO 4a:

“Impact BIO-4: Increased access to the Carmel River riparian corridor associated with the proposed Project would potentially result in indirect impacts to wildlife, including sensitive species.”

To mitigate these potential impacts, it is proposed that “The Project Applicant shall post signs that require all dogs to be kept on leash at all times outside of the food safety fence. Further, the Project Applicant shall require members to stay on trails and prohibit canine use of the Carmel River (e.g., swimming etc.) CCSC shall hand out a pamphlet at the reservation/registration process describing these restrictions.”

72-8

This appears to be a mitigation that will be impossible to monitor and enforce. Water is an irresistible attraction for many breeds of dogs and their owners. This is an area out of the public view shed. Who will monitor compliance with this prohibition?

CCSC’s current advertising campaign is to “*unleash* the possibilities” and its Facebook pages have a number of photos showing dogs swimming in the river at this site. Here is one example:



Chapter 4 – Noise. Impact NOI-2:

The conclusion that “daily operational noise associated with the Project would not result in a substantial permanent increase in ambient noise levels in the project vicinity” is faulty. While it may not be a **permanent** increase in ambient noise, the introduction of daily dog activity certainly will introduce **different** noises in the vicinity. Dogs **do** bark. Whistles and bells used for training **do** make noise.

72-9

These are not part of the daily noise environment for those who live in the area. Along with the other frequent and irregular sounds of the Project – proposed for 7 am to dark—these noises will **not** be consistent with the historic agricultural use or the zoned residential use, or with the other surrounding land uses.

72-10

That the noise level is calculated to be between 50 to 58 dBA based on the nearest receptors at 400 feet (Quail Lodge) and 600 feet (Lake Place) (page 4.10-11 DEIR) may be an accurate assessment for these locations. In fact, those of us who live in Carmel Valley find that noise travels far, hitting the Valley walls on either side and bouncing back, often **amplifying** noise from great distances. We even hear the noise from the track at Laguna Seca, which is over the hill off of Highway 68, many miles away. The noise study fails to consider the way that noise travels in this particular location in Carmel Valley, with our valley walls. Property owners on the other side of the Carmel River have noted the noise of the dogs. Even if it does not exceed a specified decibel level, it will be noticeable.

72-11

Training dogs in this neighborhood is not a normal noise. It can be irritating, annoying, and invasive. Who will monitor and enforce the noise levels?

Chapter 4.12. Transportation and Traffic. "The impact of special events would result in increases in traffic at vicinity intersections." The mitigations suggested are (1) to enter into an agreement with the private road holders and exit via Rancho San Carlos Road. If that is not available, then (2) the applicant "must provide a licensed traffic monitor to direct traffic and manage traffic at the Carmel Valley Road & Valley Greens Drive intersection during special events."

72-12

In our opinion, this would be a very hazardous assignment for the monitor and would create new dangers for motorists. We had direct experience of this "hazard" when a temporary stoplight was placed at the intersection 2010. With a warning flashing light at the top of the hill before it, and a very visible traffic light at the intersection, motorists repeatedly failed to comply with it because it was not a regular feature. What does this mean for the success of a periodic traffic monitor who is present only for a few hours or days at a time? The proposed mitigation of a traffic monitor would **not** be adequate to mitigate the traffic and intersection impacts, and to the contrary, would create a whole new set of safety hazards that have not been analyzed.

The proposed project will add yet one more Special Event Venue off of Carmel Valley Road. What is the cumulative impact of all the facilities that are currently being used for special events? Has the data regarding current special events been gathered, disclosed, analyzed and mitigated?

72-13

Please separately consider an analysis of the special events venues which already exist. What extra impact do they have on Carmel Valley Road traffic?

72-14

Section 4.11 Recreation

Table 4.11.1 has a column labeled "Private Or Public". Which is each listed resource: Private? Public?

72-15

Where is mention of the park in Carmel Valley Village frequented by many dogs and their owners?

72-16

4.11.4.2. Project Impacts and Mitigation Measures

- Impact REC asserts “The proposed Project would provide an additional quasi-public recreation resource, thereby creating a beneficial effect on recreational resource availability (Beneficial, Class IV). What is the basis for characterizing this proposed *private, for-profit commercial event center a Quasi-Public facility?*” 72-17
- According to the Draft EIR, the Project would provide a unique recreation opportunity in the county and *expand the availability of active recreation and the number of available recreation trails* (emphasis added) within Carmel Valley and regional vicinity. *How will these trails be monitored? What about impacts on the wildlife?* 72-18

As previously stated, the proposed mitigation measures, MM BIO -5a through 5C, are not likely to be enforceable or measurable, or necessarily agreed to by the applicant. Is it possible to conclude, as the DEIR preparer has, that “the level of impacts related to recreational resources to levels that are less than significant.”? 72-19

We think not.

Characterization of Project as “Temporary”:

Repeatedly, through the Draft EIR the project is referred to as “temporary”, as the applicant has indicated there is in place a 10-lease on the property, and the buildings would be modular which can be removed. Ten years is anything but “temporary”. 72-20

There is no public knowledge of the terms of the lease between the applicant and the owner. Are there options to renew? For what periods of time?

It is our experience, once a use begins (and in this case, the Applicant is currently using the property as a dog training facility), unless the business is a failure, the use continues.

We respectfully request that your agency conduct a thorough review to correct and complete the Draft EIR on the proposed event center. In doing so, we feel that any objective body will conclude that the only option is to decline this application outright.

Thank you for the opportunity to comment.

Sincerely,

Ann & John Mahoney

7079 Valley Greens Circle, Carmel, CA 93923

8311-625-5890

Cc: Supervisors, Monterey County:

Fernando Armeta, District 1

John Phillips, District 2

Simon Salinas, District 3

Jane Parker, District 4

Dave Potter, District 5

Comment 72, Ms. Ann and John Mahoney

Comment Response 72-1: Comment noted. Table 3-1 will be renumbered and Figure 3-1 will be revised.

Comment Response 72-2: The affected environment for most of the resource areas analyzed in this EIR was determined to be limited to within five miles of the Project area. Projects within this radius are provided in Table 3-1 and on Figure 3-1. However, for traffic and transportation, trip generation is largely based on land use types. Therefore cumulative traffic conditions are reflective of buildout prescribed in the General Plan and the Carmel Valley Master Plan. Cumulative traffic volume forecasts were developed using the 2014 Association of Monterey Bay Area Governments (AMBAG) Regional Travel Demand Model (RTDM) and the 2007 CVMP traffic study. The CVMP traffic study forecasts travel based on a detailed review of potential land use intensities within Carmel Valley, while the RTDM is by nature focused more on regional travel patterns. For further detail please refer to Appendix H.

Comment Response 72-3: Comment noted. See Comment Response 72-2.

Comment Response 72-4: Comment noted. See Comment Response 72-2.

Comment Response 72-5: Comment noted. See Comment Response 72-2.

Comment Response 72-6: Comment noted. See Comment Response 72-2.

Comment Response 72-7: Comment noted. See Comment Response 72-2.

Comment Response 72-8: The County, along with other relevant agencies (e.g., CDFW, MPWMD, etc.) would review and approve all plans required by mitigation measures prior to issuance of building and /or grading permits. Following construction and implementation of the proposed Project compliance with all mitigations would be carried out consistent with the Mitigation Monitoring and Reporting Program. Refer to Comment Response 46-6 regarding to permit compliance requirements and the County's enforcement process. Please also note that CCSC would be required to develop an annual Habitat Management Plan and monitoring program that would assess riparian vegetation cover and density as well as wildlife occurrences and density with the riparian area included with the Project site. Monitoring of this area would help identify noncompliance issues associated with any offleash dogs in the riparian area.

Comment Response 72-9: As described in Impact NOI-2, daily operational noise associated with the proposed Project is anticipated to be generated from ongoing agricultural operations, dog barking, daily canine training and excise activities (i.e., whistles and commands), and increased traffic on vicinity roadways. As described in this impact occasional dog barking at the Project site is anticipated, though it would be limited with the implementation of Applicant-committed measures described in Section 2.4.3.8, *Noise Restrictions*. However, the noise impacts from daily operations, described in further detail in Table 4.10-3, would not exceed the thresholds for determining significance identified in Section 4.10.4.1. Consequently, while daily dog activity would introduce different noises, these noises would not be considered significant under CEQA. See Comment Response 68-36

Comment Response 72-10: Comment noted. See Comment Response 72-9.

Comment Response 72-11: See Comment Responses 68-36 and 72-9 relative to noise generation and potential impacts from the Project. See Comment Response 46-6 relative to permit compliance and the County's enforcement process.

Comment Response 72-12: Comment noted. If the Applicant could not reach an agreement with private road easement holders in the vicinity, they would be required to provide County-approved and licensed traffic monitors to direct traffic and manage traffic at the Carmel Valley Road and Valley Greens Drive intersection during special events. To ensure that monitors are qualified, the Applicant will be required to fund 2 deputy sheriffs or other qualified public safety officers for all such events.

Comment Response 72-13: Comment noted. As described in Impact TRANS-10 and -11, the special events associated with the proposed Project would result in a substantial contribution to cumulatively considerable impacts. The DEIR analyzed cumulative impacts resulting from the proposed Project based on current information known on events and project within the Carmel Valley at the time that the Notice of Preparation (NOP) was released.

Comment Response 72-14: Per CEQA Guidelines, this EIR evaluates impacts associated with the proposed Project relative to the existing baseline conditions present at the time of the publication of the NOP. Existing developments, including the Quail Lodge & Golf Club, Baja Cantina, and Earthbound Farms as well as associated events are included in that baseline as described in Section 4.12.2.7, *Local Event Traffic*. Implementation of the proposed Project would result in potentially significant impacts associated with special events when compared to existing conditions, as described in Impact TRANS-3. In order to reduce the severity of this impact to less than significant levels, mitigation measures would be required, including MM TRANS-3.

Comment Response 72-15: Comment noted. Table 4.11-1 has been revised to describe specifically whether each facility is private or public.

Comment Response 72-16: Comment noted. The Carmel Valley Village Community Center and Park is a public park, available to people with and without dogs. Table 4.11-1 has been revised to include mention of the Carmel Valley Village Community Center and Park.

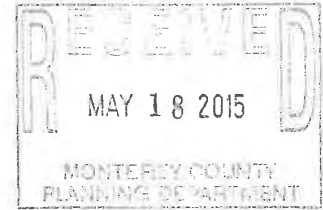
Comment Response 72-17: As described in Impact REC-2, though access to the proposed CCSC would be restricted to dues paying members only, the CCSC would provide recreation space for the nearby residents of Carmel and Carmel Valley, and more broadly, Monterey County. Additionally, classes and special events would be available to the general public.

Comment Response 72-18: Comment noted. Refer to Comment Response 72-8.

Comment Response 72-19: Comment noted. Refer to Comment Response 72-8.

Comment Response 72-20: Comment noted. Refer to Comment Response 64-2.

May 18, 2015



Monterey County Planning Department

Attn: John Ford

168 W. Alisal Street

Salinas, CA 93901

Via: Hand Carried

Dear Commissioners:

Re: PLN130352 – Carmel Canine Sports Center

My wife and I support the CCSC and their proposed use of this property in question. The Club Management has agreed not to schedule their "Events" in conflict with the existing high traffic events in the Valley. CCSC "Event" traffic will actually benefit the local businesses and cause very little problems with their neighbors. We have traveled to see many of these proposed competitions and the experience has been wonderful without any exceptions.

73-1

73-2

The addition of this "First Class" Sports Center will add one more reason why Monterey County continues to draw people from all over the World.

Please approve this application as soon as possible.

Respectfully Submitted,

A handwritten signature in black ink that reads "Thomas D. Mill".

Thomas & Frances Mill

A handwritten signature in black ink that reads "Frances A. Mill".

T.D. Mill & Frances A. Mill (Tom Mill Past Planning Commissioner Chair 1985)

22482 Ferdinand Drive

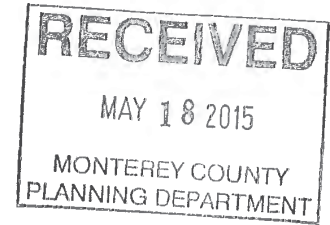
Salinas, CA 93908

Comment 73, Mr. Thomas and Frances Mill

Comment Response 73-1: Comment noted. Transportation-related impacts associated with the proposed special events are described in Section 4.12, *Transportation and Traffic*. Commenter has expressed support for the Project.

Comment Response 73-2: Comment noted. For a description of beneficial recreational impacts related to the proposed Project please refer to Impact REC-2.

William J. Milton, Jr.
321 Forest Drive South
Short Hills, NJ 07078-2310



May 14, 2015

Mr. John Ford
Monterey County Planning Department
168 West Alisal Street @ Capitol 2nd Floor
Salinas, CA 93901

Dear Mr. Ford:

This is in reference to the proposed Carmel Canine Sports Center, PLN130352.

I am writing as a concerned owner, along with my sister, of a vacation house on Poplar Lane that has been in the family since 1977. As you are aware, the houses on Poplar Lane would be among the most affected by the proposed Carmel Canine Sports Center.

I wish to comment on the Draft Environmental Impact Report for the Carmel Canine Sports Center, specifically the Noise Impact and Mitigation Study. First let me commend the authors of that report for their thoroughness in measuring decibel levels of current ambient noise, and for their carefully considered calculations of decibel levels from the proposed Carmel Canine Sports Center. Decibel levels, however, provide an incomplete picture of the true environmental impact of noise on a community such as the Quail Lodge development. Certainly the noise from yapping dogs is not equivalent to that of a lawnmower, even if the decibel level of each is similar. The nearly incessant barking of dogs on a daily basis that this project would bring to the Quail Lodge community would essentially destroy the character of the community. I ask that the type and source of noise, in addition to just the decibel level, be given careful consideration with regard to its impact on our community.

74-1

Respectfully yours,

William J. Milton, Jr.
William J. Milton, Jr.

Comment 74, Mr. William J. Milton, Jr.

Comment Response 74-1: The dog barking noise level analysis provided in the noise study is based on measurements of many different dog barks at actual canine Agility Trials, the type of event that is being proposed for this Project. Worst case barking conditions are considered at the Project activity areas nearest to the nearby residential receptors. It should be noted that this proposed Project in no way relates to noise from a dog boarding facility, where many dogs are penned up next to each other for long periods and are left unsupervised to bark. As stated in 2.4.3.8 of the Project description, the membership agreements would require dog owners to control barking and staff members would be trained to intervene if necessary if persistent barking occurs. If this is not followed upheld, it will be a violation of the Use Permit.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, May 18, 2015 6:20 PM
To: Mack, David x5096
Subject: FW: Carmel Canine Sports Center Project.

John Ford
RMA - Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

-----Original Message-----

From: Craig Morris [mailto:csmorris@att.net]
Sent: Saturday, May 16, 2015 3:15 PM
To: Ford, John H. x5158; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Subject: Carmel Canine Sports Center Project.

Dear Mr. Ford and Supervisors Armenta, Phillips, Salinas, Parker and Potter:

I am writing to express my concerns about the proposed Carmel Canine Sports Center Project, and respectfully suggest that you DECLINE the Project under the No-Project Alternative outlined in the Draft Environmental Impact Report.

My objections are primarily the concerns indicated in the Environmental Impact Report, sections Land Use and Planning (LU-1); Transportation and Traffic (TRANS-3, 4, 5, 7, 9, 10, 11); and Hazards and Hazardous Materials (HAZ-1).

In my opinion, the proposed project is inconsistent with the nature, existing uses and character of the area. It would also increase safety hazards when entering and exiting Carmel Valley Road (where the speed limit is 50 miles per hour), and increase traffic on Valley Greens Drive, a private roadway. It could also potentially increase the risk of fire.

We have lived in the Quail Lodge development a long time: 38 years. I still remember the care taken by Ed Haber and his wife as they planned and developed the property. They wanted to preserve the natural beauty and ambience of the area, placing significant restrictions on land use and appearances. The Quail Lodge (Peninsula Hotel Group) continues to maintain those standards for the benefit visitors and neighbors.

Mr. Haber was also a volunteer with the Sheriff's department, and would caution residents about the several serious accidents, injuries and some fatalities occurring in the area with cars entering and leaving Carmel Valley Road.

I urge you to decline the request of the Carmel Canine Sports Center.

Craig S. Morris
8015 River Place
Carmel, California 93923
831-624-5684

Comment 75, Mr. Craig S. Morris

Comment Response 75-1: See Comment Response 68-31.

Comment Response 75-2: See Comment Response 71-2.

Comment Response 75-3: Impacts associated with increased fire risk would be less than significant with the implementation of MM HAZ-1, which would require the Applicant to designate smoking areas for members, guests, and employees, located away from onsite fire hazards areas. The Applicant would prohibit smoking near moderate or high fire hazard zones within the upland areas along the Carmel River.

May 18, 2015

County Planner John Ford
Monterey County Planning Department
168 W. Alisal St. @ Capitol
2nd floor, Salinas 93901
fordjh@co.monterey.ca.us
831-755-5158

Reference: PLN130352 CARMEL CANINE SPORTS CENTER – COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Ford

I am writing in strong support of the proposed Carmel Canine Sports Center (CCSC). I have reviewed the Draft Environmental Impact Report (DEIR). I do acknowledge their findings but I cannot support their environmentally superior alternative. I urge you to support the proposed project in full.

I am a resident of Redwood City, San Mateo County, and I have been attending dog-related “special events” [competing] in dog agility for 7 years and I routinely travel to agility event locations throughout California. I also routinely travel to Monterey County to enjoy Carmel and the surrounding areas on an average of 10+ weekends per year. I do not own an RV so I spend 1-3 lodging nights in the local B&Bs and inns with Cypress Inn and Quail Lodge & Golf Club among my preferred lodging choices with my companion dogs.

In my experience, the typical dog agility event is quite small with minimal impact on the surrounding neighborhoods. Travel to and from an event is definitely staggered as opposed to all attendees having to arrive by a specific, singular start time and the same goes for attendees' departures. Barking is carefully policed and controlled by all the attendees and the overall ambiance is of a sporting event that is organized and professional.

76-1

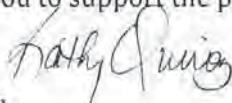
76-2

Compared to events I have attended in Carmel and explicitly at Quail Lodge, e.g. The Quail Motorcycle Gathering, the event last year was entertaining but I was thunderstruck by the crowds, traffic and the noise and confusion. I have also attended weddings and corporate retreats at Quail Lodge and in other resorts in Carmel Valley. In my experience, traffic delays are part and parcel of the ebb and flow of life in the valley and residents and visitors accept this. Not allowing the CCSC to move forward with the development and or not allowing any special events to take place there would be unacceptable.

76-3

76-4

I urge you to support the proposed project in full.



Sincerely,
Kathy Quiroz
1232 Alameda de Las Pulgas
Redwood City, CA 94061

Comment 76, Ms. Kathy Quiroz

Comment Response 76-1: Comment noted.

Comment Response 76-2: Comment noted.

Comment Response 76-3: Comment noted.

Comment Response 76-4: Comment noted.

Timothy D. Sanders ♦ 25075 Pine Hills Drive ♦ Carmel ♦ CA ♦ 93923

Ph: (831) 625-4324 ♦ Fx: (831) 625-4370 ♦ Email: tds@oxy.edu

May 18 2015

Via e-mail

David Mack
RMA Planning Department
County of Monterey
168 West Alisal Street, 12nd Floor
Salinas, CA 93901

Re: Carmel Canine Sports Center Draft EIR

Dear Mr. Mack:

Please accept and respond to the comments below concerning the DEIR for the Carmel Canine Sports Center project in Carmel Valley. These comments focus on Section 4.12, "Transportation and Traffic" of the Carmel Canine Sports Center Draft EIR (CCSC DEIR).

Two items precede the comments: (1) a list of documents consulted in formulating the comments, for the convenience of readers who may not be familiar with the full set of relevant documents, and (2) information identifying the commenter.

Documents consulted

Carmel Canine Sports Center Draft EIR (CCSC DEIR), especially Section 4.12, prepared by Amec Foster Wheeler Environment & Infrastructure, Inc.
CCSC Transportation Impact Study (Appendix H to CCSC DEIR and its Appendices A, B, C), prepared by Central Coast Transportation Consultants (CCTC)
Carmel Valley Master Plan (CVMP)
Carmel Unified School District Calendar (2013-2014, 2014-2015)
Guide for the Preparation of Traffic Impact Studies, Monterey County (2003, 2014)
California Environmental Quality Act (CEQA) Guidelines
Highway Capacity Manual: 2000, 2010 (HCM2000, HCM2010)

Identification of commenter

Timothy D. Sanders
Ph.D., M.S., B.S., Physics, Stanford University
Professor Emeritus, Physics, Occidental College

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Civic affiliations (brief):

Carmel Valley Association, Board Member (2004 – present)

Northeast Los Angeles Community Plan Advisory Committee: (L.A. City Council
Appointee:(1989 - 2000)

The Eagle Rock Association (TERA): President, Board Member (1990-2000)

Professional experience (brief):

Washington University, Research Associate, Theoretical Physics, St. Louis, Mo.

Fairchild Semiconductor Corp., Research Associate, Solid State Physics, Palo Alto, CA

Shockley Semiconductor Co., Research Associate, Solid State Physics, Mountain View, CA

Comments on the DEIR for Carmel Canine Sports Center

The **proper conclusion** of the DEIR for traffic (Section 4.12), to the extent that a conclusion can be drawn from the information contained in this DEIR, is that the **Carmel Canine Sports Center (CCSC) would impose significant unavoidable and irreversible impacts on traffic on Highway 1 between Ocean Avenue and on Carmel Valley Road**, and during special event periods **on the CVR&VGD intersection and its vicinity** under “existing plus project” conditions; under cumulative traffic conditions CCSC also **would impose a number significant unavoidable and irreversible additional impacts on the one segment of Carmel Valley Road that was studied** (segment 7), on **at least one intersection (CVR&VGD)**, and at and near the site entrance on VGD.

These impacts would be persistent hindrances to users of those roadway elements in gaining access to and utilizing major elements of public infrastructure on which they are highly dependent. The County General Plan, local Master Plan, various ordinances and policies, and CEQA exist to insure the availability and utility of that infrastructure to the public without unwarranted hindrance.

The DEIR taken as a whole, however, is thoroughly inadequate, incomplete in many respects, and fails to disclose much relevant and even critically important information about the effect of the project on local traffic. Even the section labeled “Residual Impacts” exposes numerous deficiencies in the DEIR.

According to section 4.12.5, “Residual Impacts”, “Significant environmental impacts to transportation and traffic on Carmel Valley Road and Highway 1 would remain even after all mitigations proposed in Chapter 4.12 of the DEIR were executed:

1. “... [T]he proposed Project would contribute to significant increases in traffic on Highway 1 from Ocean Avenue to Carmel Valley Road, which currently operates at an unacceptable LOS in the southbound direction.” **Note:** *The “unacceptable LOS” is LOS F, about which the County’s Guide for the Preparation of Traffic Impact Studies says “If a segment is already operating at LOS F any increase during peak hour (one vehicle) is considered significant.” Appendix H (Figure 4) asserts that this project would add 43 weekday peak-hour trips to Highway 1, representing **86 violations** (two*

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peak hours per day) of the relevant policy by the CCSC project on every weekday – and this probably is an underestimate.

QUESTIONS – PLEASE EXPLAIN:

- a. Since the **impacts** in question are in fact **significant, unavoidable and irreversible**, why are they not labeled in section 4.12.4.5 with these standard and suitably descriptive terms (CEQA Guidelines, 15126), as well as “residual”? 77-1
 - b. Why is the **LOS grade of F omitted** from the statement in this sentence, given that LOS F is a special case with special restrictions attached to it? 77-2
 - c. Why is the **extent** to which the **policy would be violated** (e.g. expected number of trips to be added) **not stated** in this paragraph, since the extent violation of clearly is a principal indicator of the “severity of its likely impacts” (CEQA Guidelines, 15204, 15143)? 77-3
2. “The operation of the proposed Project would also result in a substantial contribution to cumulatively significant increases in traffic along the segment of Highway 1 between Ocean Avenue and Carmel Valley Road as well as the segment of Carmel Valley Road between Schulte Road and Rancho San Carlos Road.”

QUESTIONS – PLEASE EXPLAIN:

- a. Why are the standard CEQA terms “**impact**”, “**significant**”, “**unavoidable**” and “**irreversible**” not used, as is conventional in discussion of CEQA compliance, in the sentence;? In the case of “significant”, why is it used as modifier to “increases” rather than to “impact”? (Increases are not necessarily impacts, but in this case they are, and the difference in meaning is important.) 77-4
 - b. Same as 1.b. above. 77-5
3. “Further, the addition of Project-related traffic would result in a substantial contribution to cumulatively significant impacts at Carmel Valley Road & Rancho San Carlos Road as well as Carmel Valley Road & Valley Greens Drive.”

QUESTION – PLEASE EXPLAIN: Why are the **obviously applicable and appropriate terms “unavoidable” and “irreversible”, not used** in this sentence? 77-6

It is curious that the typical CEQA terms referred to in the questions above are employed appropriately many places elsewhere in the text of section 4.12, but not in 4.12.5. It is important to understand whether they were not used, or used differently here, by intention or for any compelling reason.

Intersections Assessment

Note that the paragraph beginning on line 28 of page 4.12-5 contains highly misleading statements with respect to the Carmel Valley Road & Valley Greens Drive (CVR&VGD) intersection, based on mischaracterization of HCM LOS standards for intersections. HCM specifically excludes assignment of LOS ratings to “overall intersection operat[ion]” (4.12-5, line 30): “LOS is not defined for the intersection as a whole or the major-street approaches ...” (HCM2010, p.19-1). This makes all analyses of the CVR&VGD intersection invalid, since they all contain the excluded LOS assignments, and improperly employ those to evaluate environmental impacts. This matter is raised again in each relevant discussion of intersection assessments below.

Intersections Baseline

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The 2010 Highway Capacity Manual (HCM2010) states (p. 19-1), “LOS is not defined for the intersection as a whole or the major-street approaches ...” and (p. 19-2), “The LOS criteria apply to each lane on a given approach and to each approach on the minor street.” Yet the **DEIR**, in the intersection 3 entries of Table 4.12-2, **repudiates the HCM definitions** and places the values and LOS grades for “worst approaches delay” in parentheses, treating them as reportable but irrelevant. The principal data for intersection 3 in Table 4.12-2 (without parentheses) is labeled in the note for that table as “2010 HCM average control delay in second[s] per vehicle”, and LOS values are assigned for each peak hour. But this **directly contradicts the HCM position that LOS is not defined for average control delay** because “The disproportionate number of major-street through vehicles at a typical TWSC [two-way stop-controlled] intersection skews the weighted average of all movements, resulting in a very low average delay for all vehicles” (p. 19-1).

Thus for intersection 3, the Weekday AM, Weekday PM, Friday PM and Sunday midday delays properly should be shown as 21.9, 51.8, 85.6 and 38.9 s/veh, respectively, with LOS of C, F, F and E, with Weekday PM and Friday operations at unacceptable LOS F (rather than as 1.1, 3.5, 3.7 and 1.7 s/veh with LOS of A, A, A, A, as principally reported in Table 4.12-2; these LOS values are **not even defined, according to HCM2010**, and should not have been assigned).

In effect there is no meaningful control delay for eastbound and westbound traffic at the intersection, because the great bulk of that traffic volume is through traffic with no stop control in either direction. The occasional slight delays from turning vehicles are entirely trivial, amounting to fractions of a second (0.1, 0.4, 0.1, 0.4, 0.0, 0.3, 0.1, 0.3 seconds each for the eight cases – 4 eastbound, 4 westbound cases – relevant to Table 4.12-2, as recorded on the data sheets for the existing TWSC traffic at CVR&VGD in Appendix B of H). This **strongly confirms the judgment expressed in the HCM2010** quotation above, that major-direction traffic **distorts (“skews”)** the data and its use leads to **“very low average delay for all vehicles”** that **does not reasonably represent the operation of the intersection**.

No sheets appear to have been included in 4.12 or H *that show the calculations* that lead from raw data (Appendix B of H) to the values for very low delays at intersection 3 listed (without parentheses) in Table 4.12.2 (1.1, 3.5, 3.7, 1.7 seconds). These numbers seem to have appeared from nowhere. Thus there is **no evidence to support** those *assertions* for the values of intersection delay, even if they were legitimate; this **violates CEQA requirements for substantial evidence, completeness, adequacy, full disclosure, and fair argument** for these claims in the DEIR.

The DEIR’s **mischaracterization of the intersection’s** existing (and, as we shall see, of projected future) **operating conditions** is a **very serious and highly misleading deviation from CEQA directives and guidance**, and **violates the HCM guidelines for representing levels of intersection service**. This by itself is warrant for **rejecting the EIR as not credible and therefore inadequate, even before project impacts are evaluated**. CEQA requires an accurate description of existing conditions to serve as a baseline against which to determine the significance of impacts (CEQA Guidelines, 15125, 15384). The DEIR misrepresents the intersection operations baseline for this project.

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QUESTIONS – PLEASE EXPLAIN:

- Why is the **HCM2010 definition of LOS for intersections ignored** in the DEIR, and this deviation from HCM practice not mentioned? 77-7
- Why is the **non-HCM assignment of LOS** (e.g., in Tables 4.12-2, 8, 9, 11, 12) used to characterize the intersections when HCM notes that the measure used (average delay) results in a “very low average delay for all vehicles” and **therefore skewed representation** of the intersection? 77-8
- Please **explain the absence of calculations that show how** “HCM 2010 average control delay” in Table 4.12-2 is **obtained from raw data**. Please **produce a table that fills that gap**, and **explain how** the numbers are **calculated**. 77-9
- Please **describe how section 4.12’s definition** and use of LOS for intersections in its tables and text **conforms with HCM definitions and specifications and with CEQA**. 77-10
- Please explain **how the DEIR’s use of the very low average overall delays** relative to actual operation (according to HCM) of the CVR&VGD intersection provides **substantial evidence** and a basis for fair argument in evaluating the operation of an intersection. 77-11
- Please explain **how the DEIR’s LOS characterization of intersection operations** does or could **provide a reasonable baseline** of intersection performance and **fair basis for evaluation** of project and cumulative impacts. 77-12

Impact TRANS-2

Impact TRANS-2, about daily intersection operations, depicts “an increase in traffic at vicinity intersections” as “less than significant, Class III”, whereas in fact Table 4.12-8 shows the worst approaches’ delays (in s/veh) at intersection 3 increasing from 21.9 (LOS C) to 41.3 (LOS E) for Weekday AM, from 51.8 (LOS F) to 157.5 (LOS F) for Weekday PM, and from 85.6 (LOS F) to >200 for Friday P.M. The last two of these **clearly are significant impacts under the County’s Guide for the Preparation of Traffic Impact Studies** in reference to unsignalized intersections (“A significant impact would occur if any traffic movement has LOS F or any traffic signal warrant is met.”), contradicting the Impact TRANS-2 claim of “less than significant impact”. It should be noted further that delay increases from 51.8 s/veh to 157.5 s/veh (**a factor of more than 3**) and from 85.6 s/veh to more than 200 s/veh (**a factor exceeding 2-1/3 by an unknown amount**) **cannot possibly be less than significant in real terms**, and can be interpreted as such only through an *absurd* adherence to a strict and unintelligent literalism that has no place in technical, engineering or scientific work. The claim is the more absurd because the **real baseline delays**, which are exceeded by such large factors, **already are at LOS F according to HCM criteria!** CEQA demands, in contrast, “careful judgment ... based to the extent possible on scientific and factual data” (C.EQA Guidelines 15064), as does HCM. Impact TRANS-2 simply is wrong, and so is the conclusion “no mitigation required”.

QUESTIONS. – PLEASE EXPLAIN:

- **Why are the HCM standards** for LOS, and the **County Guide standards** for significant impact, which would lead to significant impacts for the project as discussed above, **not used in the DEIR?** 77-13
- **Why are increases in delay** for intersections that are **already at LOS F disregarded as impacts?** 77-14

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- Please **explain how disregarding** them is **consistent with CEQA** demands. 77-15
- Please **explain why the severity of impact** (CEQA Guidelines, 15204), as measured by the HCM LOS standards discussed above, including the factor by which the worst approach delays would be increased, **not considered** in the determination of significance of impact? 77-16
- After reviewing these considerations, please **explain the “less than significant”** evaluation **in light of the issues raised above**, and **describe whether and how that evaluation would be altered** under this light. 77-17

Impact TRANS-3

Impact TRANS-3, about special events, also **wrongly concludes that the effects of the project would be “less than significant with mitigation, Class III”**. The following deficiencies, at a minimum, and not necessarily in order of importance, are present under this heading:

- First, the claim that “study intersections are all currently operating at acceptable LOS” is wrong according to HCM LOS definitions, as demonstrated above; Table 4.12-9 **incorrectly assigns LOS values to “average control delay”, contrary to HCM** procedure, and relegates “worst approach’s delay” to a parenthetical role (whereas in fact it is *the HCM determinant* of LOS), also contrary to HCM procedure. **LOS values**, using HCM criteria, **go from F to F for Friday PM, and E to F on Sunday midday**, with corresponding shifts in delay from 85.7 to > 200 and from 38.9 to > 200 (in s/veh), respectively. This means that the **impact** at this intersection would **in fact** be **significant**.

QUESTIONS – PLEASE EXPLAIN:

- **Why**, in light of these considerations, is designating Impact TRANS-3 “less than significant” **justifiable**? 77-18
- Please **explain in detail just how** (a) the installation of a **signal**, and (b) the construction of a **roundabout** would **actually reduce the impact** of the project to *worst approach delays smaller than existing worst approach delays*. **Include the full effects of RVs** as constituent vehicles, and of traffic arising from **other vehicles**. 77-19
- **Would** either of the “**mitigations**” discussed above simply **change the LOS standards** for impacts **rather than actually relieve** the actual change in **conditions imposed by the project**, such as increasing delays? 77-20
- **Why** is the quantitative **magnitude** of the change in worst approach delays not evaluated as a **measure of the severity** of the effect caused by the project, at the intersection and considered in the DEIR, in accordance with CEQA requirements (CEQA Guidelines, 15143)? 77-21
- Second, **no substantial evidence** is given in support of the either of the claims “**Acceptable operations could be achieved ... with the installation of a traffic signal**” or “**the addition of a single lane roundabout also would achieve acceptable operations**”; these conclusions are **entirely speculative** and **unsubstantiated opinions** as far as the narrative of section 4.12 is concerned, and are **disallowed by CEQA**. Substantial evidence in this case would include thorough quantitative analysis. The phrase “**with mitigation**” at the conclusion of Impact TRANS-3 is **unwarranted**; the impact to be mitigated is not even fully identified or described. The proposed “mitigation measures”

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themselves have considerable impacts and their efficacy and feasibility are highly questionable, and also are **unsupported by any substantial evidence**.

QUESTIONS – PLEASE EXPLAIN:

- Please **explain** just **what constitutes “acceptable operations”** under the conditions and constraints at the intersection, including CVMP policies and the long-standing adamant opposition of the Carmel Valley Road Committee to the addition of traffic signals. 77-22
- Please **describe** clearly the conditions that would insure the **feasibility of** installation of a **signal** at the CVR&VGD intersection, and **describe** and **explain** the **criteria** that would demonstrate its **ability to minimize adverse impacts**. (See CEQA Guidelines 15126.4). 77-23
- **Please discuss** the **feasibility of roundabout** construction, in light of property availability, disturbance of existing commercial operations, and other constraints at the intersection, physical and otherwise. Include discussion of a two-lane roundabout, which is mentioned on p. 22 of Appendix H as needed to accommodate cumulative conditions, and provide substantial evidence, with quantitative support, for any conclusions drawn. 77-24
- Third, **no assessment** is apparent in the DEIR of the **particular effects of RVs** as vehicles whose **special characteristics must be accommodated** in the traffic stream, nor of the fact that these would be a **significant aggravating component** of Friday PM traffic. Such assessment would require **quantitative evaluation** of the relatively **smaller acceleration** of RVs, their **greater size** and **larger turning radius**, and the meeting of **visibility** requirements – including those arising from slower acceleration, larger size and larger turning radius.

QUESTIONS – PLEASE EXPLAIN:

- Please **explain**, in adequate detail to meet CEQA requirements, **how** the effects of the **special characteristics of RVs** (including those indicated above) would **impact traffic** on the road segments and at the intersections of the study. 77-25
- **What effects** would **RVs’ ingress and ingress**, including the turnings involved, **have on delays** and potentially congestion-blocked road lanes and intersections as a result of **special events**? Please provide **quantitative** details sufficient to meet CEQA requirements for **substantial evidence**. 77-26
- Fourth, no analysis is provided in the DEIR of the **complex character of the CVR&VGD intersection**, nor of **sight-line limitations** as they affect **peak traffic** at that intersection.

QUESTIONS – PLEASE EXPLAIN:

- What is the specific character of the **interaction of RVs with the intersection CVR&VGD** and with **other traffic**, both passenger car and other RVs, at and near that intersection, taking into account relevant issues such as sightlines, **traffic volume and speed, acceleration and deceleration** of vehicles leaving and entering the intersection, **time required to clear the intersection** for other vehicles at relevant peak hours, **effects of the project on existing businesses** (including any actions required of them to achieve mitigations, such as sign and landscaping modifications)? Please be **quantitative** in the response. 77-27
- Fifth, the total impact would be created by *eight events* per year, *not* a single event, and **no consideration** has been given in the DEIR to **this repeated impact**.

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QUESTIONS – PLEASE EXPLAIN:

- Please explain, in relation to other events affecting Carmel Valley Road and the Ocean Ave to Carmel Valley Road segment of Highway 1, the **cumulative effect on traffic of eight 3-day CCSC events per year**. For example, estimate the total length of time traffic would be disrupted on segment 7 of CVR, and the extent of disruption, as measures of the “magnitude of the project” and the “severity of its likely impacts” (CEQA Guidelines 15204) with respect to traffic, that is, “with emphasis on the severity and probability of occurrence” (CEQA Guidelines 15143). 77-28
- What would be the **impact of weekday events**? The DEIR states that “occasional events may occur during the week”, with no limits or exceptions aside from the 24-day constraint on events, but **no analysis of the potential consequences** of this phrase was undertaken in the DEIR on traffic. Please **remove this deficiency**. 77-29
- Please **explain the absence** of such analyses (8 events, weekday events) in the DEIR. 77-30
- Sixth, the DEIR contains **no substantive evidence describing** the magnitude or impact of the logistical task of **loading and unloading 70 RVs** to and from the site, and the disruptions that would be visited on ordinary users of CVR and VGD. Simple informal quantitative estimates suggest that this presents a very likely insuperable hurdle, given the time that would be required to accommodate the turning of 70 RVs or a platoon of even a modest fraction of them, both at the CVR&VGD intersection and the site entrance; the limited “storage” space for the large vehicles at very slow speeds between CVR&VGD and the site entrance; the time required to situate each RV in the limited and tightly spaced parking area; and the rate at which other vehicles normally would be arriving at the CVR&VGD intersection. Note that according to the Friday 6/20/14 CVR traffic volume data used in this study, vehicles currently arrive at the intersection at an average rate of at least one every 6 seconds for the entire period between 7:30 AM and 8:00 PM, and one every 4 seconds between 7:45 AM and 6:45 PM; the interaction between these vehicles and the RVs, including backup of traffic behind platooned RVs and left turning movements of westbound traffic, is likely to create substantial traffic congestion issues. The small commercial area, including popular restaurants, immediately to southeast of the intersection, would likely be severely impacted on Friday evenings by the congestion, potentially eight times or more per year.

QUESTIONS – PLEASE EXPLAIN:

- Please **explain the absence of assessment of the impacts of loading and unloading 70 RVs and 250 additional vehicles** onto and out of the project site for special events. 77-31
- Please **provide fully adequate evaluation** of the effects on traffic in terms of “their **severity and probability**” (CEQA Guidelines 15143). Please include discussion of the potential formation of platoons, reduction of speeds, and periods of time over which disruptions would be likely to occur. 77-32
- **What** would be the **total effects of repeating these impacts 8 times a year**, in addition to any discussed in the questions under “fifth” above? 77-33
- Please fully evaluate the **impacts of project traffic on businesses and residences near the project**, including those in the small business cluster located on roads and driveways within 100 yards of the CVR&VGD intersection. 77-34

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- Seventh, the DEIR text provides **no quantitative evidence whatsoever** to show that the **proposed mitigations would in fact reduce impacts** to “less than significant”; no quantitative analysis, of any description, is included concerning the effect (MM TRANS-3a, b, c) of the consequences of implementing the proposed “mitigations”. The “less than significant” label must be regarded as false in the absence of any evidence to the contrary, namely no evidence to support the modifier “with mitigation”.

QUESTIONS – PLEASE EXPLAIN:

- MM TRANS-3a: What is the **position of the Carmel Valley Road Committee (CVRC)** (see CVMP C-2.17a.4) on the **installation of a traffic signal** at the CVR&VGD intersection, and how does this affect the feasibility of this “mitigation” as triggered by this specific project? 77-35
- MM TRANS-3a: What is the **position of same committee**, the CVRC, on the installation of a **two-lane roundabout**, as well as of a **one-lane roundabout** at that location, and how does this affect feasibility of that “mitigation”? 77-36
- MM TRANS-3a: Please **explain in reasonable quantitative detail how, and by how much**, the **impact** of the project would be “**mitigated**” by each of those alternatives. 77-37
- MM TRANS-3b: **How much improvement over the impact**, in the same quantitative terms used to measure Impact TRANS 3 itself, would be provided by each of the alternative **actions** (enforcement or monitoring) **funded** by MM TRANS-3b? 77-38
- MM TRANS-3b: How much **improvement** over the impact, in the same quantitative terms used to measure Impact TRANS 3 itself, would be **provided by** MM TRANS-3c? How much improvement, and specifically how, would the proposed **signage** contribute to actual mitigation of the impact? 77-39
- **Has the CVRC considered and taken a position on any or all of** MM TRANS-3? How does this affect the feasibility of the proposed mitigation measures? Does the DEIR (revised) recommend consultation with CVRC before assessment of feasibility is determined? 77-40
- Eighth, **effects on the local community of the project’s diversion of up to 70 RVs plus other event-related vehicles along Valley Greens Drive**, and across the narrow bridge on Rancho San Carlos Drive on Sunday midday are **not considered in the DEIR**. Inasmuch as the existing use of the relevant area is a combination of golf course, quiet residential neighborhoods and hospitality operations, the changes in roadway character and accessibility induced by eight events (or more, if some events are for less than three days in length), with up to 70 RVs and additional event-related cars, produce significant “changes from the existing physical conditions in the affected area” (CEQA Guidelines, 15126.2.a), which **should be included in the DEIR’s examination**.

QUESTIONS – PLEASE EXPLAIN:

- What **significant effects** to traffic might arise on Valley Greens Drive as a **result of the project**, including **potential diversion of both passenger car and RV traffic**, during, before and after special events? 77-41
- In light of potential event-driven diversions of traffic along VGD, and of the potential **effects of (1) a narrow bridge designed for light use by heavy vehicles** (one at a time) and for **light traffic from passenger cars**, (2) a **stop-controlled intersection**, (3) **low speed limits** (e.g., 15 mph over the bridge), and 77-42

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- other local constraints, why is the impact of event-driven traffic on VGD not systematically included** in the DEIR? 77-42 cont.
- Please **remedy this deficiency** in the DEIR’s analysis. 77-43
 - **Why** were the following two quotations the **only references to VGD traffic conditions** that potentially affect or are affected by special events: “The 2012 AADT on Valley Greens Drive was 1,300 vehicles.” under Impact TRANS-5 (p. 4.12-26, line 14), and “The 2012 Annual Average Daily Traffic (AADT) on Valley Greens Drive was 1,300 vehicles.” under Area Roadway Network (p. 4.12-3, lines 31-32)? 77-44
 - **When** during the year, and **over what period of time**, was the **data** referred to or included in these quotations **acquired**? 77-45
 - Given variations in daily traffic volume over time, **is this a reliable estimate** for VGR, and under what criteria is this reliability evaluated? 77-46
 - **Why** does the DEIR provide **no clear or plausible source** of quantitative data for those assertions? (The trail of references leads to an implausible source (in Appendix H): “Monterey County. 2012. Amended Sections of the Carmel Valley Master Plan 2010 General Plan. Update.” – with no page reference(s).) 77-47
- Ninth, **no separate trip distribution and assignment data** are provided for **event traffic**; in particular, the project contributions to Rancho San Carlos Rd. for Friday PM and Sunday midday are shown in the CCTC Traffic Impact Study as zero (0) vehicles. See Appendix H, CCTC Traffic Impact Study, Figure 4; no parallel description specifically for events, including the prospect of detours through the Quail properties, is provided.
- QUESTIONS – PLEASE EXPLAIN:**
- Please explain the **absence of both baseline data** for VGD (except for the undocumented 2012 assertion) and **project data** for VGD (except the assertions of 0 vehicle trips added), given that adding traffic to VGD is a prospective part of a mitigation measure? 77-48
 - Please **remedy the deficiency**. 77-49
 - Why is there **no discussion of traffic on Rancho San Carlos Road (RSCR) and at the SCR&VGD intersection**, given their roles in a prospective mitigation for event traffic? 77-50
 - Please **remedy this deficiency**. 77-51
 - **Why** are such studies involving VGD and RSCR **not deemed to be required** by item III.A of the County’s Guide for the Preparation of Traffic Impact Studies? 77-52
- Tenth, **no proven feasible permanent mitigation** of CCSC’s traffic impacts at **CVR&VGD** is proposed in the DEIR; neither **signal installation** (which has been opposed vigorously for many years by the Carmel Valley Road Committee and others), nor **roundabout construction** (for which no indication of property availability and corresponding suitable roadway geometry) is included in MM TRANS-3, both of them being **considered infeasible under ordinary approval and funding** processes (p. 4.12-21, lines 21-23). Further, **no evidence is given to support the effectiveness** of these proposals as mitigation, and the proposals violate CEQA Guidelines 15126 a.1.B, D. (feasibility, deferral, and effects of the mitigating measure).
- QUESTIONS – PLEASE EXPLAIN:**

- Why, given that CEQA Guidelines (14126.4) specify that mitigation measures shall be **feasible** (a1) and their formulation **should not be deferred** until some future time (a1B), are the several options under MM TRANS-3 legitimately to be regarded as adequate under CEQA? 77-53
- Given that the existence of the Carmel Valley Road Committee is implied in CVMP CV-2.18, which is part of the regulatory environment of the project, **why should the DEIR’s failure to learn and examine** the position of that Committee on its proposed mitigation measures **not be considered a lack of “best efforts to find and disclose** all that it reasonably can” (CEQA Guidelines 15144) the concerning potential feasibility of proposed impacts? 77-54
- **If** the phrase “Until a signal or a roundabout is added to the RTIP and installed at this intersection” is **not** to be regarded as **deferral**, indeed a deferral even of the determination of feasibility as well as of implementation, **please explain** its meaning. 77-55
- Since CEQA Guidelines 15126.4 specifies “feasible measures”, and does not say “potentially feasible measures”, please explain **which** of the several measures proposed under MM TRANS-3 **can be deemed feasible** in terms of current affirmative knowledge, and therefore, **which qualifies** as a mitigation measure under CEQA. 77-56
- Given that that the relevant CEQA provision says “Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified”, please **explain whether** all the proposed measures are **equally available and feasible**, and **if not**, what the **probabilities of their degrees of availability and feasibility** are. 77-57
- Since CEQA’s language implies affirmative availability and feasibility, not degrees or probabilities, but MM TRANS-3 evidently contains measures having differing degrees of probable availability and feasibility, please **explain how** MM TRANS-3 could be **interpreted** as satisfying CEQA. 77-58
- Eleventh, purported mitigation measures MM TRANS-3 a, b, c include **no reliable indications** of the reasonably foreseeable **consequences of their implementation**, including measures of their feasibility and efficacy, as indicated above. For example, it is extraordinarily difficult to see how “a licensed traffic monitor” would **actually provide substantial relief from the congestion** caused by the project at the CVR&VGD intersection; only the absence of analysis and entire reliance on imagination lends any degree of plausibility to this as “mitigation”.
QUESTIONS – PLEASE EXPLAIN:
 - **Why** are **no tabulated data** – such as those shown in Table 4.12-9 for intersection 3, including service measures (e.g., control delay) and LOS for the mitigated intersection – provided **in the DEIR for the measures proposed** in MM TRANS-3? 77-59
 - Are such data included somewhere in appendix B of appendix H? If so, **why** are they **not tabulated in an appropriate location** in section 4.12 so as to be readily accessible for review and interpretation by the public and agencies? 77-60
 - Please explain **what level of confidence** members of the public and of various agencies reasonably could have **in the efficacy of the mitigations proposed**, 77-61

- when such data, if it exists, is omitted from the main body of the relevant DEIR section? Is such confidence relevant to the purpose of the DEIR?
- o Same question if the reason for its absence is that **adequate supporting data does not exist?**

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Segments Assessment

This DEIR on traffic (Chapter 4.12, Appendix H) should be rejected in its entirety, and certification be denied; the material on roadway segments, even by itself, supports this evaluation. Its credibility and reliability are seriously challenged -- by its own numerous erroneous claims; its omissions of relevant and critically important information, including both data and references to data sources; and its selection of data that underestimates existing traffic.

To assist the reader in interpreting and understanding daily conditions on Carmel Valley Road and the DEIR's reporting of them – including daily, seasonal and perhaps other variations in traffic volume (such as those resulting from schools being in session or not) – a set of graphs representing hourly traffic volume on several different days is included at the end of these comments. The graphs are constructed directly from the data included in appendix A of appendix H of this DEIR. Note that three of the six graphs are for days in October and November of 2014, and two are from days in June that were not included in the narrative of section 4.12, but all were included in the data of appendix A of H. The day for which the peak hours are described in the narrative is Friday, June 20, 2014. The differences among the days, and the similarities, are important to the discussion of traffic issues; the central question is whether June 20 is sufficiently representative that one should rely entirely on decisions based on that day's traffic behavior.

1. **Incorrect claim:** The DEIR (Chapter 4.12, hereinafter also referred to as 4.12) states that “Central Coast Transportation Consulting visited the Project site from **15-21 June 2014** to collect traffic counts” (4.12-1, 5), and “Traffic counts were collected ... **while local schools were in session**” (4.12-1, footnote 1). Also the Central Coast Transportation Consulting traffic study (Appendix H, prepared by Central Coast Transportation Consulting, and hereinafter also referred to as H) asserts that “Traffic counts ... were collected ... in 2014 **while schools were in session**” (H, p.8) but does not give dates.
 - a. However, the **last day of school** in the Carmel Unified School District for the 20130-2014 school year was **June 6, 2014**.
 - b. Thus, the relevant **traffic counts were NOT collected while local schools were in session, contrary to the claims of the DEIR and the traffic study**. This **data** therefore **is deficient and should not have been used**.

QUESTIONS – PLEASE EXPLAIN:

- o Please **explain why schools** were **explicitly claimed to be in session when** the relevant school calendar **shows that they were not**.
2. **Inadequate and incomplete reporting:** The **timing of traffic data collection** (vehicle counts) is **critical to accurate assessment** of local traffic conditions. The 2010 Highway Capacity Manual (HCM2010), cited as principal authority in 4.12 and H, emphasizes this

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in Chapter 3: “*Analysts need to account for these types of variations* [monthly, daily and hourly] to ensure that peak-hour demands used in an HCM analysis are reflective of conditions on peak days of the year. Failure to account for these variation can result in an analysis that reflects peak conditions on the days counts were made, but not peak conditions over the course of the year.” Yet in CCSC’s analysis conducted by Central Coast Transportation Consulting (CCTC), *except in appendix A of H*, it is *essentially impossible to discern when traffic measurements actually were made*.

- a. **Inadequate and misleading reporting of data acquisition:** According to 4.12-5, “Existing traffic *counts were recorded from 15 – 21 June 2014 by Central Coast Transportation Consulting ...*” But the narrative of H contains *no dates*: the only references to dates of traffic count collection are in its appendices, so that claim cannot be confirmed. On the contrary, the *times* (dates, days, time of day) *of actual data acquisition* are *thoroughly obscured in the DEIR*.
- i. *Appendix A of H, does include dates* that, with a few exceptions, agree with those stated in 4.12 (15 – 21 June 2014), but includes also additional data for segment 9 of Carmel Valley Road (CVR) not covered in the DEIR, and *data from late October and early November that was ignored* in both the narrative discussion of H and 4.12.

QUESTIONS – PLEASE EXPLAIN:

- o Please fully **clarify and report correctly** the **dates, days and times of acquisition of all data** on road segments used in the DEIR, including the specific identification of all peak hours used in **all segment assessments and calculations**. 77-65
- o Please **explain why the relevant dates and peak hours** (critical information!) used **in the PTSF calculations** were **not clearly identified** on the data sheets, (appendix C of appendix H) **even though** the software employed may not have included that critical information in its printout design. 77-66
- ii. Also, data showing times and attributed to CCTC *evidently did not originate with that organization*, contrary to implications in the DEIR. The June 2014 data in appendix A that include times of measurement, and that were used in 4.12, and in the H narrative, are *identical with* those provided in the *County’s report on 2014 CVMP traffic monitoring*, which was *released* earlier this year (2015) *by the Monterey County Resource Management Agency* (RMA). The data sheets show *no reference to Central Coast Transportation Consulting*, but instead *show the logo of the RMA*. This *places in question* the DEIR’s *assertion that CCTC “visited the site from 15-21 June to collect traffic counts”*. If CCTC collected data, either their traffic counts were not used in the DEIR, or their role in the data acquisition was not reported in the County’s monitoring data.

QUESTIONS – PLEASE EXPLAIN:

- o Please **clarify** the **sources of raw data** used in the DEIR, with **full particulars** about the **acquisition, organization and the selection of data** (for example, why were data acquired in October and included in appendix A to appendix H not used?) that were utilized in the DEIR. 77-67

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- iii. ***In appendix B several dates appear, but none within the 15 – 21 June 2014 span.*** The dates found here for existing traffic levels are 8/19, 8/20, 11/14, 11/16, 12/30 (all 2014), 1/2/2015. Further, the ***calendar days corresponding with these dates do not match the days on the CCTC report sheets***; for example, “Existing Friday” counts are dated 12/30/2014, which in fact was Tuesday; “Existing Sunday” counts are dated 1/2/2015, which in fact was Friday. (Additional dates on the data sheets are associated with forecasted – i.e., project-generated or estimated cumulative – traffic volumes, but these do not involve additional actual measurement of traffic counts, and therefore are irrelevant here.) Moreover, the ***existing AM measurement*** (of which there is only one) is ***labeled as if made on a different day from the PM measurement***: “Existing AM 12/30/2014” and “Existing PM 1/2/2015”, which are Tuesday and Friday (straddling the new-year holiday – an extraordinary time to be seeking typical traffic measurements!), which needs to be explained, but is not. All of this is ***unacceptable field measurement practice and/or data reporting practice and violates CEQA as well as general professional engineering and science principles.***

QUESTIONS – PLEASE EXPLAIN:

- o Please **incorporate** into appendix B to appendix H in the full clarification of **dates, days and times for the acquisition of raw data.**
- iv. **Appendix C** consists of PTSF computer printouts, with dates 1/22/2014, 12/9/2015, 12/30/2014, 1/2/2014, 1/5/2014, 1/5/2015, 2/2/2015. These obviously are ***not within the 15-21 June span***, and apparently are dates on which the computations were conducted and printouts created. However, such information is only of administrative interest and is irrelevant to the assessment of traffic conditions. It is the ***dates of conducting the traffic counts*** that ***should appear*** on the reports, ***but those dates are entirely absent***; and those dates, as well as the ***day of the week*** for each measurement are ***critically important*** for understanding the meaning of the data. Again, the absence of dates of field measurement on the reports is unacceptable practice and ***violates CEQA as well as general professional engineering and scientific measurement principles.***

QUESTIONS – PLEASE EXPLAIN:

- o Please fully incorporate into appendix C to appendix H all dates, days and times for the acquisition of data used in that appendix.
- v. **Example of other analyst’s usable evidence trail, using same data source: Compare Appendix C with relevant PTSF computer printouts made available by the County as part of the CVMP 2014 annual evaluation of CVR traffic**, which include data sheets for segment 7. (NOT INCLUDED IN THE DEIR OR THE CCTC ANALYSIS, BUT SHOWN HERE AS AN ILLUSTRATIVE EXAMPLE.) Clearly labeled “Jun 20 PM Peak Hour”, the values reported there for analysis direction and opposing direction volumes effectively point to the corresponding raw data (included in the RMA data in appendix A of appendix H) for Friday June 20 2014, where the segment volume (1375 vehicles per day, or vpd)

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for the 3-4 o'clock PM is identified as the PM peak hour value, and the eastbound, westbound volumes for that hour match the values of 757, 618 reported. The *County RMA data* thus *provides*, as it should, an *unambiguous connection between the PTSF printout and the raw data*, but *such traceable relationships between analysis and data do not exist in the DEIR*.

QUESTIONS – PLEASE EXPLAIN:

- o Please **insure** that **all raw data sources** are **readily identifiable**, and **verifiable** on the basis of information provided on all analysis sheets and other data reporting modes.
- b. Much of the DEIR's traffic analysis concerns peak traffic hours, but *nowhere are the hours of peak traffic counts clearly identified in the DEIR*. Of course the relevant date and day of the week must be identified before hours can be specified meaningfully, and as we have seen, even that is not possible in this DEIR. The DEIR does not identify the specific time day when peak traffic occurred.
 - i. Although vague 2-hour periods when the peak traffic is expected to occur are listed – “Weekday A.M. (7:00 A.M. – 9:00 15A.M.), Weekday P.M. (4:00 P.M. – 6:00 P.M.), Friday P.M. (4:00 P.M. – 6:00 P.M.), and Sunday 7 Middy (11:00 P.M. – 1:00 P.M.)” (4.12-1, H p.3) – but *no specific peak-hour time periods are identified for the traffic counts reported in the DEIR*. (Even though the County's raw data sheets in appendix A of appendix H include traffic counts for every 15-minute interval, it is not possible to tell which of these, or which sums of them, were actually utilized in the DEIR analysis; the specific *times are critically important data that is missing*.)
 - ii. *None of the pairs of volumes* (eastbound, westbound) reported in the relevant PTSF printouts (appendix C of H) *matches any peak hour pair among the apparent best candidates for raw data* (appendix A of H); the data pairs in the DEIR PTSF reports have similar magnitudes to some of the raw data pairs, but none appear to match. Actual matches are important here because the complexity of PTSF calculations makes it essentially impossible to estimate PTSF from two different data pairs without direct computation. The necessary *connection between raw data and PTSF values, on which LOS grades are based, is absent in the DEIR*. In order for the connection to be made, the *days and hours of peak volume must be fully specified, as they are not in this DEIR*.
- 3. **Inappropriate and perhaps biased selection of data:** The *DEIR ignored half of the data from the County's 2014 CVMP CVR traffic monitoring report, which it includes in appendix A of H*; the ignored data was *acquired in the time period 27 October - 2 November 2014*.
 - a. *Local schools were in session* during that period, according to the Carmel Unified School District Calendar. This is the *data set that should have been used*.
 - b. Also, during the Oct – Nov period, *relevant peak hours are distinctly different* in character during that period than in the 15 – 21 June period, to which the DEIR confined its analysis, and, traffic volumes in some cases are greater.

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- c. During the Oct – Nov interval, the *AM peak hour volumes are substantially larger* than during the June interval used in the DEIR, and the *same is true of PM peak hour volumes for two of three days* of the analysis week volumes
- d. Thus *ignoring the Oct – Nov observations* and instead *using the June data underestimates the peak-hour volumes and hence PTSF values* (including perhaps LOS grades) as well as *violates the schools-in-session criterion*.

QUESTIONS – PLEASE EXPLAIN:

- o Why was the **October-November data ignored?**
- o Please **explain why the significant differences between October-November and June data**, including especially the differences in A.M. and noon peaks were **not observed and discussed** in section 4.12.
- o Please **discuss the differences between the two data sets**, and others that may exist for different seasonal or monthly periods, including variations over days of the week, in the context of HCM2010, pages 3-3 through 3-9.

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Impact TRANS-4

Although the preceding paragraphs give substantial evidence that the DEIR discussion relevant to Impact TRANS-4 is incomplete, inadequate and fails to provide full disclosure, it nevertheless contains more than sufficient evidence to solidly support the correct and inevitable conclusion that the impact is significant and unavoidable. However, under “Mitigation Measure”, the expression “No mitigation measures required” is potentially misleading; the word “required” should be replaced by “deemed feasible”.

QUESTION – PLEASE EXPLAIN:

- Would not the phrase “No mitigation measures deemed feasible.” **more accurately and appropriately describe** the conclusion than “No mitigation measures required”? If not, please explain why not, and if so, please explain why the former is not used.

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Impact TRANS-5

The analysis in the DEIR ignores the effects of the dense and highly regimented RV parking area on the **time required for vehicle ingress, situating large and difficult-to-maneuver vehicles, and for egress**. These effects almost certainly will have follow-on impacts on Valley Greens Drive, on the CVR&VGD intersection, and on CVR itself; the potentially very slow entrance (and probably exit) almost certainly would exacerbate congestion on the local roadway system, and complicate management of local traffic. Yet these effects were **not examined** at all, **nor** was **any quantitative evidence provided** concerning the local **road system’s response to RV movements** at the beginning and end of an event.

CEQA effectively requires this aspect of the project to be treated as if a *significant effect would occur* (CEQA Guidelines 15063), since substantial evidence exists for potential significant impact on the surrounding roadway and intersection system,

- given the level of vehicle activity inherent in the proposed project during both typical weekday operations and special events, and
- given the absence of any assessment of vehicle movement in and around the site during the ingress, stowage, removal and egress of vehicles, especially but not only RVs.

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Since delays of >200 s are projected for the worst approach to the CVR&VGD intersection, if one assumes that each RV experiences such a delay on the average, it **would take >14,000 s or > 3.9 hours** to move the contents of the parking lot through the intersection. The DEIR contains no indication of **how this potential problem should be addressed, nor how the persistence of the RVs on the roadways near the site would affect other traffic.** It appears likely that **some road segments as well as intersections would be at the equivalent LOS F** for a prolonged period at the beginning and/or end of each special event, even if the process took only a fraction of this time. This most certainly would constitute a significant impact, but is not examined in the DEIR.

The issue discussed on lines 10 to 20 of p. 4.12-26 are not directly related to the parking impact; evidently an additional potential impact should have been identified and considered in relation to left-turn channelization on Valley Greens Drive. Assuming that this paragraph would have been included in the discussion, **several deficiencies** are apparent:

- The traffic volume cited for VGD is daily volume, but the proposed mitigation measure (classes only after 9:30 AM) apparently is based on existing peak hour volume on CVR, and no nexus between the two is demonstrated.
- At 9:30 AM the hourly traffic volume is 1109 veh/h, on the day of data collection; that volume is exceeded again at 12:15 AM and continues at or above that level through 6:00 PM, so using peak traffic on CVR as a criterion in the mitigation measure appears to exclude operations during most of the day.
- Assuming that trips generated by the project are distributed uniformly over the day, about 12.7 hours would be required to accommodate all classes, and therefore accommodate the left-turning (incoming vehicle) rate created by the classes; that is, classes would have to run until after 10:00 PM in order to meet project goals if the 9:30 AM starting time were observed. These hours of operation and their impacts (including matters aside from traffic) are not discussed.
- Thus the class-delay “mitigation measure” appears to have no nexus with the impact (although an appropriate connection may be found when the study demanded by the previous paragraph is carried out), and appears to be unavoidably infeasible. Hence class delay cannot be considered a mitigation measure under CEQA.

The potentially **significant impact** arising from meeting the criteria for the left-turn channelization mandate therefore **remains in place**, with the only potential mitigation apparently being channelization itself. The DEIR is incomplete and inadequate in the absence of a study of *feasibility* of left-turn channelization on VGD near the entrance to the project. Under “Mitigation Measure”, the expression “No mitigation measures required” is entirely inappropriate; the proper conclusion is “No adequate analysis performed; impact not examined, and no feasible mitigation has been proposed.”

The **proposed mitigation measure** under MM Impact TRANS-5 thus has a **high probability of failing** and leaving the community with unmitigated deficient environmental conditions. The entire matter of parking, especially for RVs, and its interaction with local traffic during periods of potential congestion, should be revisited and be fully and properly evaluated before the EIR could be certified.

Under “Mitigation Measure”, the expression “No mitigation measures required” is entirely inappropriate; the **proper conclusion is “No adequate analysis performed; impact not examined, and no feasible mitigation has been proposed.”**

QUESTIONS – PLEASE EXPLAIN:

- Why is the impact rated as “less than significant” rather than “significant” in the **absence of substantial evidence** that the proposed mitigation measure actually would mitigate the impact? 77-75
- Please **explain**, using substantial evidence, **how the proposed mitigation measure would mitigate the impact.** 77-76
- Please examine and discuss the **interaction of the parking and entrance/exit processes** with traffic on VGD, and explain the extent to which they may affect CVR. 77-77
- Please explain the effect of the **time required to fill and empty the RV parking area**, given the geometry of the entry and exit arrangements at the site, and given turning delays at relevant intersections, potential queuing of vehicles and space available to accommodate queuing (e.g. on VGD between the site and the CVR&VGD intersection). 77-78
- To **what extent would roadways near the site be effectively blocked or disrupted** for other traffic – that is, made inaccessible or substantially restricted to others – during RV movements to and from the site? 77-79
- What are the actual **traffic criteria governing the choice of 9:30 AM as the starting time for classes** in the proposed mitigation measure? How are they related to environmental significance thresholds? 77-80
- Is there a connection between Impact TRANS-5 and Impact TRANS-7? Are the **hazards** of the latter **related**, at least in part, **to the parking issues** of the former? Please explain your response in appropriate detail. 77-81
- Was the **left turn channelization** issue discussed under the former in any way **connected with** the **hazards** discussed under the latter? Please explain your response in appropriate detail. 77-82
- Is the left turn **channelization** issue **applicable to only VGD**, to only **CVR**, or to **both**? 77-83
- Is the mitigation measure of **installing no parking signs** (MM TRANS-7) applicable to Impact TRANS-5 as well as to Impact TRANS-7? 77-84

Impact TRANS-7

An apparent error on line 30 of p. 4.12-27, identifying VGD, as the main eastbound route to the CVR&VGD intersection, rather than CVR, creates an impression of **incoherence in the paragraph beginning on line 26**. Further, the suggestion that during special events the “improved entrance area” would “allow traffic to fully clear the roadway before entering the ... controlled access gate” requires quantitative assessment; it is hardly obvious that the arrival of 70 RVs during Friday PM would not create roadway impediments. In fact a need for left turn channelization on VGR suggests that assuring each vehicle’s clearing of the roadway could be complicated by the presence of others awaiting entrance, and that there could be significant delays resulting from the entrance process. This applies to *all* entering vehicles, whether arriving from the east *or* from the west along CVR at the CVR&VGD intersection – all would enter the site at the same place from the same direction.

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The *impact* under consideration in the paragraph beginning with line 26, however, is *not* on VGR, but on CVR, approaching the CVR&VGD intersection: “between seven and 10 trips headed westbound” on CVR and “turning left on Valley Greens Drive would be added during the peak traffic hours”, and “[t]his turning movement could introduce hazardous conditions with motor homes ... navigating an unprotected left hand turn across Carmel Valley Road.” Additional language in the paragraph shows enhanced hazard for some RVs and RV-towed vehicle combinations. Also, “during typical weekday operations ... vehicles could make left turns” from VGD onto CVR where the local speed limit is 50 mph and relevant sightlines are reduced. This, and additional discussion in the paragraphs on this impact, identifies the location and general character of the CVR impact, but accomplishes little more.

The **analysis** covering Impact TRANS-7 is **incomplete and entirely inadequate**, failing to provide full quantitative and geometrical description and assessment of the hazardous conditions. Important matters have either been ignored or examined very thinly; these include:

- considerations of vehicles’ time requirements for negotiating the intersections, including their acceleration characteristics and maneuverability,
- clear and well-documented definition of sight lines in both directions and in light of the effects of other large vehicles in the traffic mix, and
- considerations of the rate of flow of other peak hour traffic affecting access to roadway elements.

In the **absence of adequate assessment**, Impact TRANS-7 must be regarded as **significant** and likely **unavoidable**.

Although the issue in this instance is putatively unprotected left turns, the discussion **exposes a number of issues that are inadequately addressed** elsewhere in Section 4.12 as well as in reference to the left turnings:

- **Attempting to schedule arrivals and departures** in conjunction with the timing of normal traffic behavior is **almost certain to be a highly defective** means of addressing potential traffic congestion. Arrival and departure times usually are extremely difficult to enforce, and traffic behavior has a significant level of random variation. That “RVs would be registered in advance, including prospective arrival and departure schedules” does not inspire confidence that project traffic from 70 RVs would not interfere with normal traffic operations. Firm and reliable enforcement of schedules, as well as measures such as temporary remote RV “storage” locations, would need to be **enforceable and sustainably in place** in order to be **feasible**.
- The potential for “occasional events ... during the week” is acknowledged on line 25 of p. 4.12-27. This reveals at least two additional unexplored potential impacts:
 - Weekday events were **not analyzed** at all; either they should be prohibited or they should be described in detail and their potential traffic impacts thoroughly studied.
 - If events shorter than three days are included in the project, the **number of events could increase from eight** per year to an **unspecified number**. The impact implicit in the prospect of multiple events was not examined at all in

section 4.12, even for eight events. The prospect of more events, of unspecified character and magnitude re-emphasizes this deficiency.

- According to lines 29 and 30, p. 4.12-27, “the majority of traffic would be traveling eastbound on Valley Greens Drive”. As suggested above, either that is **incorrect**, or the effect of that traffic movement was **not assessed**. If correct, Figure 4 of appendix H, showing no project contributions to the CVR&RSCR (Rancho San Carlos Road) is incorrect, requiring reworking of trip distribution and assignments. If incorrect, the discussion of Impact TRANS-7 must be revised and clarified.
- According to the Initial Study for the project the relevant sight distance at the CVR&VGD intersection is 450 ft whereas the DEIR reports a sight distance of 700 ft; they **cannot both be correct** unless they may refer to different directions. Which is the correct sight distance and precisely how is it evaluated? (Local observers measured sightlines there and found values less than 450 ft from a driver’s windshield to the first visible point on the far side of CVR, depending on exact locations of observer and observed, as well as observers’ positions relative to signs and landscaping.) No source is given for the assertion that 700 feet ... is considered safe for a vehicle of this size”. With actual speeds in excess of 50 mph (the speed limit not necessarily being the actual speed) and a sight distance of 700 ft, an **RV would have less than 10 s**, probably **accelerating from a from a standstill, to complete the turn** after an oncoming vehicle becomes aware of the RV’s presence and vice versa. A clear, logically and quantitatively defensible analysis is required before prospective conditions at the intersection could be declared safe and without impact.
- Exiting VGD, turning left onto CVR, also **requires quantitative analysis**, which is **not included** in section 4.12.
- The assertion that a traffic monitor would be present anticipates a particular one of the several proposed mitigations for Impact TRANS-3 being adopted, and that mitigation is one that is **highly unlikely to actually relieve the impact** for which it is intended (see comments above). Furthermore, the analysis of Impact TRANS-3 is inadequate, so assuming the presence of the mitigation does not adequately address the significance of Impact TRANS -7, which itself is inadequately analyzed.
- Suggesting that a traffic monitor would make a significant difference at the intersection **implies** a concern that the **intersection would remain hazardous** without the monitor. This demonstrates a significant lack of confidence that the sightline is adequate to assure safe conditions.
- The **entire discussion** of this impact is **inadequate**, confusing, as it does, Valley Greens Drive with Carmel Valley Road, and recommending the funding of no-parking signs on one road as mitigation for sightlines (that were deemed adequate) on another road, well away from the intersection of the two, etc.

MM TRANS-7: The recommended mitigation measure, namely, funding no-parking signs on Valley Greens Drive, may address some potential impacts, but not the ones mentioned in the impact discussion. There appears to be no cogent relation between them!

QUESTIONS – PLEASE EXPLAIN:

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- Please **explain** in detail the **relevance** of the statement that “RVs would be registered in advance, including prospective arrival and departure schedules” to the impact in question. (lines 22-23, p. 4.12-27) 77-85
- If this information (lines 22-23, p. 4.12-27) is intended to suggest that vehicles’ arrivals would be staggered to avoid congestion, please **provide a staggered schedule** that would be used, **explain how** it would **accommodate** smoothly the **entire traffic stream** bound for the site or from it, **how much time** would be **required** to complete the schedule, **how** traffic from **other vehicles** would be **accommodated** on the relevant roadways and intersections, **what delays** should be **expected by all drivers**, **how** the schedule would be **enforced**, and **where vehicles** arriving at times other than that allotted to them would be **stored**, and how they would be **re-introduced** into the schedule. 77-86
- What is the correct statement of the **intended meaning** of the second paragraph under Impact TRANS-7? Is this paragraph about channelization of VGD at the site entrance, or of CVR at CVR&VGD? Or is it intended to be about both (unprotected left turns – plural)? 77-87
- Please provide clear and well documented assessments of
 - **vehicles’ time requirements** for negotiating the intersections, including their acceleration characteristics and maneuverability, 77-88
 - **sight lines in both directions** and taking account of the effects of other large vehicles in the traffic mix, and
 - the rate of flow of **other peak hour traffic** affecting access to roadway elements.
- Please provide details and traffic assessment for “**occasional events** that may occur during the week” including likely frequencies of such events, times of year, duration, projected possible numbers of vehicles and attendees, and vehicle entry and exit days and times. 77-89
- Please describe fully and analyze fully any prospective **routing of traffic along VGD and RSCR** by the project in order to provide access to the site as an alternative to access via the CVR&VGD intersection. 77-90
- Please describe completely, accurately and quantitatively the **sight lines, sight distances, relevant average traffic speeds, vehicle maneuvering capacities and times to clear the CVR&VGD intersection safely** for vehicles present there as a result of the project, and assess the results as they affect existing and projected traffic at the intersection; include all left turns associated with the project, and all right turns onto CVR. 77-91
- Please assess, as quantitatively as possible, the effect of the presence of a **licensed traffic monitor** as described in Impact TRANS-5, -7 and the related mitigation measures, **comparing delays at the relevant intersection** that may occur when the monitors are present with baseline (existing) delays, delays anticipated to occur with project traffic present, and delays anticipated when the other mitigations measures proposed in MM TRANS-3 are implemented. 77-92
- Please confirm, with suitable documentation, that the sight distance stated on line 2 of page 4.12-28 is correct, and indeed is considered safe by suitable traffic authorities. 77-93

- Please clarify the discussion under Impact TRANS-7 (pp. 4.12-27,-28), removing **confusion between what applies to VGD and what applies to CVR** in that discussion, including the location and function of no parking signs.

77-94

Impact TRANS-8

The **discussion of emergency access is entirely inadequate**; it focuses almost entirely on emergencies associated with the project itself. Effects of the interaction of **RVs and increased traffic**, with emergency vehicles, including those proceeding to an emergency along CVR and other local roadways, **eight times a year**, especially during high traffic volume periods such as Friday PM, were **entirely ignored**. Potential **issues on Highway 1, already at LOS F**, which all ambulances and paramedic vehicles serving western Carmel Valley Road would have to traverse in emergencies requiring a hospital, were **completely ignored**.

To be adequate, this subsection would need to be entirely redone, taking into account impacts on emergency access for the existing local community, the bottleneck from congestion on Highway 1 and the repeated effects of special events.

QUESTION – PLEASE EXPLAIN:

- How would the **project traffic affect current users** of the relevant roadways – those who constitute *existing* traffic – who are **dependent on local emergency services**, including hospital access?
- Please discuss in particular **impacts on Highway 1**, which already is congested (LOS F) and has limited roadway shoulders or other vehicle-access alternatives to the principal driving lanes.
- Please explain why the impacts arising from **multiple special events** were not assessed, and remedy that omission.

77-95

77-96

77-97

Cumulative Impacts Assessment

Impacts TRANS-9, 10, 11, 12

Section 4.12 **does not include** a tabulation that shows other projects together with their **estimated additions** to relevant traffic streams contributing to the cumulative traffic totals. Therefore it is **impossible** for the public to **review quantitative** material on **cumulative impacts, based on the DEIR**, and to **evaluate with any confidence** the DEIR's assessments. Apparently the cumulative effects arising from subdivisions that are outside the CVMP area but that necessarily would contribute traffic to CVR were **omitted** from the present cumulative traffic study, but **should have been included**.

Thus (1) the list of “new” **contributors** to cumulative traffic is **incomplete**, (2) the DEIR's **raw data** for cumulative traffic is **missing** as a specific data compilation, as is its source, and cannot be assessed, and (3) also **absent** is specification of the **assumptions** used to associate prospective development projects with the numbers of vehicle **trips they generate** and how they are **distributed** and **assigned**. All of this should be disclosed clearly and directly in suitable data tables.

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This uncertainty about the cumulative analysis is **exacerbated by unexplained anomalies** in the quantitative data on cumulative effects presented in the DEIR. For example, the ratio of PM to AM peak hour volumes for the cumulative traffic that is added to existing traffic is about 0.65, whereas for existing traffic that ratio is 1.09. This is very puzzling; it suggests that the assumptions used for cumulative traffic volumes are inconsistent with existing traffic patterns; such inconsistencies require explicit justification. These ratios, by the way are **not disclosed** in section 4.12 and must be extracted by the public from data in the appendices, even though the information is **material to the assessment of cumulative effects**.

Also, outright **errors** or misallocations are present in the cumulative and/or cumulative plus project traffic data; for example, in the PTSF data sheets in appendix C of H, show for Friday *cumulative traffic* on segment 7 of CVR a volume of 1,248 vehicles per hour, but of 1,244 vehicles per hour for cumulative *plus project traffic*. That is, in this case at least, the CCSC **project is represented as reducing peak hour traffic volume by 4 vehicles per hour**, which of course cannot be true.

Thus the analysis of cumulative traffic is **not complete** and **not adequate**, and **not all the material information has been disclosed**, so the present study cannot legitimately be certified.

In combination with serious defects in the remainder of section 4.12, which produce a flawed baseline as discussed above, this clearly inadequate cumulative information makes it unreasonable to review further the DEIR's cumulative traffic impacts assessment.

QUESTIONS – PLEASE EXPLAIN:

- What is the **full list of potential contributors to cumulative traffic**, what are the prospective **vehicle trips for each**, and what is the **expected distribution and assignment** of trips to local roadways? Please provide one or more tables that clearly disclose the data. 77-98
- In reporting prospective peak hour trips, please explain any **differences between (1) the expected proportions of AM and PM trips** from the projected “new” **cumulative contributors** and (2) **proportions for existing traffic**. 77-99
- Also please explain **any other differences** between projected cumulative and current traffic patterns. 77-100
- Please explain why **cumulative plus project traffic is smaller than cumulative traffic** for peak hour on Friday, as reported in appendix C to H. Also please check for **other possible discrepancies** in the data, and report all that may be found. 77-101

Conclusion

Additional examination almost certainly would reveal still more flaws or extend those already noted, and strengthen the conclusion of the first paragraph of these comments:

The **proper conclusion** of the DEIR for traffic (Section 4.12), to the extent that a conclusion can be drawn from the information contained in this DEIR, is that the **Carmel Canine Sports Center (CCSC) would impose significant unavoidable and irreversible impacts on traffic on Highway 1 between Ocean Avenue and on Carmel Valley Road**, and during special event

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periods **on the CVR&VGD intersection and its vicinity** under “existing plus project” conditions; under cumulative traffic conditions CCSC also **would impose a number significant unavoidable and irreversible additional impacts on the one segment of Carmel Valley Road that was studied** (segment 7), on **at least one intersection** (CVR&VGD), and at and near the site entrance on VGD.

See, on the following pages, graphic representations of daily traffic data from the DEIR’s data appendices.

Sincerely,

Timothy D. Sanders

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**GRAPHS REPRESENTING HOUR-BY HOUR TRAFFIC FOR SEGMENT
7 OF CARMEL VALLEY ROAD
SCHULTE ROAD TO RANCHO SAN CARLOS ROAD
(Wednesday, Thursday, Friday data from CCSC DEIR appendices)**

In the graphs on the following pages, the hours of the day are plotted along the horizontal axes, and hourly traffic volume (vehicles/hour) are plotted along the vertical axes. They depict the quantities of vehicles passing a point along Carmel Valley Road between Schulte Road and Rancho San Carlos Road during each day over three days in June and three days in October, 2014. The data on which the graphs are based was drawn entirely from an appendix to the traffic portion of the 2015 DEIR for the Carmel Canine Sports Center (appendix A to appendix H).

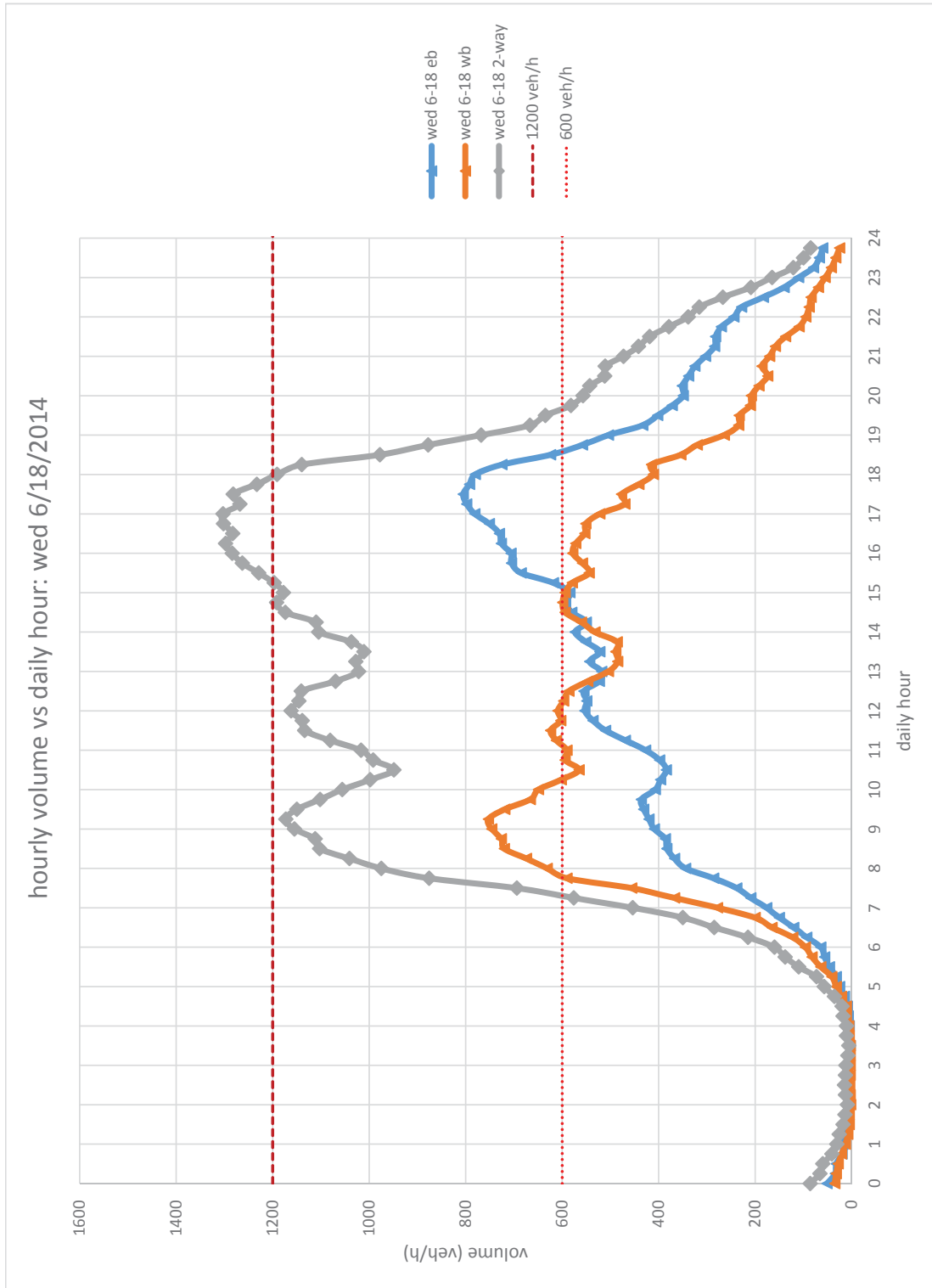
Hourly eastbound, westbound and total traffic volumes are shown as separate curves, and are so-labeled.

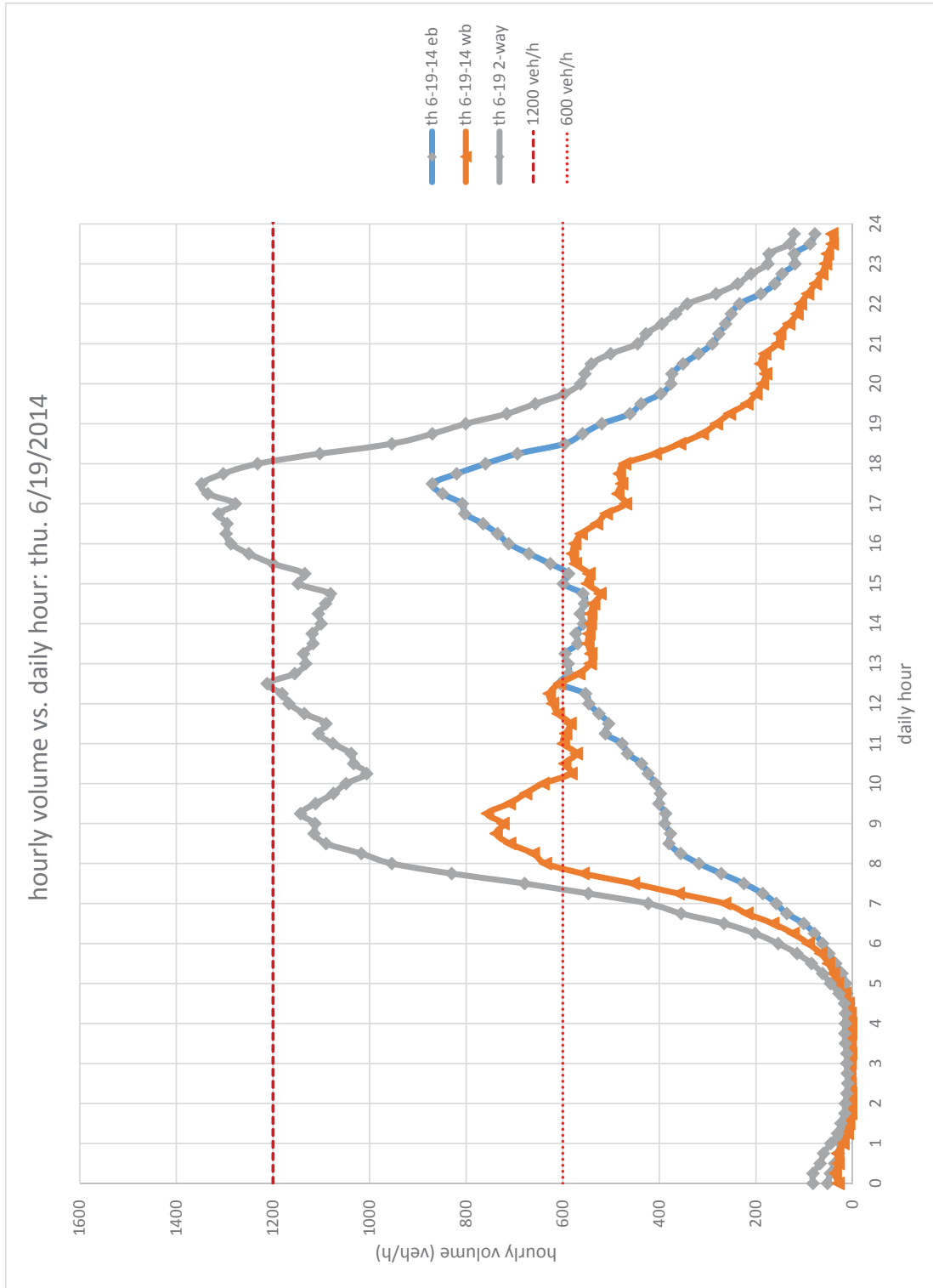
The red horizontal lines show volumes above which the time between vehicles (interval between cars passing a point) is 3 seconds (the upper line, 1,200 vehicles per hour) and 6 seconds (lower line, 600 vehicles per hour). The 3 second headway sometimes is used as a criterion for traffic congestion and is most reasonably applicable to total (eastbound plus westbound) traffic, whereas 6 second headway may serve more appropriately for one-way (eastbound or westbound) traffic. These are not official criteria of any kind, but serve as rough guides, the 3-second "rule" being based on guidelines in the Highway Capacity Manual (2000 and 2010 editions).

The red lines also help to compare traffic volumes on different days (different graphs), since they mark the same volumes on every graph.

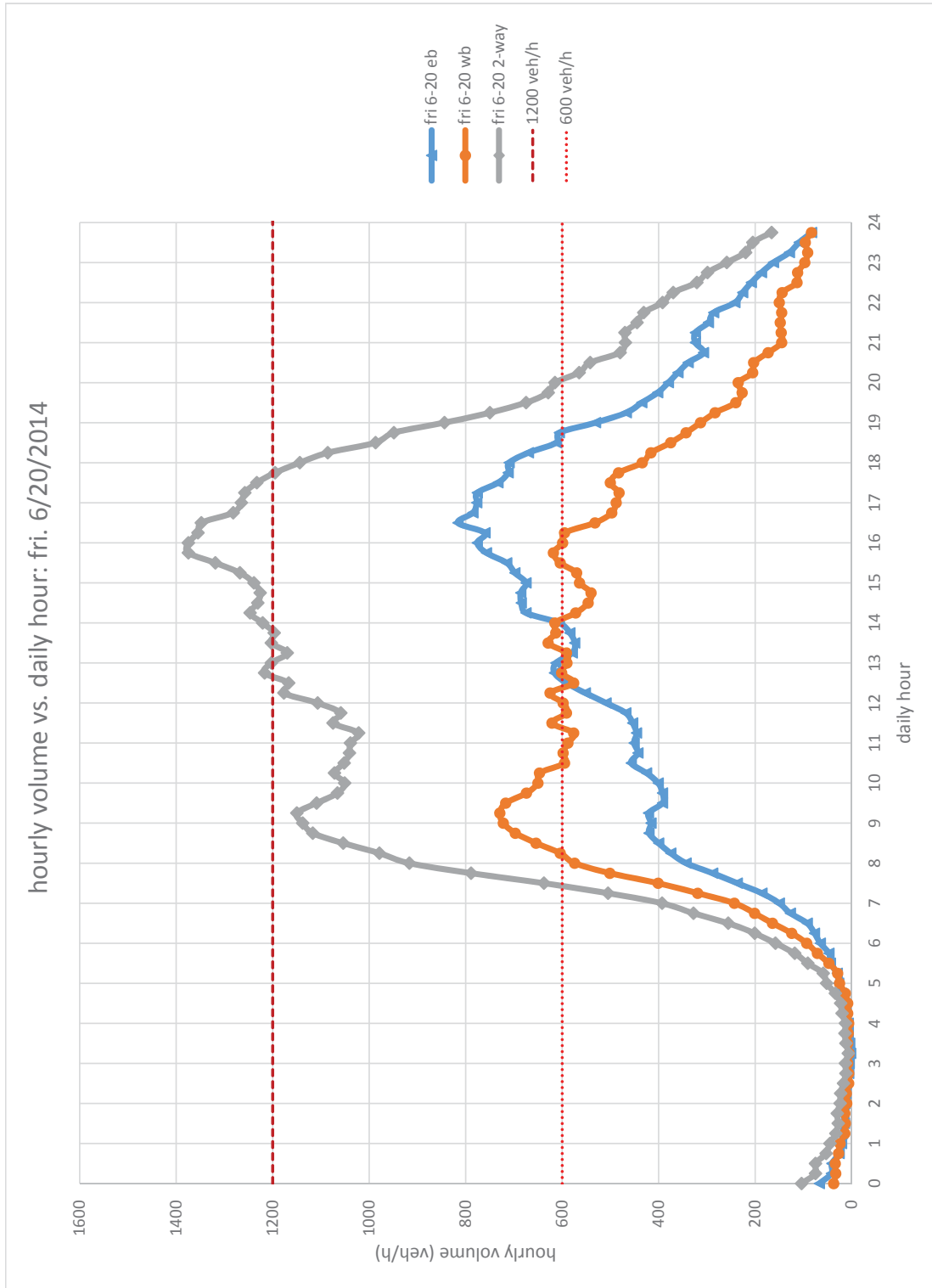
Note the *peaks* on the different days: heights (traffic volumes), their widths (time duration of the peak), their times of occurrence, (location along horizontal axis) and the differences or similarities in general shapes. Note also that the AM peaks of the June graphs are substantially smaller than those of corresponding days; the same is true for PM peaks, though less dramatically so. Other systematic differences are apparent, and demonstrate that the data vary significantly not only from hour to hour, but from day to day, month to month, and season to season as well.

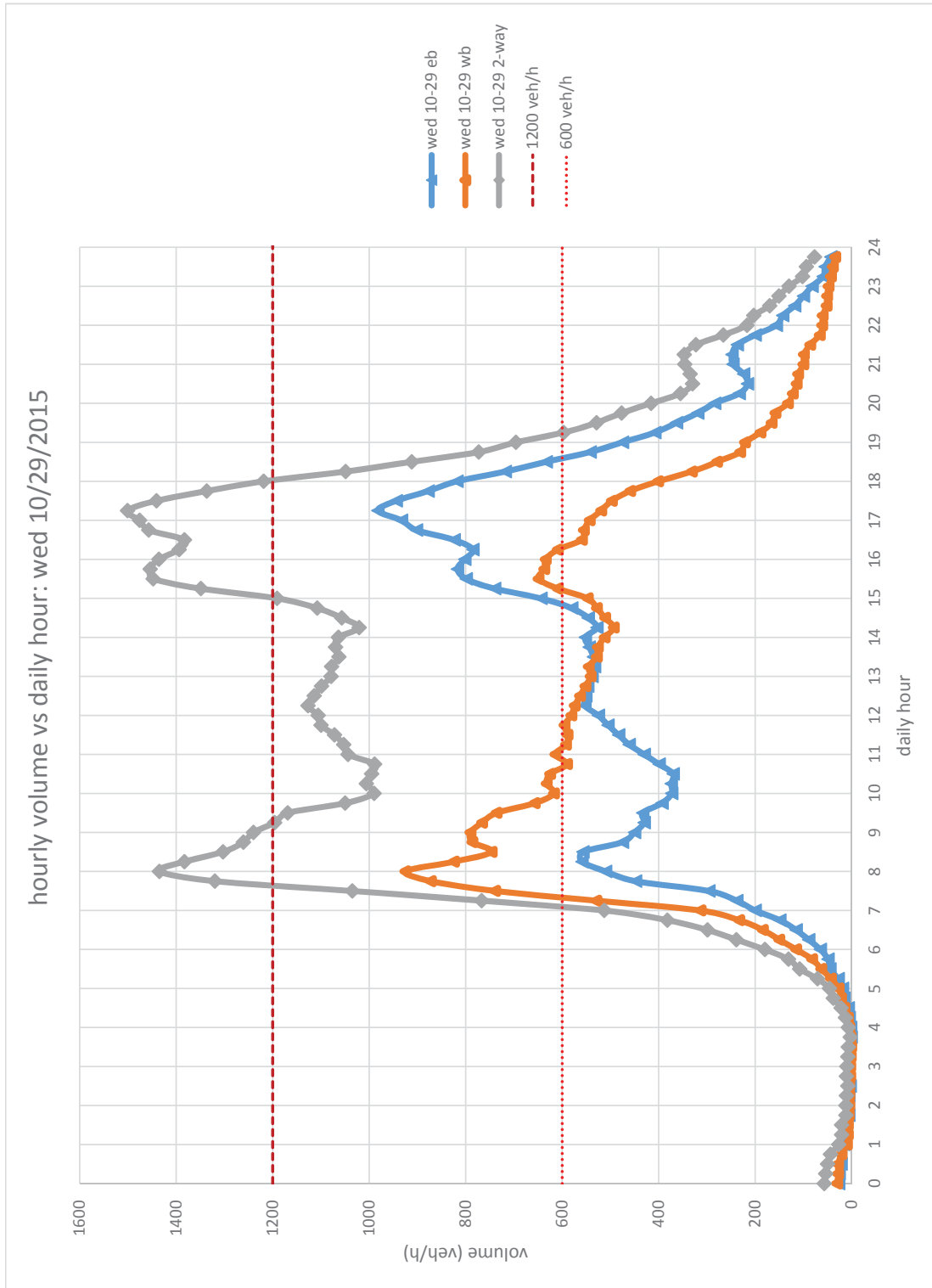
The data analyzed in the DEIR is from June, not from October, and therefore represents lower traffic volumes on corresponding days of the week, especially for AM peaks.

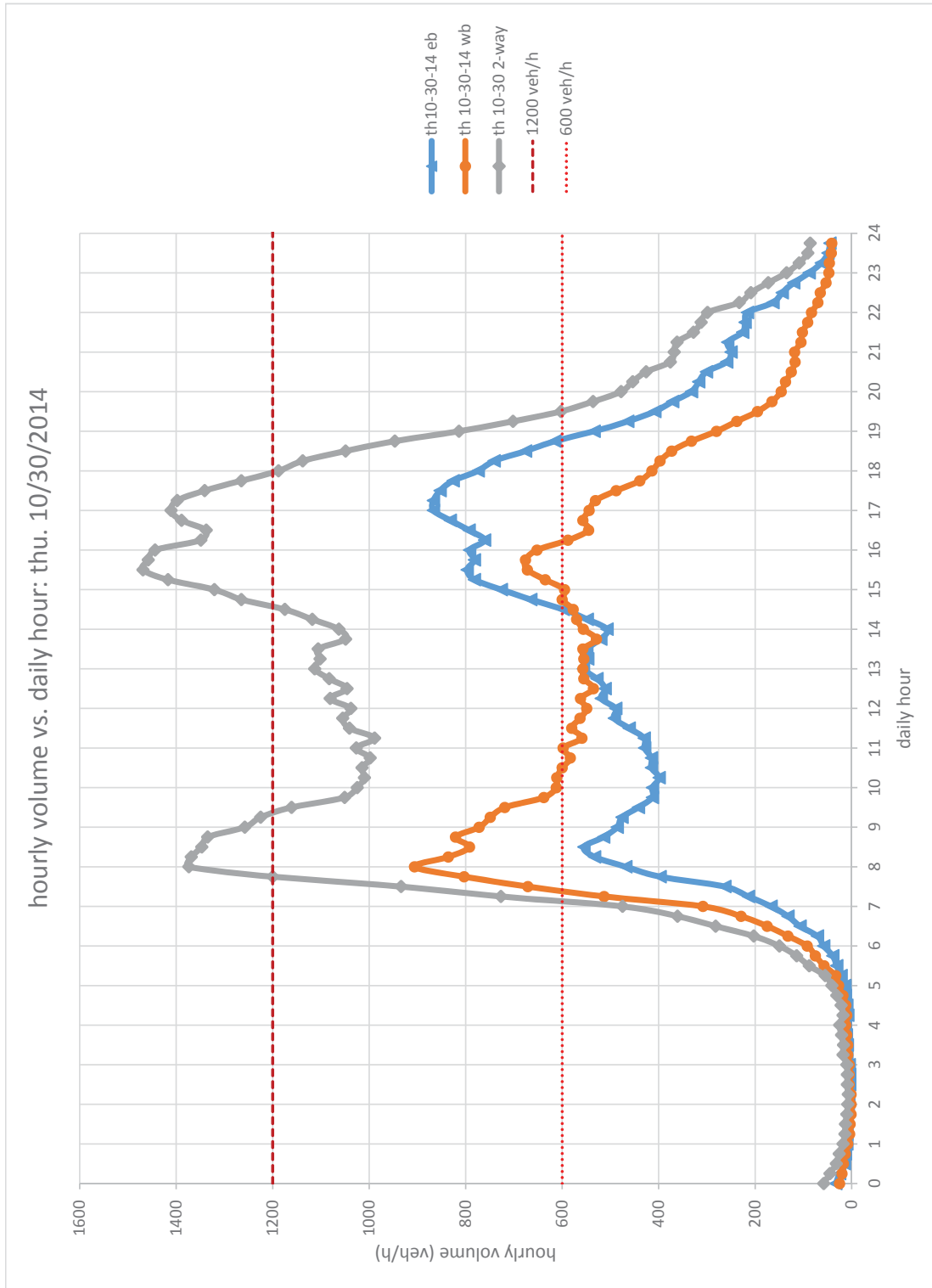


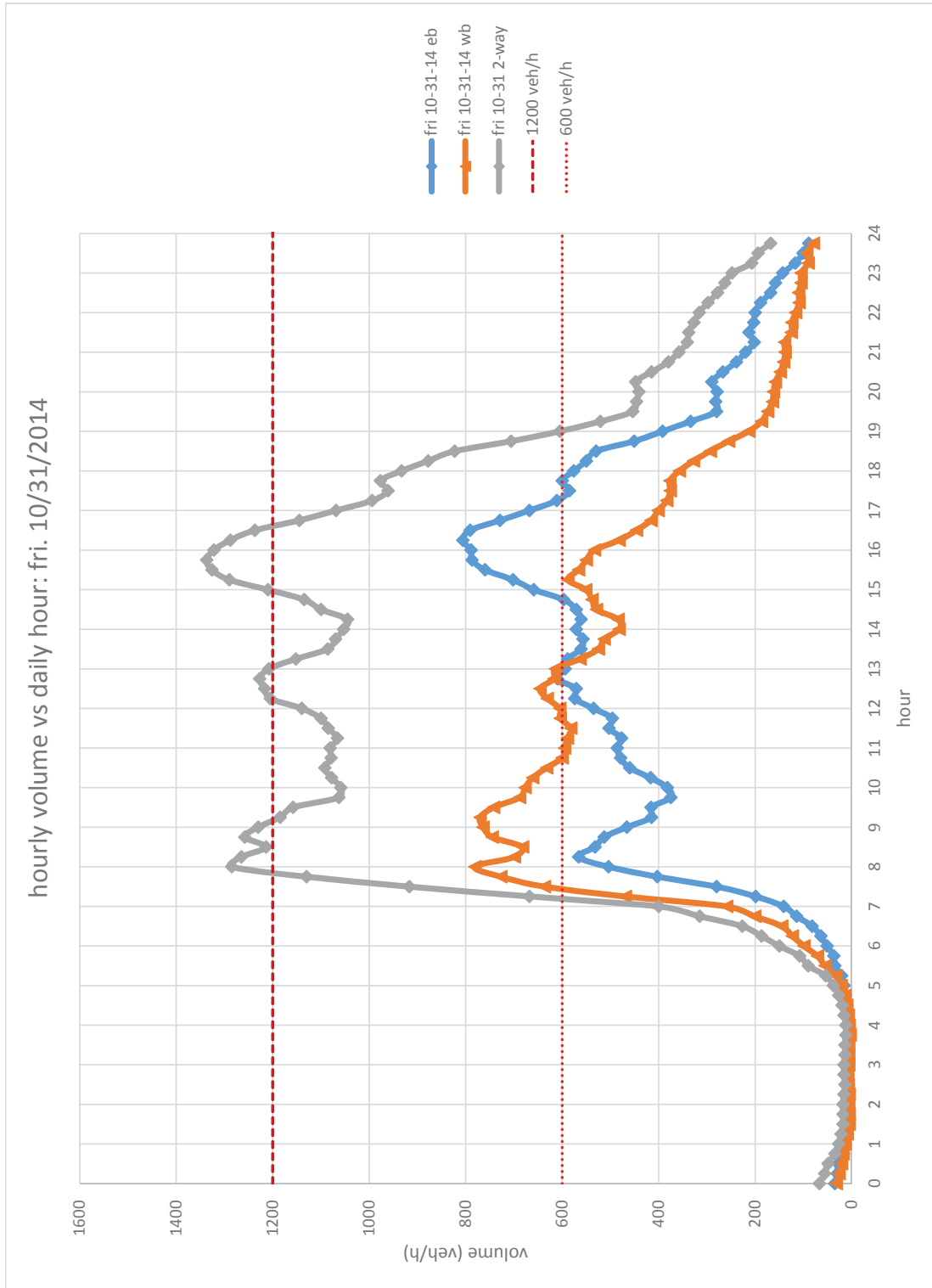


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Comment 77, Mr. Timothy D. Sanders

Comment Response 77-1: The section describing Residual Impacts is a summary of the impacts associated with a resource area after mitigation measures are applied to minimize those impacts. Each of the impacts identified under residual impacts have already been analyzed and the significance of each impact has been clearly stated. Traffic Impacts TRANS-4, -9, and -10 have been identified as significant impacts. These impacts are described as such in Section 4.12, *Traffic and Transportation* and are further described as unavoidable significant environmental effects in Section 6.3, *Unavoidable Significant Environmental Effects*. Additionally, residual impacts associated with traffic and transportation are described in Section 4.12.4.5, *Residual Impacts*. As noted in the quoted text: “*the project would contribute to significant increases in traffic...*”

Comment Response 77-2: The LOS grades are reported and discussed within the DEIR, including but not limited to Table 4.12-8, -9, -10, -11, and -12.

Comment Response 77-3: The DEIR notes that the proposed Project would result in a substantial contribution to cumulatively significant increases in traffic along various study locations. These impacts are identified in Section 4.12.4.4.

Comment Response 77-4: The proposed Project would substantially contribute to a cumulatively significant impact. These cumulative impacts are also discussed in Section 6.3, *Unavoidable Significant Environmental Effects*. Refer to Response to Comment 77-1.

Comment Response 77-5: Refer to Comment Response 77-2.

Comment Response 77-6: Please see Comment Response 77-4.

Comment Response 77-7: The analysis conforms to the HCM 2010 procedures and adds disclosure of overall delay in accordance with standard County practices.

Comment Response 77-8: The DEIR reports both worst approach delay and average intersection delay for stop controlled study intersections. This is consistent with standard practice within the County and is intended to disclose overall delay in addition to the worst approach’s delay. Limiting disclosure to the worst approach would obscure the average delay experienced by all drivers through the intersection.

Comment Response 77-9: The LOS calculation sheets are included in Appendix H as Appendix B. These sheets are output from the Synchro software package which implements the procedures described in the 2010 HCM.

Comment Response 77-10: The calculation of LOS in the DEIR is consistent with the 2010 HCM methods and adds disclosure of the average delay per vehicle consistent with County practices. This conforms to the DEIR purpose as an informational document that discloses potential reasonably foreseeable impacts resulting from the proposed Project.

Comment Response 77-11: This comment incorrectly suggests that DEIR ignores worst approach delay and relies exclusively on average delay. The DEIR includes evaluation of both measures (e.g., see Table 4.12-8) as well as other factors including the peak hour signal warrant which are applied per County standards.

Comment Response 77-12: The calculation of LOS in the DEIR is consistent with the 2010 HCM methods and adds disclosure of the average delay per vehicle consistent with County practices. This conforms to the DEIR purpose as an informational document that discloses potential reasonably foreseeable impacts resulting from the proposed Project.

Comment Response 77-13 through 77-17: These comments refer to the 2003 Guide for the Preparation of Traffic Impact Studies, which has been replaced by the 2014 version (County of Monterey 2014). The newer version does not include the quoted language. The threshold used in the DEIR was applied based on consultation with the County Traffic Engineer. The application of a standard where any movement operates at LOS F without also meeting signal warrants was determined to be unreasonably restrictive and would likely result in immitigable impacts where a traffic signal is not a feasible mitigation because the signal warrant is not met.

Comment Response 77-18: Refer to Comment 77-13 through 77-17. Comment incorrectly quotes impact TRANS-3 as being a Class III impact when it is reported in the DEIR as a Class II impact, *less than significant with mitigation*.

Comment Response 77-19: As shown in Appendix H, the installation of a traffic signal or roundabout would improve intersection LOS to an acceptable level, thereby mitigating the impact in accordance with County standards.

Comment Response 77-20: See response to Comment 77-19.

Comment Response 77-21: Refer to Comment Response 77-13 through 77-17. The quantitative magnitude is disclosed in the tables reporting the LOS/delay with and without the proposed Project. The thresholds of significance are applied to determine if impacts are significant or less than significant according to the County's policies.

Comment Response 77-22: Acceptable operations are defined in Section 4.12.3, *Regulatory Setting*.

Comment Response 77-23: The installation of a traffic signal would result in acceptable traffic operations, thereby minimizing adverse impacts. Alternatively, as described in MM TRANS-3, impacts could be reduced to less than significant levels through Applicant provision of County-approved and licensed traffic monitors during special events. See Comment Response 77-19.

Comment Response 77-24: The Draft Carmel Valley Road Corridor Study (Kimley-Horn and Associates, Inc. 2014) includes a recommendation for a roundabout at the Carmel Valley Road/Valley Greens Drive intersection. The roundabout was included in the final list of projects "based on consideration for feasibility of implementation, cost, and consistency with community vision, a list of initial improvement projects was refined to a smaller list of projects to be considered for further development." Re-evaluation of the traffic improvement program of the cited study is not under County evaluation and not part of this EIR scope.

Comment Response 77-25: The intersection and segment analysis accounts for heavy vehicle operating characteristics in accordance with industry standard practices. The heavy vehicles in the traffic stream are accounted for in the LOS calculations provided in Appendix H. The public roadways providing access to the Project site are designed to accommodate heavy vehicles consistent with the County's engineering standards.

Comment Response 77-26: See Comment Response 77-25. Detailed queuing and operational characteristics are provided in Appendix B of Appendix H of the DEIR.

Comment Response 77-27: The interaction between heavy vehicles and passenger vehicles is quantified in the 2010 HCM by adjustments to the critical headways (for unsignalized intersections) and saturation flow rates (for signalized intersections) due to the proportion of heavy vehicles. These

adjustments are implemented by the Synchro software package for intersections and Highway Capacity Software for roadway segments.

Comment Response 77-28: The DEIR evaluates transportation impacts in accordance with County policies, which require evaluation of LOS and delay. This quantifies the severity of the impacts, which would generally occur eight times per year for three-day events per the project description.

Comment Response 77-29: The scope of work and analysis time periods were developed in consultation with County RMA Public Works staff consistent with the County's Guide for the Preparation of Traffic Impact Studies. Because Friday P.M. conditions are worse than Weekday P.M. conditions, the impacts for a weekday event would be lesser than those described for Friday P.M. conditions. Events shorter than three days would have similar impacts to those described by the DEIR.

Comment Response 77-30: Refer to Comment Response 77-29. Please also refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details regarding the development of the scope for the Transportation Impact Study.

Comment Response 77-31: The impacts of special events are discussed in detail in the DEIR, including adjustments for heavy vehicles consistent with the 2010 HCM. Queuing information is provided for the Carmel Valley Road and Valley Greens Drive intersection for all scenarios in Appendix B of the DEIR's Appendix H.

Comment Response 77-32: The impacts of special events are discussed in detail in the DEIR, particularly under Impact TRANS-4 and Impact TRANS-9 and -10, including adjustments for heavy vehicles consistent with the 2010 HCM. Queuing information is provided for the Carmel Valley Road and Valley Greens Drive intersection for all scenarios in Appendix B of the DEIR's Appendix H. For example, the 95th percentile queue for northbound traffic at Carmel Valley Road and Valley Greens Drive would exceed 11 vehicles. This is the queue that would not be exceeded 95 percent of the time; 5 percent of the time the queue would be 11 vehicles or less.

Comment Response 77-33: The impacts evaluated in the DEIR are presented for a reasonably foreseeable worst case scenario. The other seven special events would have similar or lesser impacts to those described in the DEIR.

Comment Response 77-34: Drivers approaching Carmel Valley Road on Valley Greens Drive would experience increased delay due to the proposed Project as described in the DEIR (illustrated within Table 4.12-8). This includes patrons to the businesses nearby using this intersection. During the peak hours of special events queuing on northbound Valley Greens Drive would temporarily increase (as illustrated in Table 4.12-9) the delay for patrons at these businesses.

Comment Response 77-35: Refer to Comment Response 77-24. The DEIR cannot speculate on the position of advisory bodies regarding specific improvements. Further, as described in MM TRANS-3, in the event a roundabout or signal is not installed, impacts could be reduced to less than significant levels through Applicant provision of County-approved and licensed traffic monitors during special events.

Comment Response 77-36: Refer to Comment Response 77-35.

Comment Response 77-37: The LOS calculation sheets with the title beginning 'Mitigated' followed by the specific scenario detail the LOS and delay after mitigation. These calculation sheets are included in Appendix B of Appendix H of the DEIR.

Comment Response 77-38: Refer to Comment Response 77-37.

Comment Response 77-39: MM TRANS-3 would direct special event traffic to the signalized intersection of Rancho San Carlos Road and Carmel Valley Road. This would eliminate the addition of proposed Project-related traffic to the Valley Greens Drive and Carmel Valley Road intersection and eliminate the impact at this location. There is adequate capacity at the Rancho San Carlos Road and Carmel Valley Road intersection to accommodate the shifted traffic. This intersection would operate at LOS B or better with shifted project traffic. However, as described in MM TRANS-3, if an agreement cannot be reached with private road holders, the Applicant shall provide a County-approved and licensed traffic monitor to direct traffic and manage traffic at the Carmel Valley Road and Valley Greens Drive intersection during special events.

Comment Response 77-40: Refer to Comment Response 77-35.

Comment Response 77-41: The impacts of special events are discussed in detail in the DEIR, including adjustments for heavy vehicles consistent with the 2010 HCM.

Comment Response 77-42: The diverted traffic would be directed to the Rancho San Carlos Road and Carmel Valley Road intersection. There is adequate capacity at the Rancho San Carlos Road and Carmel Valley Road intersection to accommodate the shifted traffic. This intersection would operate at LOS B or better with shifted project traffic.

Comment Response 77-43: Please refer to Comment Response 77-42.

Comment Response 77-44: The AADT was obtained from the County's traffic count program (County of Monterey 2013). Please refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details.

Comment Response 77-45: Please see Comment Response 77-44.

Comment Response 77-46: The traffic counts were collected as a part of typical monitoring conducted by the County and conform to industry standard practices for traffic data collection.

Comment Response 77-47: A web link is provided to the data on the County's website in the references section following these responses to comments.

Comment Response 77-48 through 77-52: The proposed Project evaluates Valley Greens Drive and Carmel Valley Road during four peak hour periods and the need for left turns on Valley Greens Drive at the Project entrance. The analysis locations were identified in consultation with County staff in accordance with the County's Guide for the Preparation of Traffic Impact Studies. There is adequate capacity at the Rancho San Carlos Road and Carmel Valley Road intersection to accommodate the shifted traffic. This intersection would operate at LOS B or better with the addition of special event traffic.

Comment Response 77-53 through 77-58: Consistent with CEQA Guideline 15126.4(B) which states "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified", MM TRANS-3 provides a menu of options for mitigating impacts to less than significant levels. If a traffic roundabout or signal cannot be installed and agreements cannot be reached with private road holders, impacts could be reduced to less than significant levels with the Applicant's provision of County-approved and licensed traffic monitors during special events. See Comment Response 77-24.

Comment Response 77-59 through 77-63: See Comment Response 77-37. Trained/licensed transportation monitors (e.g., deputy sheriffs or other approved public safety officers) would provide acceptable operations, as they would mimic a demand-responsive traffic signal. Refer to Memorandum

from County Traffic Engineer dated 17 July 2015 for further details. Even a fixed time traffic signal would operate acceptably at this location.

Comment Response 77-64 through 77-73: The DEIR incorrectly states the dates when traffic counts and field observations were collected, and has been revised to correct the dates when traffic counts were collected. Intersection counts were collected in November 2014 and segment counts were collected in June and October 2014. The segment volumes used in the analysis were obtained by taking the average of the mid-week and weekend counts as appropriate for the analysis time period. This approach was developed in consultation with County Public Works staff. As noted in the comment, these traffic count sheets are provided in Appendix B of Appendix H of the DEIR.

Comment Response 77-74: Comment noted. Language has been revised as suggested.

Comment Response 77-75 and 77-76: The proposed mitigation was developed in consultation with the County Traffic Engineer, who determined that delaying the start of classes would eliminate the need for the left turn lane. This is consistent with the left turn channelization guidelines which provide latitude for the County's Traffic Division to recommend left turn lanes based on a variety of factors besides the traffic volumes. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details.

Comment Response 77-77 through 77-79: Given the projected volumes at a special event and the low volumes on Valley Greens Drive queues would not spill back to Carmel Valley Road from the proposed Project entry during special events.

Comment Response 77-80: See Comment Response 77-75 and 77-76.

Comment Response 77-81 and 77-82: This impact addresses potential safety hazards associated with unprotected left turns from Carmel Valley Road onto Valley Greens Drive. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details regarding sight distance at this intersection. Further, MM TRANS-7 is intended to ensure adequate sight lines for the Project driveway. This is a standard requirement to ensure the County's intersection design standards are met and is independent of TRANS-5.

Comment Response 77-83 and 77-84: The requirement for left turn channelization is addressed in Impact TRANS-5; however, MM TRANS-5 reduces this impact to less than significant levels. MM-TRANS-7 is a standard requirement to ensure the County's intersection design standards are met and is independent of TRANS-5.

Comment Response 77-85 and 77-86: The quoted statement is provided to inform the public and decision makers of the planned management of RV arrivals and departures. It is not intended to suggest that arrivals would be staggered.

Comment Response 77-87: The second paragraph under impact TRANS-7 refers to the Carmel Valley Road and Valley Greens Drive intersection.

Comment Response 77-88: The interaction between heavy vehicles and passenger vehicles is quantified in the 2010 HCM by adjustments to the critical headways (for unsignalized intersections) and saturation flow rates (for signalized intersections) due to the proportion of heavy vehicles. These adjustments are implemented by the Synchro software package for intersections and Highway Capacity Software for roadway segments.

Comment Response 77-89: The frequency of events is described in the Project Description. The scope of work and analysis time periods were developed in consultation with County RMA Public Works staff

consistent with the County's Guide for the Preparation of Traffic Impact Studies. Because Friday P.M. conditions are worse than Weekday P.M. conditions the impacts for a weekday event would be lesser than those described for Friday P.M. conditions.

Comment Response 77-90: There is adequate capacity at the Rancho San Carlos Road and Carmel Valley Road intersection to accommodate the shifted traffic. This intersection would operate at LOS B or better with shifted Project traffic. However, as described in MM TRANS-3, if agreements with private road holders cannot be met, the Applicant shall be required to provide County-approved and licensed traffic monitors during special events.

Comment Response 77-91: See Comment Response 77-88. The County has a project in place to improve Carmel Valley Road and Valley Greens Drive sight distance. This project is funded in the 2015/2016 budget. Refer to Memorandum from County Traffic Engineer dated 17 July 2015 for further details.

Comment Response 77-92: See Comment Response 77-59 through 77-63

Comment Response 77-93: Refer to Comment Response 77-91.

Comment Response 77-94: See Comment Response 77-87.

Comment Response 77-95: The effect of the proposed Project traffic under typical conditions and special events is described in detail in Section 4.12, *Traffic and Transportation* of the DEIR. The proposed Project would not interfere with Monterey County's Emergency Operation Plan (or any other relevant emergency plan) and would not be anticipated by the County to prohibit or restrict emergency response vehicles on the local roadway network.

Comment Response 77-96: See Comment Response 77-95. This includes an evaluation of conditions on Highway 1.

Comment Response 77-97: See Comment Response 77-29. Each special event would generate impacts equal to or lesser than those described in the relevant special events section.

Comment Response 77-98 through 77-100: The cumulative traffic volume forecasts were developed using the 2014 AMBAG Regional Travel Demand Model (RTDM) and the 2007 Carmel Valley Master Plan traffic study consistent with County direction. The CVMP traffic study forecasts travel based on a detailed review of potential land uses intensities with Carmel Valley, while the RTDM is more focused on regional traffic patterns. The CVMP traffic study was given precedence because it provides a more detailed review of local area land uses and traffic volumes and allows for a more conservative analysis. Refer to the CVMP traffic study for more details regarding the traffic forecasts.

Comment Response 77-101: There was a data entry error for the Cumulative Friday P.M. (no project) analysis worksheet. The corrected worksheet is appended to the Transportation Errata Sheet. The correction does not change the LOS and changes PTSF by less than 1 percent, which does not change the findings of the DEIR.

Meisinger, Nick

From: Ford, John H. x5158 <FordJH@co.monterey.ca.us>
Sent: Monday, May 18, 2015 5:27 PM
To: Mack, David x5096
Subject: FW: PLN130352 Carmel Canine Sports Center - Comments to the DEIR

John Ford
 RMA - Services Manager
 Resource Management Agency -- Planning
 (831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

From: Colleen Sweet [mailto:toutesweet@sbcglobal.net]
Sent: Monday, May 18, 2015 11:36 AM
To: Ford, John H. x5158; rbrower@chateaujulien.com
Subject: PLN130352 Carmel Canine Sports Center - Comments to the DEIR

April 18, 2015

John Ford, County Planner
 Monterey County Planning Department
 168 W. Alisal Street, 2nd Floor
 Salinas, CA 93901
fordjh@co.monterey.ca.us

RE: PLN130352 Carmel Canine Sports Center - Comments to the DEIR

Dear Mr. Ford,

I am pleased to be writing in support of the Carmel Canine Sports Center.

My family has been fortunate enough to live on the Wolter Ranch property for over 30 years. In that time we have seen many events hosted in this neighborhood and I believe that the Carmel Canine Sports Center will be an innovative and appreciated addition to these activities.

The only concern I have is the glaring double standard that is being forced upon the Carmel Canine Sports Center. In all the years we've lived here, we have never received a notice asking for our comments on the events the Quail Lodge puts on each year -- some that disrupt our lives for weeks at a time.

78-1

There are some specific examples of this double standard in the DEIR. To mention just one: dogs can be seen enjoying a swim at various places all along the Carmel River; our dogs often played in the river off this property. Why would the members of CCSC be restricted from allowing their dogs to swim in the river when others are not?

78-2

Sincerely,

Colleen J. Sweet
8193 Valley Greens Drive
Carmel, CA 93923
831-624-5995
toutesweet@sbcglobal.net

Comment 78, Ms. Colleen J. Sweet

Comment Response 78-1: Comment noted.

Comment Response 78-2: Refer to Comment Response 21-5.

Randall T. Sweet
8193 Valley Greens Drive
Carmel, CA 93923
toutesweet@sbcglobal.net

April 15, 2015

County Planner John Ford
Monterey County Planning Department
168 W. Alisal Street @ Capitol
2nd Floor, Salinas, CA 93901

RE: PLN130352 Carmel Canine Sports Center
Comments to the Draft Environmental Impact Report

Dear Mr. Ford,

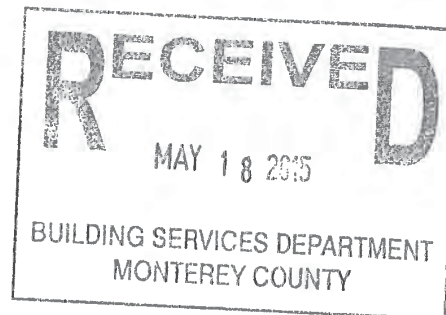
I have lived and worked on the Wolter Ranch for many years and am pleased that the Carmel Canine Sports Center project will keep this beautiful property as farmland and open space for the foreseeable future.

79-1

Sincerely,



Randall T. Sweet



Comment 79, Mr. Randall T. Sweet

Comment Response 79-1: Comment noted.

J.5 References

- County of Monterey. 2011. Villas De Carmel (Owner: Rigoulette) PLN070497 Environmental Impact Report (FEIR) June. Available at:
http://www.co.monterey.ca.us/planning/major/Villas%20De%20Carmelo/Villas_De_Carmelo_FEIR_06-2011/Villas_De_Carmelo_FEIR_06-2011.htm. [Accessed on 29 May 2015].
- County of Monterey. 2014. Ordinance No. 5250 An Ordinance of the County of Monterey, State of California, Amending Chapter 10.60 of the Monterey County Code Relating to Noise Control. Available at: http://www.co.monterey.ca.us/planning/Long-range-planning/Nighttime_Noise_Ordinance/Ordinance%205250_REF140008_121614.pdf [Accessed June 9, 2015].
- NRCS. 2005. Composting Dog Waste. U.S. Department of Agriculture, Fairbanks Soil and Water Conservation District. Available at:
http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_035763.pdf [Accessed June 15, 2015].
- Priolo, Dorothy. 2014. Deputy Fire Marshal, Monterey County Regional Fire District (Fire District). Telephone Communication Regarding Fire District Requirements. December 2.
- Walker, Erik. 2014. Firefighter EMT, Monterey County Regional Fire District (Fire District). Telephone Communication Regarding Mid Valley Fire Station Personnel, Resources and Response Times. November 25.

J.6 Attachments

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Acting Director
John Guertin, Acting Deputy Director



Daniel Dobrilovic, Acting Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
www.co.monterey.ca.us/rma

MEMORANDUM

Date: 7/17/15

To: David Mack, Associate Planner

From: Ryan D. Chapman, P.E., Traffic Engineer *RDC*

Subject: CLARIFICATION OF COUNTY TRANSPORTATION IMPACT POLICIES
RELATED TO CARMEL CANINE SPORTS CENTER

This memo is to address the request by Joe Fernandez for clarification of the questions and policies affecting the Carmel Canine Sports Center (CCSC) Draft EIR.

- Request:** Verify that the County's significance threshold for side-street-stop controlled intersections requires unacceptable LOS AND/OR satisfaction of a signal warrant.

Response: The Carmel Valley Master Plan (CVMP) section 2.17 (f) (2) identifies an unacceptable condition for an un-signalized intersection, the intersection being at "LOS of 'F' or meeting of any traffic signal warrant is defined as unacceptable conditions." However, from an operational standpoint, there may be reasons that a traffic signal would not be installed even if a warrant is met. This could create a situation where a project is conditioned to install a traffic signal at an intersection where an alternate intersection control would be more appropriate.
- Request:** Note that the County does not size roadway infrastructure to accommodate special events, but typical traffic flows.

Response: Roadways are designed to accommodate typical traffic volumes that are anticipated. Volumes that are related to special events are not typical and due to the infrequency of these events sizing infrastructure to accommodate them would be cost prohibitive. For special events other mitigations to address traffic impacts should be considered.

Building (831) 755-5027 * Environmental Services (831) 755-4800 * Planning (831) 755-5025 * Public Works (831) 755-4800

- **Request:** Verify that analysis time periods (Friday PM/Sunday Midday for special events, Weekday AM/PM for typical operations) and study locations were selected in consultation with County staff consistent with the County's TIS Guidelines.
Response: The scope of this traffic study was established in conjunction with the Monterey County Resource Management Agency- Public Works (RMA-PW).
 - The study looks at time frames when the project will be generating traffic and the roadways currently have high volumes. Based on this, it was determined that AM and PM peak hours would be the appropriate time frame to analyze typical operations, as well as Friday PM peak hours and midday on Sundays for special events.
 - The limits of the analysis were based on current roadway conditions and best practices. The farther from a project site, it becomes harder to estimate the impact to the roadways caused by the project. In this case the scope was written to include the analysis of roads that are farther from the project site than would be typically analyzed, such as Highway 1. This is due to the limited number of travel options and known issues on Highway 1, making this both possible to estimate the new traffic that would be added and necessary to quantify the impact. In the cases of roads such as Highway 68 and Highway 156, it is less likely that any estimate of the potential impact would be accurate and the nature of the potential impact would be more cumulative. In addition, these roads are included in the Transportation Agency of Monterey County (TAMC) Regional Development Impact Fee (RDIF). This program collects funding from new developments to address cumulative impacts to these facilities.

- **Request:** Provide details on the AADT count listed on the County's traffic count page for Valley Green Drive. How many days were collected?
Response: As requested, the current volume sheets for Valley Greens Drive south of Carmel Valley Road are attached for your reference.

- **Request:** Discuss how delaying class start times outside of morning and afternoon peak hours will eliminate the need for a left turn lane on Valley Greens Drive into the project site based on County staff's interpretation of the left turn channelization guidelines.
Response: The shifting of the class schedule out of the peak hour could be an acceptable mitigation measure to avoid congestion particularly during the AM peak hour time frame. It is important to note that there are no congestion issues being identified in relation to this driveway and the condition related to a County policy that the installation of left turn lanes for driveways is subject to approval of the Public Works Director.

- **Request:** Provide information regarding the planning/feasibility of roundabout at VGD/CVR.
Response: Some planning level analysis has already occurred that looks at the feasibility of a roundabout at the intersection of Carmel Valley Road and Valley Greens Drive. Please find the attached draft report prepared by Kimley Horn that references possible intersection controls for several intersections along Carmel Valley Road. The evaluation of Carmel Valley Road at Valley Greens is on pages 26-29.

- **Request:** Verify that a licensed traffic monitor would adequately handle traffic levels during special events.

Response: In the case of special events, there is the possibility that a traffic monitor would be able to direct traffic at the intersection of Carmel Valley Road at Valley Greens Drive. This monitor would have to meet the normal requirements associated with an encroachment permit and the California Vehicle Code (CVC). The CVC requires that the monitor be either the California Highway Patrol (CHP), Sheriff, or another party approved by the CHP. This is a typical approach that is used for special events and might be a possible mitigation for the event specific traffic that would be associated with this project. For this to be a workable solution, the applicant would have to obtain an encroachment permit to allow for the CHP or other monitor to perform this task. These permits would be issued on a case by case basis.

- **Request:** Note that the County does not apply PCE adjustments when preparing signal warrant analysis.

Response: For the traffic signal warrants, the County does not apply passenger car equivalents (PCE) for recreational or commercial vehicles. RMA Staff feels that this would be an inappropriate approach to the warrant since there are no provisions in the California Manual on Uniform Traffic Control Devices (CaMUTCD) to allow it. The CaMUTCD chapter 4C provides the methodologies (warrants) used for evaluating the need for traffic signals.

- **Request:** Verify sight distance at Valley Greens Drive/CVR meets County standards.

Response: On 6/23/15, I measured the available sight distance at the intersection for vehicles turning onto Carmel Valley Road from Valley Greens Drive. There is 1000 feet of visibility in the eastbound direction and 300 feet in the westbound direction. RMA-PW views this issue as an existing concern that needs to be addressed. As part of the Monterey County FY 15-16 budget, Carmel Valley Road from Via Petra to Valley Greens Drive will be overlaid and restriped. As part of this project, the eastbound left turn lane will be modified to a two way left turn lane. This allows for vehicles to pull into the two way left turn lane where the west bound sight distance is better. The change in striping will be at no additional cost.

RCV may be using different information.

Enclosure: Traffic Volume Sheets – Valley Greens Drive south of Carmel Valley Road
Draft Carmel Valley Corridor Study Report
Left Turn Channelization Policy

References - CVMP -

http://www.co.monterey.ca.us/planning/docs/plans/Carmel_Valley_Master_Plan_COMPLETE.pdf

2014 CaMUTCD - http://www.dot.ca.gov/hq/traffops/engineering/mutcd/ca_muted2014.htm

**MEMORANDUM**

Date: July 24, 2015
To: Rita Bright, Amec Foster Wheeler
From: Joe Fernandez, PE, AICP
Subject: Transportation Errata- Carmel Canine Sports Center DEIR

This memorandum summarizes supporting documents related to the transportation comments received on the Draft Environmental Impact Report (DEIR) for the Carmel Canine Sports Center project.

1. There was a data entry error for the Cumulative Friday PM (no project) analysis worksheet for segment 7 of Carmel Valley Road. The corrected worksheet is attached to this memorandum as Transportation Errata 1. The correction does not change the LOS and changes PTSF by less than 1%, which is an insignificant change which does not change the findings of the DEIR.
2. The threshold of significance for unsignalized intersections was mis-stated in the transportation impact study and DEIR. The original threshold was: *Intersection operations degrade from LOS E or better to LOS F and a signal warrant is met; or project traffic is added to an intersection operating at LOS F and a signal warrant is met.* The revised threshold should be: *Project traffic is added to an intersection operating at LOS F or a signal warrant is met.* Note that per County staff direction the LOS F component of the threshold applies to overall intersection delay, not a specific movement or approach.

The revised threshold does not change the findings of the DEIR. Under Existing Plus Project conditions the Carmel Valley Road/Valley Greens drive intersection operates at an overall intersection LOS E or better. Under Cumulative Plus Project this intersection meets the peak hour signal warrant during all analyzed time periods, and was therefore impacted under the original threshold. The impact would remain with the revised threshold, and the same mitigations would apply.

(805) 316-0101
895 Napa Avenue, Suite A-6, Morro Bay, CA 93442

Transportation Errata 1

HCS 2010: Two-Lane Highways Release 6.60

Direction
 PCE for trucks, ET
 PCE for RVs, ER
 Heavy-vehicle adjustment factor, fHV
 Grade adjustment factor, (note-1) fG
 Directional flow rate, (note-2) fL
 Base percent time-spent-following, (note-4) BPTSpd
 Adjustment for no-passing zones, fnp
 Percent time-spent-following, PTFSpd

Analysis(d)
 1.0*
 1.0
 1.000
 1.00
 1311
 84.4
 14.3
 92.7

Opposing (o)
 1.0*
 1.0
 1.000
 956
 %
 %
 %

Level of Service and Other Performance Measures
 Level of service, LOS
 Volume to capacity ratio, v/c
 Peak 15-min vehicle-miles of travel, VMT15
 Peak-hour vehicle-miles of travel, VMT60
 Peak 15-min total travel time, TTI5
 Capacity from ATIS, CdAIRS
 Capacity from PTF, CdPTSF
 Directional Capacity

E
 0.77
 786
 2926
 0
 1700
 1700

veh-mi
 veh-mi
 veh/h
 veh/h
 veh/h

Direction
 PCE for trucks, ET
 PCE for RVs, ER
 Heavy-vehicle adj. factor, (note-5) fHV
 Grade adj. factor, (note-1) fG
 Directional flow rate, (note-2) fL

Analysis(d)
 1.2*
 1.0
 0.984
 1.00
 1332

Opposing (o)
 1.2*
 1.0
 0.984
 1.00
 971

pc/h
 pc/h
 pc/h

Free-Flow Speed from Field Measurement:
 Field measured speed, (note-3) S_{FM}
 Observed total demand, (note-3) V
 Estimated Free-Flow Speed:
 Base free-flow speed, (note-3) BFFS
 Adj. for lane and shoulder width, (note-3) fLS
 Adj. for access point density, (note-3) fA

41.5
 -
 -
 45.0
 0.0
 3.5

mi/h
 veh/h
 mi/h
 mi/h
 mi/h

Free-Flow Speed
 Adjustment for no-passing zones, fnp
 Average travel speed, ATSpd
 Percent Free Flow Speed, PFFS

41.5
 1.1
 22.5
 54.3

mi/h
 mi/h
 %

Direction
 PCE for trucks, ET
 PCE for RVs, ER
 Heavy-vehicle adj. factor, (note-5) fHV
 Grade adj. factor, (note-1) fG
 Directional flow rate, (note-2) fL

Analysis(d)
 1.2*
 1.0
 0.984
 1.00
 1332

Opposing (o)
 1.2*
 1.0
 0.984
 1.00
 971

pc/h
 pc/h
 pc/h

Free-Flow Speed
 Adjustment for no-passing zones, fnp
 Average travel speed, ATSpd
 Percent Free Flow Speed, PFFS

41.5
 1.1
 22.5
 54.3

mi/h
 mi/h
 %

Level of Service and Other Performance Measures
 Level of service, LOS
 Volume to capacity ratio, v/c
 Peak 15-min vehicle-miles of travel, VMT15
 Peak-hour vehicle-miles of travel, VMT60
 Peak 15-min total travel time, TTI5
 Capacity from ATIS, CdAIRS
 Capacity from PTF, CdPTSF
 Directional Capacity

E
 0.77
 786
 2926
 0
 1700
 1700

veh-mi
 veh-mi
 veh/h
 veh/h
 veh/h

Transportation Errata 1

HCS 2010: Two-Lane Highways Release 6.60

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis
 Analyst KP
 Agency/Co. CCTC
 Date Performed 2/2/2015
 Analysis Time Period Cumulative Friday
 Highway Carmel Valley Road
 From/To Rancho San Carlos/Schulte
 Jurisdiction Unincorporated Monterey County
 Analysis Year 2014
 Description Carmel Canine

Input Data

Highway class	Class 2	Peak hour factor, PPH	0.93
Shoulder width	6.0 ft	% Trucks and buses	8 %
Lane width	12.0 ft	% Trucks crawling	0.0 %
Segment length	2.4 mi	Truck crawl speed	0.0 mi/hr
Terrain type	Level	% Recreational vehicles	1 %
Grade: Length	- mi	% No-passing zones	100 %
Up/down	- %	Access point density	14 /mi

Analysis direction volume, Vd 889 veh/h
 Opposing direction volume, Vo 1219 veh/h

Average Travel Speed

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.2*	1.2*
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.984	0.984
Grade adj. factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	971 pc/h	1332 pc/h

Free-Flow Speed from Field Measurement:
 Field measured speed, (note-3) S_{FFM} - mi/h
 Observed total demand, (note-3) V - veh/h
 Estimated Free-Flow Speed: -
 Base free-flow speed, (note-3) BFFS 45.0 mi/h
 Adj. for lane and shoulder width, (note-3) fLS 0.0 mi/h
 Adj. for access point density, (note-3) fA 3.5 mi/h
 Free-flow speed, FFSd 41.5 mi/h
 Adjustment for no-passing zones, fnp 0.8 mi/h
 Average travel speed, ATSD 22.8 mi/h
 Percent Free Flow Speed, PFFS 55.0 %

- Posted speed limit, Sp 55
 Percent of segment with occupied on-highway parking 0
 Pavement rating, P 3
 Flow rate in outside lane, vol 1310.8
 Effective width of outside lane, We 24.00
 Effective speed factor, St 4.79
 Bicycle LOS Score, BLOS 4.81
 E
- Notes:
 1. Note that the adjustment factor for level terrain is 1.00, as level terrain is one of the base conditions. For the purpose of grade adjustment, specific downgrade segments are treated as level terrain.
 2. If vi (vd or vo) >= 1,700 pc/h, terminate analysis-the LOS is F.
 3. For the analysis direction only and for v>200 veh/h.
 4. For the analysis direction only.
 5. Use alternative Exhibit 15-14 if some trucks operate at crawl speeds on a specific downgrade.

* These items have been entered or edited to override calculated value

Transportation Errata 1

Posted speed limit, Sp 55
 Percent of segment with occupied on-highway parking 0
 Pavement rating, P 3
 Flow rate in outside lane, VOL 955.9
 Effective width of outside lane, We 24.00
 Effective speed factor, St 4.79
 Bicycle LOS Score, BLOS 4.65
 Bicycle LOS E

Notes:
 1. Note that the adjustment factor for level terrain is 1.00, as level terrain is one of the base conditions. For the purpose of grade adjustment, specific downgrade segments are treated as level terrain.
 2. If $v_i (vd \text{ or } vo) >= 1,700 \text{ pc/h}$, terminate analysis-the LOS is F.
 3. For the analysis direction only and for $v > 200 \text{ veh/h}$.
 4. For the analysis direction only.
 5. Use alternative Exhibit 15-14 if some trucks operate at crawl speeds on a specific downgrade.

* These items have been entered or edited to override calculated value

Percent Time-Spent-Following
 Direction Analysis(d) Opposing (o)
 PCE for trucks, ET 1.0* 1.0*
 PCE for RVs, ER 1.0 1.0
 Heavy-vehicle adjustment factor, fHV 1.000 1.000
 Grade adjustment factor,(note-1) f_g 1.00 1.00
 Directional flow rate,(note-2) v_i 956 pc/h 1311 pc/h
 Base percent time-spent-following,(note-4) BPTSFD 79.6 %
 Adjustment for no-passing zones, fnp 14.3
 Percent time-spent-following, PTSFD 85.6 %

Level of Service and Other Performance Measures
 Level of service, LOS E
 Volume to capacity ratio, v/c 0.56
 Peak 15-min vehicle-miles of travel, VMT15 574 veh-mi
 Peak-hour vehicle-miles of travel, VMT60 2134 veh-mi
 Peak 15-min total travel time, TTI15 25.1 veh-h
 Capacity from ATS, CdATS 1700 veh/h
 Capacity from PTSF, CdPTSF 1700 veh/h
 Directional Capacity 1700 veh/h

Passing Lane Analysis
 Total length of analysis segment, Lt 2.4 mi
 Length of two-lane highway upstream of the passing lane, Lu - mi
 Length of passing lane including tapers, Lpl - mi
 Average travel speed, ATSD (from above) 22.8 mi/h
 Percent time-spent-following, PTSFD (from above) 85.6 %
 Level of service, LOSd (from above) E

Average Travel Speed with Passing Lane
 Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde - mi
 Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld - mi
 Adj. factor for the effect of passing lane on average speed, fpl -
 Average travel speed including passing lane, ATSp1 -
 Percent free flow speed including passing lane, PFFSp1 0.0 %

Percent Time-Spent-Following with Passing Lane
 Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde - mi
 Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld - mi
 Adj. factor for the effect of passing lane on percent time-spent-following, fpl -
 Percent time-spent-following including passing lane, PTSFp1 - %

Level of Service and Other Performance Measures with Passing Lane
 Level of service including passing lane, LOSpl A
 Peak 15-min total travel time, TTI15 - veh-h
 Bicycle Level of Service

Environmental Consulting Services 18488 Prospect Road – Suite 1, Saratoga, CA 95070
Phone: (408) 257-1045 stanshell99@toast.net

July 20, 2015

Mr. John Ford
Resource Management Agency
Monterey County Planning Dept.
168 W. Alisal Street
Salinas, CA 93901

Re: Responses to Questions on Noise Study for Carmel Canine Sports Center (CCSC) Project

Dear Mr. Ford,

The following are answers to the questions recently sent to me about the ECS Noise Study on the subject project.

1. Survey Times

Noise measurement periods were as follows:

Friday July 26, 2013 – 2 pm to 5 pm (three locations)

Saturday July 27 – 9:30 am to 11:30 am (three locations)

- 4:30 pm to 6:30 pm (three locations)

Monday July 29 – 10 am to noon (three locations)

2. Reported noise levels in Exhibits 2 and 3

The values reported in the exhibits represent the range of noise levels measured during the periods specified at the three locations.

3. Leq periods

Leq was calculated and reported for the same measurement periods as the other percentile noise levels reported.

4. (a) Lawn maintenance days

The 160-190 day estimate is based on talking to several men operating lawn maintenance equipment on the golf course across from the project site.

(b) Lawn maintenance equipment noise levels

Equipment noise levels are based on measurements on the golf course, and reported at a standard 100 foot distance. Obviously if observers or receptors are at closer distances noise levels will be higher—so at 50 feet noise levels will be 5-7 dBA higher, for example.

5. (a) Barking dog noise levels

The dog barking noise level analysis is based on measurements of dogs barking at actual Agility Trials, the same types of events as are being proposed for this project. Worst case barking conditions are considered at the project activity areas nearest to the nearby residential receptors.

(b) Dog barking volume (noise levels)

The noise level results of normal training and competitive activities of 100 dogs/day at the site are presented in items 3 and 4 in Exhibit 4.

If I can provide further assistance on this project, please do not hesitate to contact me.

Regards,



H. Stanton Shelly
Acoustical Consultant
Board Certified Member (1982)
Institute of Noise Control Engineering

Environmental Consulting Services 18488 Prospect Road – Suite 1, Saratoga, CA 95070
Phone: (408) 257-1045 stanshell99@toast.net

July 25, 2015

Mr. John Ford
Services Manager
Resource Management Agency
Monterey County Planning Dept.
168 W. Alisal Street
Salinas, CA 93901

Re: Response to Wilson Ihrig Associates Comments on the ECS Noise Study for Carmel
Canine Sports Center (CCSC) Project, Carmel Valley

Dear Mr. Ford,

I appreciate the opportunity to respond to comments on the ECS noise study by Wilson Ihrig acoustical consultants hired by the Stamp/Erickson legal firm. Due to the short time available to reply I cannot provide a detailed response on a point-by-point basis, but on the other hand I do not think that is necessary, as described in the following paragraphs.

I am familiar with the standard procedure in opposition to a proposed project to engage a high-profile acoustical consulting firm to prepare a long, exhaustive report questioning every possible element and assumption in a project noise study. This is a typical method of trying to confuse report readers and divert attention away from consideration of real issues, or lack thereof. Furthermore, you do not need impressive acoustical qualifications to do this type of report critique, which asks lots of questions about minor details that do not relate to the primary noise issues or the conclusions. The length, substantial acoustical jargon and credentials associated with the consultant comment letter on this project should not be mistaken for an identification of any real errors or omissions in the ECS noise study --- no significant errors or omissions are described. The one nearby receptor residence not included and mentioned is owned by the property owner, who obviously supports the project. And the additional potential sources of noise mentioned, such as sheep and crowd clapping (which is not common at these events), are similar noise sources, in noise level, the potential number of occurrences and in their brief duration, to the dog barking noise that is fully considered in the analysis.

The dog barking noise level analysis is based on measurements of many different dog barks at actual canine Agility Trials, the type of event that is being proposed for this project. Worst case barking conditions are considered at the project activity areas nearest to the nearby residential receptors. It should be noted that this project in no way relates to noise from a dog boarding facility, where many dogs are penned up next to each other for long periods and bark a lot. The dogs associated with agility training and competitive activities are extremely well trained and cared for, and rarely bark at all, and never over any period of time.

Consultant Comments on CCSC Project Noise Study, Carmel Valley

Page 2

The bottom line is that the existing receptor environment in the project area is dominated by noise from several passing vehicles per minute, at noise levels of 55-70 dBA for 10-15 seconds each, and also golf course lawn maintenance equipment noise of 50-65 dBA for 1-2 hours a day, 5 days a week. So the implication in the consultant critique that adding potentially 1-2 brief dog barks or other event noises per minute, at noise levels lower than both existing traffic and lawn maintenance activities, somehow represents unanalyzed potentially significant noise impacts, shows a surprising lack of professional perspective, and fully ignores the relevance of the dominant existing noise sources in the area.

The CCSC noise study is a very thorough, detailed examination of the existing sources and overall noise environment, a worst-case analysis of the diverse project locations and activities proposed, and the associated very brief sporadic noise incidents, leading to the conclusion that there are no significant noise impacts associated with the Carmel Canine Sports Center project.

If I can provide further assistance on this project, please do not hesitate to contact me.

Regards,



H. Stanton Shelly
Acoustical Consultant
Board Certified Member (1982)
Institute of Noise Control Engineering

Cc: David J. R. Mack, Associate Planner, Monterey County

Environmental Consulting Services

* * *

Saratoga

Statement of Qualifications

H. Stanton Shelly - Acoustical Consultant

Professional Interests and Capabilities

Architectural noise control, exterior and interior, including California Title 24 Noise Insulation Standards; machinery noise measurement, analysis, and control; traffic noise measurement and modeling; municipal noise ordinance development and enforcement; land use planning for noise compatibility, including environmental impact analysis and mitigation.

Relevant Experience

Developed and managed the municipal noise control program for the City of Palo Alto, including preparing a unique Noise Ordinance and a Noise Element for the Comprehensive Plan; as an independent consultant, prepared over two hundred fifty noise impact assessment and mitigation studies for residential, commercial, industrial, and public facility projects. A list of representative ECS noise studies is available on request.

Education and Training

B.S.E. (Electrical Engineering) - University of Michigan
 M.S. Civil Engineering (Environmental) - Stanford University
 Institute of Noise Control Engineering (INCE):

Associate Member since INCE founding in 1972. Board Certified Member since 1982.

Professional Employment

Principal Consultant, Environmental Consulting Services - 1977 to present
 Environmental Specialist, City of Palo Alto - 1971-1976
 Systems Test Engineer, Eastman Kodak, Rochester, NY - 1967-1969
 Electronic and Acoustical Test Engineer, General Dynamics/Astronautics,
 San Diego - 1963-1967

Environmental Consulting Services

* * *

Saratoga

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July 7, 2015

VIA ELECTRONIC MAIL

David Mack, Associate Planner
Monterey County
Planning and Building Inspection Department
168 West Alisal Street
Salinas, California 93901

Re: Carmel Canine Sports Center (PLN130352): Wolter Property Riparian Rights

Dear Mr. Mack:

I am writing on behalf of Carmel Canine Sports Center LLC (“CCSC”). The purpose of this letter is to respond to public comment concerns regarding the riparian water rights enjoyed and exercised by the Wolter Property since at least 1908. This letter is not intended to restate my November 14, 2013 legal opinion detailing the Wolter Property’s riparian rights. However, I have attached a copy of this letter for reference.

1. The California American Water Company’s (“Cal-Am”) concern that the 1906 Pacific Improvement Company (“PiC”) deeds which encumber the Wolter Property (“1906 Deeds”) permanently severed riparian rights associated with those portions of the Wolter Property which overlie the Carmel Valley Alluvial Aquifer (“CVA”).
2. The concern that the riparian rights associated with the Wolter Property have not been perfected.
3. The concern that lot line adjustments involving the Wolter Property severed their riparian rights.

The 1906 PiC Deeds Did Not Sever Riparian Rights Associated with Those Portions of the Wolter Property which overlie the CVA.

Cal-Am’s May 18, 2015 comment letter starts by citing *Anaheim Union Water Co. v. Fuller* (1907) 150 Cal. 327 to state the severance of a riparian water right is permanent. I agree with this claim as it is well established law.

Cal-Am’s comment letter then proceeds to state:

It is of no consequence that subsequent determinations by the State Water Resources Control Board in 1995 expanded the classification of water of the Carmel River to include the underflow and subterranean stream of the *Carmel*

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David Mack, Associate Planner
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River (sometimes referred to as the "Carmel River Alluvial Aquifer"). That is because the 1906 deed conveyed a water right to PIC and simultaneously divested the Wolters land of its riparian character. The subsequent expansion of the classification of water constituting the Carmel River does not have the effect of restoring the riparian right so conveyed and severed from the Wolters land in 1906. See *Spring Valley Water Co. v. Alameda County* (1927) 88 Cal.App. 157, 167.

On this claim, I wholly disagree with Cal-Am. The 1906 Deeds at most severed riparian rights associated with direct diversions from the Carmel River. However, the scope and operation of a riparian waiver like the 1906 Deeds are limited to the clear intent of the original parties. The actions of a regulatory agency, some 89 years later, do not trump the intent of original parties to a riparian waiver.

Cal-Am cites only one authority to support its claim that (regardless of the intent of the parties executing the 1906 PiC Deeds and the legal presumption in 1906 that wells on the floor of Carmel Valley were diverting percolating groundwater) the subsequent determination of the State Water Resources Control Board in 1995 expanding surface water regulation to the CVA automatically divested property owners across the floor of Carmel Valley from 89 years of prior well use.

This one case, *Spring Valley Water*, neither supports Cal-Am's position in law or in fact. *Spring Valley Water* is a property tax case. The County of Alameda claimed that the water company, Spring Valley Water, was rightly taxed for the value of 'riparian rights' it was granted against Alameda County lands which were below the water company's contractual point of diversion. The Court of Appeal disagreed with this claim and upheld the prior judgement against the County of Alameda to refund the water company all of the subject property tax assessments. The *Spring Valley Water* decision is based upon: (1) the intent of the parties granting the riparian waiver requiring the water company to divert its water above the subject assessment districts and (2) the legal determination that the water company could not acquire riparian rights without actually owning the subject riparian lands, at most the water company obtained an untaxable waiver from the riparian land owners to contest the water company's diversions. The court holds:

As indicated, plaintiff has under the grants a restricted right not embracing all of the riparian rights in Alameda Creek. What the plaintiff did acquire by these grants was exactly what the court found, to wit, the right to divert water from Alameda Creek for business, commercial, and nonriparian purposes at a specified point on said creek without [outside] the territorial limits of the districts here involved. See *Spring Valley Water* at page 165 (parenthetical clarification added)

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At no point do the facts or holding in *Spring Valley Water* suggest the grant of riparian water rights to a water company is a binary, all or nothing, proposition which ignores the intent of the original parties and could divest a property owner of the ability to use long standing existing wells based upon a subsequent regulatory water reclassification.

To the contrary, the court states, “If, therefore, a riparian owner grants away all or any portion of his riparian right he thereby grants away all or any portion of his riparian right he thereby to the extent of such grant severs from the land his riparian right.” Thereafter, the court quotes *Yocco v. Conroy*, 104 Cal 471, “To whatever extent the riparian owner granted the use of the waters of the stream, to the same extent he parted with his right to divert or use that water to the detriment of his grantee.” See *Spring Valley Water* at page 167 (underlines added).

Clearly, the intent of the parties controls the scope of any riparian rights waiver. This is not a novel legal opinion. This opinion is consistent with the Monterey Peninsula Water Management District’s February 21, 2014 letter concluding that while the 1906 Deed may have severed riparian rights associated with direct diversions from the Carmel River, those deeds did not sever riparian rights associated with wells overlying the CVA.

The right of a property owner to control the scope of a riparian grant is consistent with California Civil Code section 1636, “A contract must be so interpreted as to give effect to the mutual intention of the parties as it existed at the time of contracting, so far as the same is ascertainable and lawful”. California Civil Code section 1647 also provides, “A contract may be explained by reference to the circumstances under which it is made and the matter to which it relates.” These inferential techniques for interpreting contracts are also supported by California Code of Civil Procedure section 1860 which provides, “For the proper construction of an instrument, the circumstances under which it was made, including the situation of the subject of the instrument, and of the parties to it, may also be shown, so that the Judge be placed in the position of those whose language he is to interpret.

Specific to the interpretation of riparian waivers, *Rancho Santa Margarita v. Vail* (1938) 11 Cal. 2d 501, 540 provides the intention of the parties is paramount in determining whether a riparian right has been severed. Moreover, courts assume that landowners do not intend to transfer or waive such valuable rights absent a clear intention to do so. *Rancho Santa Margarita*, 11 Cal.2d at 538-539. Thus, given the legal presumption in 1906 that wells overlying the Carmel Valley floor divert percolating groundwater as opposed to riparian underflow (See *Los Angeles v. Pomeroy* (1899) 124 Cal. 597, 628, providing that absent evidence to the contrary groundwater is presumed to be percolating groundwater and not subject to Water Code permitting) and the absence of any expressed or implied intent that the parties to the 1906 Deeds intended to extend these waivers beyond the actual surface water of the Carmel River, there is no basis for Cal-Am

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to conclude that regardless of the intent of the parties the regulatory reclassification of the CVA as riparian underflow divested property owners on the floor of Carmel Valley from the right to use existing wells. Moreover, the historical development and use of wells along the Carmel Valley floor without any claims by the Pacific Improvement Company (or Cal-Am as successor-in-interest to the Pacific Improvement Company) support this conclusion.

Riparian Rights Do Not Have to be Perfected Before Being Exercised

Comments regarding PLN130352 have implied a peculiar requirement that the Wolter Property's riparian rights must be 'perfected' before they can be exercised. Riparian water rights are "usufruct", meaning they are "a vested right inherent in the soil of their said lands and not a mere incident or appurtenant thereto. It is a right which is neither gained nor lost by use or disuse . . ." See *Spring Valley Water* at page 166.

Outside of rare court adjudications or State Water Resource Control Board actions, there is no process for a riparian owner to 'perfect' their riparian rights except through the exercise of those rights. Permits from the State Water Resources Control Board are not required to exercise a riparian right. The Wolter Property has exercised its riparian rights since 1908 when it was used for row crops and orchards. I am hard pressed to consider what else could be done to 'perfect' the Wolter Property's riparian rights other than hereby attaching the Monterey Peninsula Water Management District's February 21, 2014 legal opinion confirming said riparian rights pursuant to the District's statutory obligation to manage water use in this portion of Carmel Valley (see California Water Code Appendix, Section 118-1 *et. seq.* including Section 118-328 stating, "[t]he district shall have the power . . . (g) To prevent interference with or diminution of, or to declare rights in, the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants.").

The Lot Line Adjustments Involving the Wolter Property Did Not Severe Their Riparian Rights

The seniority and flexibility of riparian rights, in part, reflects the potential for return flows to benefit the watershed of origin and downstream users. However, these same benefits (seniority and flexibility) also complicate management of watershed diversions. As a result there exist a number of restrictions applied to riparian rights to limit the lands benefitting from such senior rights. One of these limitations is that riparian rights can be lost through the severance of riparian lands from the riparian watercourse via a transfer of fee title without any intent to preserve the original riparian rights for the severed lands.

None of the 9 parcels comprising the Wolter Property were ever separately conveyed. The

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lands comprising these parcels have always been commonly owned and conveyed as a contiguous whole. Thus, amongst these parcels, fee title has never been severed from the bank of the Carmel River.

The legal parcels comprising the Wolter Property are the result of lot line adjustments approved by the County of Monterey. Each of these approvals was based upon existing and certified legal parcels derived from lands comprising assessor parcels 015-012-013 and 015-012-014. It is my understanding that the lot line adjustments were sought to facilitate estate planning purposes. Consistent with this understanding, the legal parcels comprising the Wolter Property have never been separately conveyed.

Moreover, even if these parcels were separately conveyed to new owners, they would still overlie the CVA and thus remain independently riparian to the CVA. The above conclusions are consistent with the Monterey Peninsula Water Management District's February 21, 2014 legal opinion confirming the Wolter Property's riparian rights.

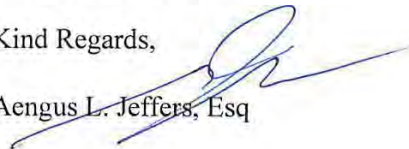
Conclusion

Thank you for taking the time to review this letter. This letter was prepared to dispel public comments regarding PLN130352 which imply the riparian rights benefitting the Wolter Property are based upon novel and clever legal constructs. Far from it.

Case law and the State Water Resources Control Board confirm that riparian rights extend to lands overlying an aquifer classified as riparian underflow. Decision 1632 issued by the State Water Resources Control Board states, "[a] riparian is entitled to pump and use water on a parcel which overlies a subterranean stream" consistent with riparian rights water law. See Decision 1632 at page 39. Moreover, the caselaw cited in this letter, my November 14, 2013 riparian rights opinion letter (attached without exhibits), and the Monterey Peninsula Water Management District's February 21, 2014 clearly establishes that riparian rights waivers should be narrowly construed to reflect the intent of the original parties. Here, the 1906 Deeds were limited to the surface flow of the Carmel River and lack any expressed intent to include waters legally presumed, until 1995, to be percolating groundwater. Based upon the same opinion, similar riparian rights have been recognized by the Monterey Peninsula Water Management District to benefit the Holman Ranch and Hatton Rancho WDS.

Kind Regards,

Aengus L. Jeffers, Esq



Enclosures

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November 14, 2013

VIA REGULAR & ELECTRONIC MAIL

Martha Diehl
Carmel Canine Sports Center, LLC.
Post Office Box 221974
Carmel, California
93922

Re: Wolter Property Riparian Rights Determination

Dear Ms. Diehl:

At the request of the Carmel Canine Sports Center, LLC., I have reviewed the information detailed herein (collectively, the "Relevant Information") to assess whether the Wolter Property (collectively comprising Assessor Parcel Numbers: 169-431-001; -002; -003; -006; -007; -008; -011; -012; -013 and highlighted on the Assessor Parcel Map incorporated herein as Exhibit A) benefits from riparian water rights. Relying upon the Relevant Information and based upon this assessment, it is my opinion that the Wolter Property does in fact benefit from riparian water rights.

Qualifications

I have practiced water, land use, and real estate law on the Monterey Peninsula for over twelve years. During this period I have assisted property owners permit private wells and water distribution systems within the Carmel Valley alluvial floor consistent with Monterey Peninsula Water Management District and County of Monterey regulations. I have assisted private legacy water systems along the Big Sur coast comply with current State Water Resource Control Board permit requirements and County of Monterey regulations. I have also worked with the State Water Resources Control Board to add a property owner to Table 13 of Decision 1632 after the fact. Prior to starting my practice on the Monterey Peninsula, I studied Water Law with Professor Brian Gray of UC Hastings and worked as a summer associate at the law firm, Hatch + Parent of Santa Barbara.

Wolter Property Description

The Wolter Property comprises approximately 40 acres which are partially bisected by the Carmel River. The street address is 8100 Valley Greens Drive, Carmel, California 93923. Historical photographs of the Wolter Property, enclosed herein as part of Exhibit B, indicate the property was used for dairy, cattle grazing, row crop, and orchard uses prior to 1908. There are two wells on the Wolter Property. Both wells are located on Assessor Parcel Number 169-431-007. Documentation from the Monterey Peninsula Water Management District (the "Water District") and anecdotal statements from Wolter Properties suggest the Wolter Property has continuously operated these wells for agricultural purposes since at least 1940, if not earlier as

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suggested by the historical photographs, through water year 2008, but the wells have had zero production for water years 2009 to date. Moreover, in a letter dated July 3, 2013 the Water District further confirmed that because the farming operations on the Wolter Property have consisted of more than one parcel under a single ownership and were in existence prior to March 12, 1980, Wolter Properties is deemed to have been issued a Water District multiple-parcel Water Distribution Permit consistent with their Rule 20.A.

I visited the Wolter Property on August 2, 2013. I also reviewed the Assessor Parcel Map detailing the Wolter Property; Assessor property characteristics; Google Earth imagery; along with mapping from the Water District and the State Water Resources Control Board's (the "SWRCB") Order 95-10. It is clear from these documents and my site visit that the entire Wolter Property overlies the mapped Carmel Valley alluvial aquifer. The maps referenced above are incorporated herein and attached hereto as Exhibit B.

Riparian Water Rights General Summary

Surface water rights (as opposed to percolating groundwater rights) are divided into two general categories: riparian rights and appropriative rights. Riparian rights are considered the paramount water right and in most situations senior to appropriative rights. It is not necessary for riparian users to seek diversion permits from the SWRCB. Amongst riparian users, the right to divert water is correlative and generally limited by the sustainable supply of water shared amongst the reasonable and beneficial needs of each riparian user for lands within the watershed of origin. Ordinarily, the needs of riparian right holders must be served before the needs of junior appropriators. Riparian rights are also usufructory in that they are generally not lost by nonuse.

The seniority and flexibility of riparian rights, in part, reflects the potential for return flows to benefit the watershed of origin and downstream users. However, these same benefits (seniority and flexibility) also complicate management of watershed diversions. As a result there exist a number of restrictions applied to riparian rights to limit the parcels benefitting from such senior rights.

Riparian rights are usually only vested in parcels which abut a watercourse. With regards to the Wolter Property, an important exception exists where a parcel overlies the underflow of a river or other watercourse. Riparian rights and the use of riparian water are also limited to those lands which are within the watershed of the subject watercourse (i.e. the watershed of origin).

Riparian water rights only benefit the smallest parcel which originally abutted (or overlaid) the watercourse. For example, the owner of riparian land abutting a watercourse cannot extend riparian rights by acquiring adjacent non-riparian lands. This "source of title" rule insures riparian rights cannot grow beyond an original patent or rancho by extending to adjacent parcels which later come under common ownership.

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While riparian lands may not grow in size they are at risk of growing smaller. Riparian rights can be lost through the severance of riparian lands from the riparian watercourse via a subdivision lacking any intent to preserve the original riparian rights for the severed lands. Riparian rights may also be waived in favor of another user (riparian or appropriative). Once a severance or a waiver in favor of another user has occurred, the riparian rights associated with those lands are forever lost.

Whether a severance or waiver in favor of another user has occurred depends entirely on the intentions of the parties to the conveyance. These intentions may be discerned from the text of any agreement or from other evidence implying an intent to maintain riparian rights on land that would otherwise lose such superior water rights.

Riparian waters may be used for any number of uses including but not limited to irrigation, stock watering, domestic use, power generation, and recreation. However, as with all uses of water in California, the use of water must be reasonable and beneficial.

The purpose of this general background on riparian rights is to provide the lay reader with a basic summary of the seniority and flexibility associated with riparian rights as well as an understanding of the limitations imposed on such rights. This general summary is not intended to encompass every detail and exception associated with California Water Law and to be found in historical case law and legal treatises but which do not alter my analysis below.

Wolter Property Riparian Rights Analysis

The Wolter Property Comprises Riparian Lands

My opinion confirming the Wolter Property benefits from riparian rights is based upon the Wolter Property entirely overlying Carmel Valley's mapped alluvial aquifer (the "CVA"), as defined in the SWRCB's July 6, 1995, Order 95-10 ("Order 95-10"). See Exhibit B. The primary purpose of Order 95-10 was to determine that the California-American Water Company ("Cal-Am") was appropriating water from the CVA far in excess of its appropriative water rights and to order Cal-Am to develop sufficient solutions to immediately curtail and ultimately avoid further unpermitted appropriations.

As part of Order 95-10's analysis, the SWRCB confirmed that water from the CVA is in fact surface water underflow, contrary to the assumption established in *Los Angeles v. Pomeroy* (1899) 124 Cal. 597, 628 that absent evidence to the contrary groundwater is presumed to be percolating groundwater and not subject to Water Code permitting. The characterization of the CVA as riparian underflow was based on hydrogeological research which concluded that the CVA was bound by relatively less permeable geologic formations allowing the CVA's alluvial deposits to serve as an extension of the Carmel River. These facts allowed the SWRCB to characterize the CVA as a subterranean stream flowing through a known and definite channel.

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On the same day the SWRCB issued Order 95-10, the agency also issued Decision 1632. Decision 1632 approved an appropriative permit for the Water District to appropriate water to the Monterey Peninsula from the proposed New Los Padres Dam. Decision 1632 recognized, “[a] riparian is entitled to pump and use water on a parcel which overlies a subterranean stream” consistent with riparian rights water law. See Decision 1632 at page 39. This acknowledgment is provided just before Decision 1632 identified Wolter Properties (owner of the Wolter Property) as a protestant seeking to protect its riparian rights against the Water District’s proposed appropriative permit application.

Decision 1632 made no specific determination regarding Wolter Properties’ riparian rights claim. The SWRCB avoided having to make this determination based upon a stipulation from the Water District and conditions attached to the Water District’s appropriation permit requiring the Water District to recognize valid riparian rights arising from the CVA as senior to their permit. The stipulation and permit conditions allowed the SWRCB to approve the Water District’s appropriation permit while avoiding a determination on Wolter Properties’ riparian rights claim.

In short, a visit to the Wolter Property on August 2, 2013; a review of aerial imagery from Google Earth; mapping of the CVA provided in Order 95-10 along with Order 95-10’s determination that the CVA comprises surface water underflow subject to riparian rights; and Decision 1632’s recognition that riparian users are entitled to pump and use water on a parcel which overlies the CVA collectively allow me to conclude the Wolter Property entirely overlies the CVA and hence is riparian to the CVA.

The next step in my analysis confirms whether the Wolter Property’s riparian rights were modified by any agreements following the original patent of these lands from the Federal government.

The Wolter Property Retains its Riparian Rights

To assess whether the riparian rights originally vested in the Wolter Property were ever modified, I reviewed the June 26, 2013 Chain of Title Guarantee issued by the First American Title Insurance Company (the “Chain of Title”) along with the July 25, 2013 Preliminary Title Report for the Wolter Property issued by the First American Title Insurance Company (the “Title Report”). Both reports are attached hereto and incorporated herein as Exhibit “C” and Exhibit “D”, respectively. Copies of the relevant title exceptions and chain of title deeds are attached to the electronic copy of this letter.

Based upon my review of the Chain of Title and the Title Report, I conclude that the only documents which modified the Wolter Property’s riparian rights are the two Pacific Improvement Company Deeds (collectively, the “PiC Deeds”) referenced in the Title Report as

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Exceptions 3 and 4. Specifically, Exception 3 (the "Meadows PiC Deed") was recorded on March 24, 1906 in Volume 91 of Deeds at page 171 and encumbers the eastern portion of the Wolter Property that was originally part of the James Meadows Tract patented from the Federal government to James Meadows in 1904 (comprising Assessor Parcels: 169-431-008 and 169-431-012). Exception 4 (the "Hatton PiC Deed") was recorded on October 18, 1906 in Volume 95 of Deeds at page 33 and encumbers the western portion of the Wolter Property that was originally part of the Rancho Canada de la Segunda (comprising Assessor Parcels: 169-431-001; -002; -003; -006; -007; and -011).

The Hatton PiC Deed contains the following operative language:

KNOW ALL MEN BY THESE PRESENTS That we . . . [the members of the Hatton Family] . . . the owners of land on the Carmel River, Monterey County, California, do hereby bargain and sell, grant and convey to the Pacific Improvement Company, its successors and assigns the water of the Carmel River, Monterey County, California, and the right to appropriate for any purpose whatever and conduct to any place whatever such portions of said water as it or they at any time desire to take . . .

The Meadows PiC Deed contains the following operative language:

Know all Men by these Presents: that we Frank Y. Meadows and Pauline H. Meadows owners of certain lands situated on the Carmel River in Monterey County, California, for and in consideration of the sum of five dollars (\$5.00/100) to us in hand paid the receipt of which is hereby acknowledged, do hereby bargain and sell, grant and convey to the Pacific Improvement Company, its successors and assigns, the right to appropriate such portions of the waters of the Carmel River and its tributaries and so use the same as to it or them as may seem meet and proper, and also all our rights under the laws known as riparian laws and otherwise, to the water of said Carmel River, together with the right to convey said waters in the pipes now in use by said Pacific Improvement Company its successors and assigns . . .

At the time the PiC Deeds were executed both the Hatton lands and the Frank & Pauline Meadows lands were bisected by the Carmel River.

The PiC Deeds are contingent upon the Pacific Improvement Company and its successors and assigns providing taps in their existing pipeline running the length of Carmel Valley to furnish each landowner subject to a PiC Deed with water at no charge for domestic and stock purposes except in drought years. The Hatton PiC Deed provides that water for any additional livestock troughs shall be provided at the rate of \$15 per new trough and 25 cents per 1,000 gallons of water used for each additional trough.

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Despite the slight differences between of the operative language of each PiC Deed, the analysis and my conclusions regarding these deeds are the same. As of 1906, the legal effect of the PiC Deeds was to prevent the owner(s) of the Wolter Property from protesting the Pacific Improvement Company's diversion of surface water from the Carmel River as an infringement of their surface water riparian rights arising from lands abutting the Carmel River watercourse. In exchange for this waiver, the owner(s) of the Wolter Property were to be provided water to meet existing demands at no charge. Thus, the PiC Deeds legally waived surface water riparian rights from the flowing waters of the Carmel River associated with lands abutting the Carmel River.

However, the PiC Deeds did not alter the riparian rights that are vested in those portions of the Wolter Property that overlie the CVA. This conclusion is based on the legal presumption in effect in 1906 providing that well water was percolating groundwater distinct from riparian surface water and the lack of any expressed intent by the Pacific Improvement Company, the Hatton's, or the Meadows' to overcome this presumption and extend the PiC Deeds to wells developed on the valley floor. See *Los Angeles v. Pomeroy* (1899) 124 Cal. 597, 628 (providing that absent evidence to the contrary groundwater is presumed to be percolating groundwater and not subject to Water Code permitting).

The PiC Deeds represent contracts between the Pacific Improvement Company and each respective landowner. According to California Civil Code section 1636, "A contract must be so interpreted as to give effect to the mutual intention of the parties as it existed at the time of contracting, so far as the same is ascertainable and lawful". California Civil Code section 1647 provides, "A contract may be explained by reference to the circumstances under which it is made and the matter to which it relates." These inferential techniques for interpreting contracts are also supported by California Code of Civil Procedure section 1860 which provides, "For the proper construction of an instrument, the circumstances under which it was made, including the situation of the subject of the instrument, and of the parties to it, may also be shown, so that the Judge be placed in the position of those whose language he is to interpret.

The mutual intent of the parties to the PiC Deeds was clearly for the PiC to purchase riparian surface flow water rights associated with lands then abutting the Carmel River. However, both PiC Deeds are silent in regard to percolating groundwater rights or any statements which address the legal presumption water below the valley floor are distinct from the surface water of the Carmel River (a legal presumption which did not change for almost 90 years, when in 1995 the SWRCB conducted extensive hydrogeological research to determine the CVA was in fact riparian underflow). In the absence of any such language there is no basis to conclude the grantors of the PiC Deeds intended to overcome this legal presumption and also waive their right to develop private wells under assumed percolating groundwater rights.

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The long history of well development on the portions of the Hatton and Meadow tracts lying on the Carmel Valley floor furthermore supports the conclusion the PiC Deeds were only intended to address riparian surface water flowing in the course of the Carmel River. The act of parties, subsequent to the execution of a contract and before any controversy has arisen as to its effect, may be looked to in determining the meaning. The conduct of the parties may be, in effect, a practical construction thereof, for they are probably least likely to be mistaken as to the intent. See *Southern Pacific Transportation Co. v. Santa Fe Pacific Pipelines, Inc.* (1999) 74 Cal.App.4th 1232, 1242 and 1 *Witkin, Summary of California Law* (10th ed. 2005) Contracts, § 749. Wells such as those on the Wolter Property in the 1940's were commonly developed and in use after the execution of the PiC Deeds without any record of claims by the Pacific Improvement Company that such wells violated the PiC Deeds. In fact, Cal-Am's position (as successor to the Pacific Improvement Company) during the hearings leading up to Order 95-10 was that water from the CVA was percolating groundwater subject to appropriation to the Monterey Peninsula without Water Code permitting.

My conclusion that neither PiC Deed altered the overlying riparian rights vested in those portions of the Wolter Property that overly the CVA is consistent with *Rancho Santa Margarita v. Vail* (1938) 11 Cal. 2d 501, 540 that provides the intention of the parties is paramount in determining whether a riparian right has been severed. Moreover, courts assume that landowners do not intend to transfer or waive such valuable rights absent a clear intention to do so. *Rancho Santa Margarita*, 11 Cal.2d at 538-539. Thus, given the legal presumption in 1906 that wells overlying the Carmel Valley floor divert percolating groundwater (as opposed to riparian underflow) and the absence of any expressed or implied intent that the parties to the PiC Deeds intended to extend these waivers beyond the actual surface water of the Carmel River, there is no basis for a court to conclude that any such mutual intent existed. Moreover, the historical development and use of wells along the Carmel Valley floor without any claims by the Pacific Improvement Company (or Cal-Am as successor-in-interest to the Pacific Improvement Company) support this conclusion.

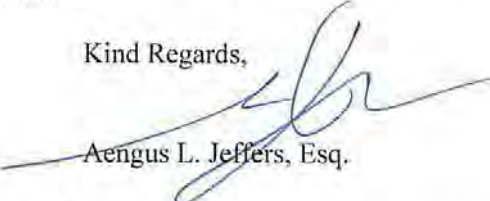
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This opinion letter has been made in reliance upon the Relevant Information. This opinion letter does not guarantee the accuracy of the Relevant Information. This opinion letter only relates to a conclusion those portions of the Wolter Property which overly the CVA maintain a vested riparian right to the underflow of the CVA and does not extend to an opinion about the quantity of water which may be diverted pursuant to such riparian rights or the entitlements required to exercise such rights. This opinion letter expresses no opinion regarding the Wolter Property's potential claims to pre-1914 appropriative rights or the Wolter Property's pending appropriations permit application.

Kind Regards,



Aengus L. Jeffers, Esq.

Exhibit A: Highlighted Assessor Parcel Map
Exhibit B: CVA Mapping, Historical Photographs, and Wolter Property Location
Exhibit C: Wolter Property July 25, 2013 Preliminary Title Report
Exhibit D: Wolter Property Chain of Title

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February 21, 2014

TO: Henrietta Stern

CC: Dave Laredo

FROM: Fran Farina

RE: CARMEL CANINE SPORTS CENTER (WOLTER PROPERTIES) WATER RIGHTS

We have been asked to review documentation in support of water rights for The Carmel Canine Sports Center, LLC, a California Limited Liability Company, lessee/optionee of real property owned by Wolter Properties Limited Partnership, a California Limited Partnership (Wolter) at Carmel Valley Road and Valley Greens Drive in Carmel Valley¹. Documents reviewed include a water rights opinion from attorney Aengus Jeffers, Schedule A to the CTLA title policy issued to Aengus L. Jeffers, Esq. dated June 26, 2013 entitled "Chain of Title Guarantee," each conveyance instrument referenced in Schedule A, and other documents and communications as specifically referenced herein.

Regarding questions of fact relevant to this memo, we have relied only upon our examination of the documents identified herein, and we have made no independent investigation or verification of such factual matters, except where explicitly noted herein. We have relied exclusively upon the title work and documentation provided by Aengus L. Jeffers from the title insurer he retained. We have assumed the genuineness of all signatures, the legal capacity and authority of all natural persons signing the documents, and the authenticity and completeness

¹ The title report references 7180 and 7200 Carmel Valley (Road) as street addresses. Other street references include 8400 Valley Greens Drive (MPWMD Staff) and 8100 Valley Greens Drive (County Planning).

of those documents submitted. We have further assumed the execution and delivery of the documents were free from fraud, misrepresentation, mistake, duress, or criminal activity. We have not made an independent investigation or examination of any other records or conducted historical research except as noted nor have we made any attempt to locate any additional documents. The conclusions of this memo are as of the date hereof. Any changes of law or fact after this date may affect our legal analyses or conclusions herein.

The Setting

The property consists of nine (9) parcels totaling about 40 acres in unincorporated Monterey County. There are two (2) existing wells² located on APN 169-431-007. The parcels originated from two separate tracts. Parcels from **Rancho Canada de la Segunda (a/k/a Hatton Partition, Lot 9)** include APN 169-431-001, -002, -003, -006, -007, and -011. The remaining parcels are part of the **James Meadows Tract, Lot 6** and include APN 169-431-008, -012, and -013.

Preliminary review indicates clear title placing ownership in the Wolter Properties Limited Partnership with access to Carmel Valley Alluvial Aquifer (CVAA) for irrigation to all parcels. There are, however, two caveats:

First, the proposed project references a reservoir on the property approximately 1.2 acre in size. As noted in the State Water Resources Control Board (SWRCB) comment letter on the Mitigated Negative Declaration (MND) for the Carmel Canine Sports Center Project,³ “[s]easonal water storage for irrigation purpose of use *cannot be accomplished under riparian rights.*” [Emphasis added.]

Second, if a storage element remains as part of the project, an appropriative right permit would be required. This would trigger analysis of the proposed flow rate and its impact on public trust resources. The SWRCB letter notes that Wolter’s prior Table 13 status is lost due to prolonged following of the property. An appropriative permit would restrict water availability to a four month winter diversion period.

Property Description

Given the history of the property arising from two separate tracts, this review will follow each tract separately until they are all owned by Luis F. Wolter and Martha Winslow Wolter, predecessors in title to Wolter Properties Limited Partnership.

A. Rancho Canada de la Segunda

The original Rancho Canada de la Segunda tract of land began with an 1835 Mexican land grant to Lazaro (or Lozano) Soto. The tract consisted of almost 4400 acres in Carmel Valley from

² Attorney Aengus Jeffers represents that Russel and Karen Wolter have confirmed that existing wells on APNs 169-431-012 and -013 also contributed toward the irrigation of the common farm.

³ Letter from Katherine Mrowka dated January 29, 2014 with comments on the Mitigated Negative Declaration for the Carmel Canine Sports Center Project in Carmel Valley, Monterey County, California.

Highway One east to Canada de la Segunda canyon and from the ridgeline south to the Carmel River.

A U. S. patent was secured for the property by Fletcher Haight on February 4, 1859 and signed by President James Buchanan. By February 1869, the entire tract was conveyed to Dominga G. de Atherton. After subsequent transfers in 1893, the property vested with the Hatton heirs in 1901. A partition and final distribution of the property occurred in 1926.

Effect of Partition

A partition judgment divides and apports the preexisting rights and estates, transforming the right of common possession into a right to exclusive possession of an interest or share in severalty. Each party thereafter holds in severalty the interest he previously held in undivided form, under the same title and subject to the same obligations, covenants, and contracts as before.

Where a large tract of riparian land is divided into several parcels by judicial decree, each parcel retains an undivided interest in the riparian right of the original tract, whether the resulting tract abuts on the stream or not and regardless of the failure of the decree of partition to mention water rights.

The Hatton partition created 17 lots. **Lot 9** containing about 44.91 acres went to **Howard D. Hatton** in 1927. Hatton and his wife conveyed to Luis F. Wolter and Martha Winslow Wolter all of Lot 9 in a document recorded January 7, 1943. The entire property was riparian to the Carmel River.

Water Rights Conveyance

There is only one document in this portion of the chain of title addressing water rights. A deed from Mrs. Kate H. Hatton, Anna Hatton Martin, Harriet H. Hatton, William Hatton, Frank Douty Hatton, Howard Hatton, E. G. Hatton, and Sarah Hatton McAulay to Pacific Improvement Company conveyed “the water of the Carmel River” and “the *right to appropriate* for any purpose whatever” with the right to take it wherever and use it for whatever purpose. [Emphasis added.]

The document referenced existing pipes on the Hatton property owned by Pacific Improvement Company and authorized the transport of water through this pipe or a “different and larger pipe or pipe lines” including the right of ingress and egress for inspecting, repairing, and renewing the pipes. The consideration given was that grantors (i.e. the Hatton family), their heirs and assigns would “at all times have the right to draw from said pipe or pipe lines through taps or cocks” placed by Pacific Improvement Company, its successors and assigns, “water for dairy, stock and domestic purposes, at the upper and lower dairies, upon said lands without charge....” If the water in the pipe or pipe lines was insufficient because of drought or the river drying up to meet daily water needs, it was not considered to be a breach of the contract.

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Status of Rancho Canada de la Segunda/Hatton Partition Lot 9 Riparian Rights

It is apparent from the 1906 grant that rights to appropriate water from the Carmel River were given to California-American Water Company's (Cal-Am) predecessor in title and that the riparian rights were not severed from the parcel. However, the language in the deed subordinated the riparian right to Cal-Am's appropriative right in return for free water from the utility's pipeline.⁴ There was no impairment to overlying rights to the CVAA which is the current water source for the two wells on APN 169-431-007.

B. James Meadows Tract

The original James Meadows Tract consisted of 4581 acres in Carmel Valley from Canada de la Segunda canyon east to Berwick Canyon and from the ridgeline south to the Carmel River. Following the procedures resulting from the Treaty of Guadalupe Hidalgo and Act of Congress, a patent from the United States to James Meadows was granted and eventually recorded in 1904.

Partition Action

James Meadows died intestate with many heirs. Pursuant to court order based on a 1905 survey and map (referred to as the Partition Map of the James Meadows Tract), the property was partitioned. Of the multiple lots created, what is now the Wolter property is located on a portion of Lot 6.

Lot 6 originally contained 80.82 acres and was owned by **Frank Y. Meadows**. His widow, Pauline, owned the **west half** (40.41 acres) as homestead and conveyed it to her children and grandchildren. Ultimately, it vested in **Thomas C. Meadows**. Beginning in 1936, multiple conveyances were made to Luis F. Wolter and Martha Winslow Wolter. The property eventually vested in the four Wolter children who subsequently conveyed their interests to the Wolter Properties Limited Partnership.

Water Rights Conveyance

There is only one document in this portion of the chain of title addressing water rights. A deed in 1906 from Frank Y. Meadows and his wife, Pauline, to Pacific Improvement Company conveyed "the water of the Carmel River" and "the *right to appropriate* such portions of the waters of the Carmel River and its tributaries" with the right to take it wherever and use it for whatever purpose. [Emphasis added.]

In addition, the Meadows granted "*all our rights under the laws known as riparian laws and otherwise, to the waters of said Carmel River*" together with the right to convey the water in

⁴ Subordination affects the relationship of the grantor and the grantee, not their relationship in regard to third parties. *Duckworth v. Watsonville Water and Light Co.*, 150 Cal. 520, 526 (1907).

pipes already installed or in other pipes running through the Meadows' property as well as the right of ingress and egress for inspecting, repairing and renewing the pipes. [Emphasis added.]

The consideration given for these appropriate and riparian rights was the requirement that Pacific Improvement Company install a tap in the pipe "to furnish us with sufficient supply of water for domestic and stock uses" without charge. If the water in the pipe or pipe lines was insufficient because of drought to meet domestic and stock uses, it was not considered to be a breach of the contract.

Status of James Meadows Partition Lot 6 Riparian Rights

The 1906 deed granted both the right to appropriate water from the Carmel River to California-American Water Company's (Cal-Am) predecessor in title and the riparian rights attached to the parcel. This would have severed the riparian right for purposes of direct diversion from the surface water of the river; it would not, however, impair the overlying right to the CVAA⁵ as the knowledge of the parties at that time was that everything outside of the river's surface water was percolating groundwater.⁶

Subdivision; Lot Line Adjustments

Newly created parcels without physical continuity to the stream can lose riparian status unless preserved in the conveyance document⁷ or the history shows that at least a portion of each of the subdivided parcels always had been dependent for irrigation on the waters of the stream and was irrigated by it.⁸

The chain of title shows Wolter's family acquiring nine (9) parcels beginning in 1936. The largest conveyance of 44.91 acres was all of Lot 9 from the Hatton Partition. Acreage from Lot 6 of the Meadows Partition was acquired in multiple conveyances, the largest containing 16.90 acres. All together, the acreage exceeded 65 acres.

Even if all of the separate conveyances from the Meadows partition Lot 6 to Wolter lacked any reference preserving the riparian rights, each overlies the CVAA⁹ and at the time of such conveyance the lots no longer contiguous to the river were thought to have percolating groundwater.

There have been three Lot Line Adjustments (LLA) to the Wolter property over a period of years¹⁰. Each LLA involved four existing lots of record that were subsequently reconfigured into four lots of record. Carmel Valley zoning requires each lot to be at least 2.5 acres and

⁵ "[R]iparian land owners and the overlying land owners may be said to possess a right to the stream, surface and subsurface, analogous to the riparian right. *Peabody v. Vallejo*, 2 Cal.2d 351, 375 – 376 (1935).

⁶ It was not until the SWRCB's Order No. WR 95-10 that the Carmel Valley Alluvial Aquifer was confirmed as underflow of the Carmel River.

⁷ *Anaheim Union Water Co. v. Fuller*, 150 Cal. 327, 331 (1907).

⁸ *Strong v. Baldwin*, 154 Cal. 150, 156 – 157 (1908).

⁹ *Peabody v. Vallejo*, supra.

¹⁰ Partial records were provided for the Lot Line Adjustments (LLA) in 2001, 2003 and 2005.

several of the existing lots were undersized¹¹. In addition, the reconfigurations were apparently done for estate planning purposes.

Riparian Water Use on Multiple Contiguous Parcels

In this instance, each parcel is contiguous to the other and all are owned by the same legal entity. The current wells are located on a parcel that, for the most part, is “upstream” of the others. Were the downstream parcels under separate ownership, there could be an issue that the diversions on the well parcel were unreasonable and interfered with the flow of subsurface water. That is not an issue here.

Given the single ownership of contiguous parcels having a water use history where all parcels have received irrigation, there is no restriction on the use of water from the well parcel to the other parcels.

State Water Resources Control Board Activity

Wolter has an extensive history with the SWRCB including a protest against MPWMD’s New Los Padres Dam. In Decision No. 1632¹², no water was reserved for Wolter and no application was pending at the time.

By 1996, Wolter filed Application 30511¹³ (Application) and Decision No. 1632 was modified to show a Table 13 reserved quantity of 37.4 AF. The Application requested 96 acre-feet per year.

In early 2012, Katherine Mrowka, SWRCB Chief of Inland Streams Unit, provided a status report on the Application. A protest to the Wolter Application by the California Department of Fish and Game (DFG) conditioned its dismissal on compliance with the National Marine Fisheries Service (NMFS) flow regime for the Carmel River. This would require a storage component that was not part of the Application. Wolter objected because storage would occupy the land required for cropping.

Wolter’s attorney, Alexander Hubbard of Hubbard & Hubbard LLP, responded to Ms. Mrowka on March 12, 2012, formally objecting to the condition requiring Wolter to “cease pumping water for an indeterminable period of time when minimum daily in-stream flows are below a certain limit....”¹⁴ Hubbard cited the SWRCB Order on Application 30497 for Eastwood’s Odello property that did not prohibit pumping subsurface water when the surface water course was dry. He argued that the Wolter Application should be treated the same as Eastwood’s. The 2014 Mrowka response on the MND indicates that the Application has lost its Table 13 status due to prolonged fallowing and diversions would be limited to a four month winter diversion period.

¹¹ For example, in the 2003 LLA, the four existing lots contained 0.25, 0.50, 0.88, and 40.88 acres, more or less.

¹² Decision No. 1632 was issued by the State Water Resources Control Board on July 6, 1995 for MPWMD’s New Los Padres Project (Application 27614 and Permit 7130B).

¹³ Wolter filed Application 30511 on February 29, 1996 for 96 acre-feet.

¹⁴ Letter from Alexander F. Hubbard to Katherine Mrowka dated March 27, 2012.

Conclusion

Our preliminary assessment concludes that subordinated riparian water rights to Carmel River surface water for APN 169-431-007 and -008 are intact as they abut the Carmel River. In addition, all parcels overlie the CVAA and retain subsurface riparian rights.

Wolter has an Application pending with the SWRCB for an appropriative permit to irrigate multiple parcels totaling about 40 acres. At this time, it is unknown if a storage component will be added to the Application and whether year-round pumping will be allowed.

EXHIBIT D**Addendum No. 2 to Final Environmental Impact Report #07-01, SCH #2007121001 Pursuant to California Environmental Quality Act Guidelines Article 11, Section 15164****2010 MONTEREY COUNTY GENERAL PLAN/CARMEL VALLEY MASTER PLAN
Planning File No. REF120079
Amendment of General Plan/Camel Valley Master Plan**

1. Introduction

On October 26, 2010, by Resolution Nos. 10-290 and 10-291 the Monterey County Board of Supervisors certified Final Environmental Impact Report #07-01, SCH #2007121001 ("FEIR"), and adopted findings, a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program, and the 2010 Monterey County General Plan ("General Plan), including the Carmel Valley Master Plan ("CVMP"). As part of a settlement of litigation regarding the adoption of the General Plan and CVMP, and certification of the FEIR, amendments to CVMP Policies CV-1.6 (relating to the new residential unit cap in the CVMP area), CV-2.17 (relating to traffic counting methodology along Carmel Valley Road), CV-2.18 (relating to the Carmel Valley Road Committee), CV-3.11 (relating to tree protection), and CV-3.22 and 6.5 (relating to non-agricultural development on slopes) are being considered. The proposed amendments are set forth and discussed in Exhibits A and B to the staff report for this matter.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines ("Guidelines") to make minor technical changes to the project analyzed in the FEIR. None of the conditions described in Guidelines Section 15162 or 15163, calling for preparation of a subsequent EIR or supplement to an EIR, have occurred.

2. Scope and Purpose of this Addendum

This Addendum No. 2 describes whether any changes or additions are necessary to the FEIR as a result of the proposed amendments to the General Plan/CVMP, or if any of the conditions described in Guidelines Section 15162 exist. Please see the attached memorandum from ICF International, incorporated herein by reference, that assesses the potential environmental impacts from the adoption of the proposed amendments, and whether any changes to the FEIR are required.

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REF120079
Exhibit D

3. Conclusion

As the ICF memorandum discloses, the proposed changes to the CVMP Policies will not result in additional impacts or an increase in the severity of impacts; the identification of feasible mitigation measures or alternatives that were previously identified as infeasible; or the identification of considerably different mitigation measures or alternatives than those disclosed or discussed in the FEIR. Accordingly, none of the conditions described in Guidelines Section 15162, requiring a Subsequent EIR, exist. This Addendum No. 2 is considered sufficient because it discloses the proposed amendments to the CVMP Policies, and provides an analysis regarding the lack of environmental impacts.

FEIR #07-01 has been included as an attachment to the staff report and is available on the County's web site at

http://www.co.monterey.ca.us/planning/gpu/GPU_2007/FEIR-Information/FEIR-Information.htm

Addendum No. 1, related to other amendments to the General Plan as a litigation settlement, is being considered as a companion item to this Addendum No. 2.



TO: Mike Novo, Monterey County Planning Director

FROM: Rich Walter, ICF International

CC: Les Girard, Monterey County Counsel
Terry Rivasplata, ICF International

DATE: November 5, 2012

RE: Potential Changes to Monterey County 2010 Carmel Valley Master Plan Policies

This memorandum presents ICF's review of the potential CEQA implications of potential changes to Monterey County 2010 Carmel Valley Master Plan (CVMP) policies concerning development potential, traffic, tree removal, and development of slopes. ICF also reviewed an Addendum (Addendum No. 2) to the final EIR prepared by the County for the 2010 General Plan prepared concerning the proposed policy changes to the CVMP.

Our review is limited to the potential for changes in environmental impacts due to policy changes relevant to the impacts disclosed in the certified EIR for the 2010 General Plan. Our review is based on our understanding of CEQA, the General Plan/CVMP and the General Plan EIR. Our review does not constitute legal advice.

A prior Addendum (Addendum No. 1) was also prepared by the County concerning certain proposed changes in Public Services policies. That addendum does not concern issues addressed in this memo.

Policy CV-1.6 - Potential Policy Changes Regarding Development Potential

The proposed changes include the following: (1) limiting new residential subdivision units to 190, which is a reduction in buildout potential from 266 units; and (2) addition of clarifying language about accessory units and how the term "units" is defined.

The reduction in buildout level in the CVMP area will result in slightly lower environmental impacts of buildout within the CVMP area. Relative to the CVMP area, the reduction in environmental impact would not result in any new significant impacts or substantial more severe impacts than those disclosed in the 2010 GP EIR. In theory, if housing demand is fixed at any point in time then the reduction in allowable units in CVMP will make it slightly more likely that development would occur in locations outside CVMP for any fixed point in time. However, the change does not increase the allowable units in any other part of the County and thus the 76 units eliminated in the CVMP

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would not be added to buildout totals in other parts of the County. As such, no new impacts in areas at buildout outside the CVMP buildout above those disclosed in the 2010 GP EIR would be expected. In theory, one could argue that traffic levels (and development) outside the CVMP could be higher in the interim between the present and buildout due to the accommodation of the 76 units (or some portion thereof) in other parts of the County. However, it would be speculative to attempt to identify exactly where these 76 units (or portion thereof) might be distributed. Given the limited amount of units, this is unlikely to substantially change traffic conditions or environmental impacts in the interim on a County-level scale compared to that disclosed in the 2010 GP EIR.

Regarding the clarifying language replacing the term "auxiliary unit" with the term "accessory dwelling unit" and the clarifying language regarding defining the term "units" in Policy CV-1.6, the proposed edits only clarify the intent of the prior language, neither increasing nor decreasing the development potential of the policy. As such, there is no increase in environmental impact due to these proposed clarifications compared to the environmental impacts disclosed in the 2010 GP EIR.

Policy CV-2.17 - Potential Policy Changes Concerning Traffic

The proposed changes include the following:

- Splitting of Rio Road monitoring segment into two segments: 1) from Rio Road at its eastern terminus to Carmel Rancho Blvd. and 2) between Carmel Rancho Blvd and SR1;
- addition of requirement for traffic analysis using the Average Daily Traffic (ADT) methodology, new ADT threshold triggers for evaluation and additional monitoring; new ADT traffic standards;
- mandating of use of the PTSF methodology;
- change of peak hour "trigger" for monitoring roadways from 10 or less peak trips in favor of 1% of the PTSF value necessary to cause a decrease in LOS;
- addition of requirement to annually establish PTSF or other methodology thresholds;
- addition of requirement for ADT analysis in EIRs for new development and analysis of cumulative traffic impacts outside the CVMP from development within the CVMP area; and
- exclusion of application of Policy CV-2.17 to commercial development in any light commercial zoning where a requirement for General Development Plan or amendment may be waived pursuant to Monterey County Code section 21.18.030(E).

Addition of ADT Fixed Volume Thresholds/Standards

The fundamental change proposed is the addition and application of thresholds, triggers, and standards using fixed ADT volumes. The specific fixed ADT volumes for Carmel Valley Road are those derived using the ADT approach to determine the existing capacity of the roadways as they are designed presently. Use of a fixed ADT volume threshold eliminates the ability to take into account any future capacity improvements including additional lanes or new passing lanes.

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As shown in the attached tables, current conditions are under the proposed new ADT standards for 2005, 2008, 2009, 2010 and 2011 traffic volumes with one exception (Segment 7 exceeded the ADT threshold in 2005). The 2010 GP EIR identified that cumulative 2030 traffic conditions would exceed the LOS standards in CV-2.17 for Carmel Valley Road Segments 5, 6 and 7 using the LOS standards based on PTSF methodology. The 2010 GP EIR concluded that impacts to Segments 5, 6 and 7 could be mitigated to a less than significant level by mitigation included in the proposed CVTIP, which consisted of adding passing lanes to these segments. Using the ADT fixed volume LOS standards included in the proposed settlement agreement, 2030 cumulative traffic conditions could exceed the ADT standards for Carmel Valley Road Segments 2, 3, 4, 5, 6 and 7 (as well as Segment 10 if the 2-lane standard is applied to the 4-lane roadway). The actual traffic amounts would not change (and may be slightly less due to the reduction to 190 new subdivision units), however if the ADT fixed volume standards were used as the CEQA significance thresholds, then there would be new significant impacts to Carmel Valley Road Segments 2, 3 and 4 (and possibly Segment 10). The significance would result from the addition of new significance thresholds, not a substantial change in actual traffic or physical impact. The County has identified to ICF that the ADT thresholds in the policy are not intended to be used as CEQA thresholds for either future projects or for the traffic analysis for the 2010 General Plan EIR and thus that the thresholds used in the prior General Plan EIR remain unchanged. As such, since the policy revisions would not increase traffic (and may actually lower it slightly), they would not result in an increase of actual physical environmental impacts compared to those disclosed in the 2010 General Plan EIR.

As shown in the attached Table 2, based on a projection forward from 2011 conditions to predicted 2030 conditions, Segment 7 may exceed its ADT fixed volume threshold as soon as 2015 following by Segments 3, 4, 5 and 6 by perhaps around 2020. There are practically no options in the CVMP area for building new diversionary roads that could route traffic away from roadways that exceed their ADT threshold and adding roadway capacity will not reduce volumes. Thus the use of the ADT standard eliminates the ability to mitigate traffic impacts short of denying permits to projects that generate new trips above the ADT threshold. This will have a substantial impact on CEQA compliance for all discretionary approvals that result in new trips for projects other than light commercial projects for which an exclusion is provided in the policy revision. Thus, starting perhaps as soon as 2015, the approval of *any* discretionary project that contributes trips to the road system would require preparation and consideration of an EIR.

The proposed ADT fixed volume threshold/standard of 27,839 for Segment 10 (Carmel Rancho Blvd. to SR1) is inconsistent with the other thresholds and should be clarified. For example, the threshold for Segment 9 is 51,401. It appears that the proposed Segment 10 threshold is for two-lanes only but this is not clarified anywhere in the new policy. It is likely that this threshold is an old ADT threshold from before this segment was expanded to 4 lanes. It would be clearer to establish a 4-lane threshold for Segment 10 than the proposed 2-lane threshold.

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Monitoring Trigger Changes

The proposed changes do not eliminate the existing CV-2.17 required monitoring or use of PTSF triggers or standards, but change the trigger for public hearing from 10 peak trips to 1% of the PTSF value that would cause a decrease in LOS. We did not analyze what the 1% PTSF trigger would mean in terms of volumes; thus this change could be more or less stringent than the prior trigger. As the trigger only requires a public hearing and not actual action, this change would not result in more environmental impacts than disclosed in the 2010 GP EIR.

The proposed changes add an 80 percent of ADT volume threshold trigger for converting five-year monitoring into annual monitoring for a particular segment. As of 2011, Segments 3, 4, 5, 6, 7 and 8 have exceeded this threshold and thus annual monitoring will be required for these segments, which is an addition of one segment (Segment 8) over that required by existing policy. It should be noted that Segment 10 is at 79% of its ADT threshold in 2011 (and was over the threshold in 2005, 2008 and 2009) and will likely exceed its threshold shortly, triggering annual monitoring for this segment as well. Additional annual monitoring does not result in any environmental impact greater than that disclosed in the 2010 GP EIR.

Mandating PTSF Methodology

The existing policy requires monitoring and reporting using both ADT and PTSF methodology. Revised Policy CV-2.17b specified use of PTSF methodology or other methodologies determined appropriate by Public Works, leaving it open to use of other accepted methodologies. However, revised Policy CV-2.17c specified the use of a PTSF trigger for public hearings. This was probably an oversight. It is recommended that no reference be made to use of PTSF in the policy. It is suggested that references to non-ADT methodologies should be to a "professionally accepted traffic analysis methodology as determined by the Public Works Department" instead. This would allow change over time to reflect changes over time in professional practice.

Splitting of Rio Road into Two Segments

The existing Policy CV-2.17 included Rio Road between Carmel Rancho Blvd. and SR1, but the proposed policy changes would split this road into two segments by adding a new segment from Val Verde Road to Carmel Rancho Blvd. Traffic along this segment would be affected by new development, if approved, along Val Verde Drive and/or at Rancho Canada Village. It is unclear where the 6,416 fixed volume ADT threshold was derived from, since this segment was never included in prior CVMP traffic segments (the focus on Rio Road was always west of Carmel Rancho Blvd.). In the traffic study included in the Draft EIR for Rancho Canada Village (Hexagon Transportation Consultants 2007), the predicted future volumes with Rancho Canada Village (281 units) if access westward to Rio Road would be approximately 3,200 ADT (assuming 10 times predicted PM peak levels) compared to approximately 1,000 ADT at present. As the proposed changes limit overall new subdivision units to 190, of which 24 are reserved for the Delfino property, the maximum units that could be allowed at Rancho Canada Village (or a combination of

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Rancho Canada village and development along Val Verde Drive) would be 166 units. Assuming a proportional reduction in traffic from 281 units to 166 units, then with project-volumes would be less than that above. At any rate, it would appear that future volumes with Rancho Canada Village may be well below the proposed ADT standard of 6,416 for Rio Road west of Val Verde Drive.

However, as noted above, cumulative traffic along certain segments of Carmel Valley Road will likely exceed the proposed ADT fixed volume standards perhaps as soon as 2015; thus any CEQA documents for Rancho Canada Village or other development projects would need to disclose potential contributions to cumulative traffic impacts, which are likely to be found significant and unavoidable and require preparation of an EIR and adoption of a statement of overriding considerations.

Exclusion for Light Commercial Development

The exclusion of application of Policy CV-2.17 to commercial development in any light commercial zoned area where a requirement for General Development Plan or amendment may be waived pursuant to Monterey County Code section 21.18.030(E) would not result in new traffic impacts over those disclosed in the 2010 GP EIR because Section 21.18.030(E) states that a waiver can only be provided if there are no potential significant adverse impacts from the proposed development. Thus any such development would still need to be assessed for traffic impacts in order to support the finding in Section 21.18.030 (E), but would not necessarily need to use the LOS standards and methodology in the revised Policy CV-2.17. This leaves open the possibility that such development could be analyzed using standard HCM methodologies instead of the ADT methodology proposed for all other development.

Policy CV-2.18 - Potential Policy Changes Concerning Traffic

The proposed changes include the following:

- addition of requirement that the Carmel Valley Road Committee to review and comment on proposed projects in the CVTIP and the annual monitoring reports; and
- addition of a requirement that the Carmel Valley Road Committee comment on the PSR for the CVTIP.

The addition of requirements that the committee comment on the CVTIP, monitoring reports, or the PSR would not change impacts in CVMP in regards to traffic or any other impact. The requirements are only that the committee is to comment; the changes do not make the committee the decision-maker for deciding what projects are included in the CVTIP which remains the County.

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Policy CV-3.11 - Potential Policy Changes Concerning Tree Removal

The proposed changes include the following:

- required permit for removal of healthy native oak, madrone, and redwood trees in the CVMP area;
- required replacement by one-gallon or greater nursery-grown trees where feasible;
- adds a minimum fine for violations;
- allows for emergency exemptions; and
- exempts tree removal where specified in CPUC General Order No. 95 and by government agencies.

The changes are more specific than the existing policy and more stringent by mandating a permit, replacement, and establishing fines. Essentially, the changed policy provides the detail that would have been expected from the ordinance called for in existing policy. The emergency and government agency exemptions were called for in existing policy. A utility exemption was not called out in the existing policy, but is a specification of state CPUC regulations and thus would have applied in any case. As such, the revisions regarding tree removal would not result in any new significant or substantially more severe environmental impacts than that disclosed in the 2010 GP EIR.

Policy CV-3.22 and CV-6.5 - Potential Policy Changes Concerning Development on Slopes

The proposed changes include the following:

- deletes CV-6.5 and replaces with new policy CV-3.22 that narrows slope prohibition to "non-agricultural" development instead of "new development; and
- provides that non-agricultural development on slopes above 25% that is not on highly erodible soils is subject to General Plan OS-3.5(1).

The existing policy CV-6.5 was not intended to refer to agriculture when it referred to development; thus the new language clarifying that the policy applies to "non-agricultural" development does not limit the development potential as it was understood at the time of the 2010 GP EIR. Since the existing policy CV-6.5 only applied to slopes that both had highly erodible soils and were in excess of 25%, the reference to development on slopes of greater than 25% without highly erodible soils being subject to General Plan Policy OS-3.5(1) is only a clarification. Agricultural conversions will remain subject to General Plan Policy OS-3.5(2). As such, the revisions regarding development on slopes would not result in any new significant or substantially more severe environmental impacts than that disclosed in the 2010 GP EIR.

Table 1: Comparison of Settlement Agreement ADT Standards to Actual Counts (2005 - 2010)

Seg #	Carmel Valley Road Segment	Standard ADT	Capacity ADT	2005		2008		2009		2010		2011		2011 percent of Standard ADT
				ADT	ADT	ADT	ADT	ADT	ADT	ADT	ADT	ADT	ADT	
1	East of Holman Rd.	8,487	8,600	3,774	3,235	2,966	3,050	2,932	3,338	3,441	7,766	10,326	35%	
2	Holman Road to Esquiline Road	6,835	9,600	4,260	3,673	3,323	3,441	3,338	3,338	3,441	7,766	10,326	49%	
3	Esquiline Road to Ford Road	9,065	11,660	8,551	8,659	8,011	7,930	7,930	7,930	7,930	7,766	10,326	86%	
4	Ford Road to Laureles Grade	11,600	11,660	11,569	10,608	10,543	10,421	10,543	10,421	10,421	10,326	10,326	89%	
5	Laureles Grade to Robinson Canyon Road (1)	12,752	11,660	11,739	11,521	10,924	10,915	10,924	10,915	10,915	10,855	10,855	85%	
6	Robinson Canyon Road to Schulte Road	15,488	14,600	14,736	14,163	13,757	13,442	13,757	13,442	13,442	13,519	13,519	87%	
7	Schulte Road to Rancho San Carlos Road	15,340	11,660	15,894	15,984	15,632	15,242	15,632	15,242	15,242	15,308	15,308	94%	
8	Rancho San Carlos Road to Rio Road	48,487	14,600	21,010	19,655	19,522	19,634	19,655	19,522	19,634	18,964	18,964	59%	
9	Rio Road to Carmel Ranch Blvd.	51,401	30,900	25,484	24,855	24,265	23,845	24,265	23,845	23,845	23,502	23,502	46%	
10	Carmel Ranch Blvd. to SR-1	27,839 (2)	30,900	23,847	23,160	22,416	21,839	22,416	21,839	21,839	22,034	22,034	79%	
11	Carmel Ranch Blvd between DVR and Rio Road	33,455	N/A	N/A	11,015	9,816	9,486	9,816	9,486	9,486	9,205	9,205	28%	
12	Rio Road between Val Verde and Carmel Rancho	6,416	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	820	820	13%	
13	Rio Road between Carmel Rancho and SR1	33,928	N/A	N/A	12,270	11,269	10,980	11,269	10,980	10,980	10,963	10,963	32%	
Bold = Exceeds Standard				Mont. County 2006		Monterey County, 2011		Monterey County, 2011		Monterey County, 2011		Calculated		

Notes:
 (1) KHA studied Laureles Grade to Miramonte Road and Miramonte Road to Robinson Canyon Road. Results are shown for Miramonte Road to Robinson Canyon Road which had higher volumes.
 (2) Threshold is for 2-lanes

Sources:
 Kimley-Horn Associates, 2008, Traffic Analysis of Carmel Valley Road. Unpublished data.
 DKS Associates, 2007, Carmel Valley Master Plan Traffic Study, July. Released as Appendix F to Carmel Valley Traffic Improvement Program Draft Subsequent EIR, August 2007.
 Monterey County, 2011, 2012, Annual Monitoring Data for Carmel Valley to 2008, 2009, 2010 and 2012.

Table 2: Comparison of Settlement Agreement ADT Standards to predicted 2030 Conditions

Seg #	Carmel Valley Road Segment	Type of Roadway	2011 Conditions		2030 Cumulative (KH 2008)		% of Standard	year > STD	CUNIP 2030 Cumulative (DKS 2007)		
			Standard ADT	ADT	Capacity	ADT			ADT (1)	2-way PM peak	year > STD
1	Erst of Holman Road	2-Lane (Undivided)	6,487	4,932	8,600	4,500	64%	2078	679	6,760	2038
2	Heiman Road to Esquilme Road	2-Lane (Undivided)	8,535	3,358	11,680	4,500	65%	2098	721	5,216	2038
3	Esquilme Road to Ford Road	2-Lane (Undivided)	9,195	10,798	11,680	11,680	176%	3815	1,023	10,207	2021
4	Ford Road to Laureles Grade	2-Lane (Undivided)	11,540	10,798	11,680	11,680	115%	3074	1,478	16,784	2021
5	Laureles Grade to Robinson Canyon Rd (2)	2-Lane (Undivided)	12,752	10,798	14,600	14,600	16%	2011	1,578	13,162	2011
6	Robinson Canyon Rd to Schullie Road	2-Lane (Undivided)	15,495	13,519	14,600	14,600	16%	2011	1,683	14,992	2011
7	Schullie Road to Road between CVR and Rio Road	2-Lane (Undivided)	16,340	15,208	11,680	11,680	125%	2015	2,037	19,277	2015
8	Road between CVR and Rio Road	4-Lane (Divided)	48,487	18,884	14,600	14,600	49%	2125	2,625	28,250	2068
9	Rio Road to Carmel Rancho Blvd	4-Lane (Divided)	51,401	23,842	30,900	29,400	57%	2101	3,062	30,520	2095
10	Carmel Rancho Blvd to SR-1	4-Lane (Divided)	27,839 (3)	22,034	30,900	30,900	72%	2027	2,482	24,520	2051
11	Carmel Rancho Blvd between CVR and Rio Road	4-Lane (Divided)	33,465	8,205	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12	Rio Road between Via Verde and Carmel Rancho	2-Lane (Undivided)	6,415	820	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13	Rio Road between Carmel Rancho and SR1	4-Lane (Divided and Undivided)	33,928	10,963	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Settlement	Monterey County, 2012	KHA-2008	KHA-2008	Calculated	Calculated	DKS 2007	Calculated as 10 X peak	Calculated

Bold = Exceeds Standard

Notes:
 (1) DKS did not estimate average daily volumes. Rough calculation of 10 times PM peak volume may overestimate or underestimate 2030 volumes.
 (2) KHA studied Laureles Grade to Miramonte Road and Miramonte Road to Robinson Canyon Road. Results are shown for Miramonte Road to Robinson Canyon Road which had higher volumes.
 (3) Threshold is for 2 lanes

Sources:
 Knieke-Horn Associates, 2008, Traffic Analysis of Carmel Valley Road. Unpublished data.
 DKS Associates, 2007, Carmel Valley Master Plan Traffic Study, July. Released as Appendix F to Carmel Valley Traffic Improvement Program Draft Subsequent EIR, August 2007.
 Monterey County, 2012, 2011 Annual Monitoring Report for CVR.

GLOBAL MINOR AMENDMENTS TO ENTIRE DEIR

The entire DEIR has been revised to make the following minor global revisions. These minor grammatical revisions, that have no substantive significance, have been made to provide consistency in format or wording, but are not called out individually.

Change all references to the Project name as follows:

~~Carmel Canine Sports Complex~~ Carmel Canine Sports Center

Change capitalization as follows:

Applicant

Change all references to the County as follows:

~~County of Monterey~~ Monterey County

Change all references to the Valley Hills Shopping Center as follows:

~~Baja Cantina Valley Hills Shopping Center~~ Valley Hills Shopping Center

Change all references to the food safety fence as follows:

~~deer exclusion fence~~ food safety fence

Amendments to Section 1.0, Introduction

Figure 1-1 of the DEIR has been revised as follows:

Corrections made to locations and names of the Valley Hills Shopping Center, Hacienda Hay and Feed, Canada Woods Water Company Commercial Center, Tehama Reclamation Pond, Valley Hills Nursery, and the Drought Resistant Nursery.

Section 1.1 of the DEIR was revised as follows:

As the Applicant would rely only on Riparian Rights for water use, reference to the proposed irrigation reservoir has been removed.

Amendments to Section 2.0, Project Description

Figure 2-1 and Figure 2-2 have been revised to show the irrigation reservoir as "Irrigation Reservoir (To Be Filled and Reclaimed)".

Section 2.2 of the DEIR has been revised as follows:

Reference to the proposed irrigation reservoir has been removed.

Section 2.2 on page 2-1 line 27 of the DEIR has been revised as follows:

The Wolter family owns the Project site and has operated an organic farm on-site since the 1930s.

The second paragraph in Section 2.2 on page 2-1 of the DEIR has been revised as follows:

The Project site is bordered to the north by Valley Greens Drive and the Quail Lodge & Golf Club, Valley Hills Shopping Center at the southeast corner of Carmel Valley Road and Valley Greens Drive; to the east by the Canada Woods Water Company Commercial Center, including the 2.7 acre Tehama Reservoir, the Rana Creek Nursery and agricultural lands, as well as a single-family dwelling, ; to the south by the Carmel River riparian corridor and south of that an equestrian facility; and to the west by fairways 12 and 13 of the Quail Lodge & Golf Club and a golf course maintenance yard.

The photo caption in Section 2.3.3 on page 2-2 of the DEIR has been revised as follows:

Organic agricultural operations characterize most of the Project site's historic use; in 2013 the northern/eastern portion of the site was planted with 20 acres of grass hay, which is currently under cultivation. The southern 11-acres of the Project site are comprised of disturbed upland and riparian areas along the Carmel River.

The second paragraph in Section 2.3.2 has been revised as follows:

Historically, the Project site has been used for organic row crop farming on predominantly Prime Farmland soils (California Department of Conservation 2011). Currently sod/irrigated pasture is located in the western part of the site and is being used to pasture livestock and test organic weed control methods. The Project site was most recently cultivated in 2013, within the northern-eastern portion of the site with approximately 20 acres of grass hay. Additionally, excavation of a one-acre pond was recently initiated. Remaining activities include conditioning the surface and installing plumbing and liner.

The third paragraph of Section 2.3.2 on page 2-3, line 27 has been revised as follows:

The southern portion of the Project site includes the Carmel River and an associated dense riparian area, which is the location of the Monterey Peninsula Water Management District (MPWMD) and Wolters LLC Valley Hills Restoration Project (Nedeff 2014).

The third paragraph of Section 2.3.2 on page 2-4 has been further clarified as follows:

The MPWMD maintains an active soil and plant monitoring program in the restoration site and seasonally operates an extensive drip irrigation system to maintain riparian vegetation. The existing trail system on site was installed by MPWMD to access soil monitoring equipment, conduct vegetation monitoring activities, and maintain the irrigation network. These trails are also utilized by MPWMD fisheries staff to conduct fish rescues and research and monitoring of aquatic features.

The first paragraph of Section 2.4 on page 2-4 has been revised as follows:

The proposed Project consists of site improvements for operation of a canine sports and event center on approximately 5.6 acres within the north-western side of the Project site, including CCSC member facilities, an event field with training rings, a variety of member training areas (MTAs), and 96,080 square feet (sf) of parking areas (Figure 2-1). The Project would continue organic agricultural operations on approximately 32 acres of the Project site, which may also accommodate canine-related activities.

Section 2.4 has been revised as follows:

Reference to the proposed irrigation reservoir has been removed. Instead the document has been revised to state that the reservoir would be filled and reclaimed in place.

The fourth paragraph of Section 2.4.4.1 on page 2-8 line 21 has been clarified as follows:

Livestock maintained on-site would include sheep, goats, and ducks, with no more than 50 sheep and/or goats resident on-site total

The fifth paragraph of Section 2.4.4.1 on page 2-8 has been revised as follows:

The existing eight-foot tall food safety fence would remain in place around most of the Project site with the exception of areas near the proposed front gate, where it would be relocated as needed and repaired to match the existing fence. A wood screening fence is intended to be located in addition to the food safety fence and placed outside it along the property line generally where existing barbed wire fence is currently located.

The third paragraph of Section 2.4.1.2 on page 2-9 has been revised as follows:

Existing trees on the Project site, including one walnut tree, one sycamore tree, and four pear trees, would remain. Additionally, existing vegetation south of the existing food safety fence and within the Carmel River riparian area would also remain. Regular maintenance of plantings and crops would be expected, with ongoing maintenance, harvest, and replanting occurring within agricultural areas.

The first paragraph of Section 2.4.1.3 on page 2-9 has been revised as follows:

Four picnic tables are proposed for the area, one of which would be located on an existing concrete slab in in the disturbed ruderal area. The close proximity of this disturbed ruderal area to one of the locked gates also makes this proposed picnic table site appropriate for handicapped access.

The second paragraph of Section 2.4.1.3 on page 2-10 has been revised as follows:

A significant portion of the Project site outside of the existing fence line is currently the site of extensive restoration efforts by the MPWMD and Wolters LLC to establish and maintain riparian vegetation for erosion control and to maintain the riparian habitat as water level

recedes seasonally. The Owners' contractual participation in this program has been ongoing since 1993.

The following sentence has been added to Section 2.4.3 line 4 as follows:

The term members only, or membership use of the facility under the proposed Project refers to a maximum of 500 individual annual paying members and assumes one dog per visit; short term or day-use visitors would not have access to use member facilities.

Section 2.4.3.1 on page 2-12 line 14 has been modified as follows:

Additionally, the existing on-site residence would continue to serve the Ranch Manager and family, who would continue to provide oversight of the facility and emergency 24-hour assistance during special overnight events.

The second paragraph on page 2-12 of Section 2.4.3.2 has been revised as follows:

Members would also be able to use off-leash walking paths and would have access the Carmel River and adjacent picnic areas. CCSC's maximum individual membership is 500, with anticipated average use of 20 percent per day (i.e., approximately 100 visits, spread throughout the operating hours).

Footnote 2 on page 2-13 in Section 2.4.3.2 has been modified as follows:

This estimate of facility use is based on the experience of the nearby Carmel Valley Athletic Club (CVAC), which was determined to be the best available representation of an existing comparable nearby use.

The last sentence of paragraph three on page 2-13 in Section 2.4.3.2 has been revised as follows:

Classes for up to 10 people, including 12 dogs, could be scheduled throughout the day; however, no more than two classes would be offered simultaneously and no more than 10 classes per day would be offered to ensure adequate use of the facilities by members.

Section 2.4.3.4 has been revised as follows:

Table 2-4 has been revised to excluded irrigation resevoir evapotranspiration as the irrigation resevoir is no longer included in the proposed Project.

The section has been revised to state the "the Applicant would rely on Riparian Water rights for water use at the proposed CCSC."

The fourth sentence of paragraph four on page 2-15 in Section 2.4.3.4 has been revised as follows:

These wells both draw from the Carmel Valley Alluvial Aquifer

The first sentence of the last paragraph on page 2-15 in Section 2.4.3.4 has been revised as follows:

The MPWMD has concluded that adequate documentation of riparian rights was demonstrated for purposes of issuing a MPWMD Water Distribution System Permit for water use that relies on a riparian right.

Section 2.5.4 on page 2-20 has been revised as follows:

Grading of approximately 6,253 CY or 3.876 acre-feet would be required ~~for to fill and reclaim the irrigation reservoir, estimated to range between 1.0 and 1.5 acres in area. The disposal location of excavated material has not been proposed at this time; however, a use permit would be obtained, if required, prior to disposal within the floodway or floodplain. Excavated materials, particularly prime soils, would remain on the Project site and would be used to restore the reservoir area of the site.~~

The second paragraph of Section 2.5.5 on page 2-21 has been revised as follows:

The Project would leave in place approximately 3,000 feet of eight-foot tall food safety fencing surrounding the Project site with the exception of areas near the front gate, where it would be relocated as needed and repaired to match the existing fence. A wood screening fence is intended to be located in addition to the food safety fence and placed outside it along the property line generally where existing barbed wire fence is currently located.

Amendments to Section 3.0, Cumulative Project Scenario

Table 3-1 of the DEIR has been revised as follows:

Table numbering has been revised to exclude any omissions between the numbers of 1 through 14.

Figure 3-1 of the DEIR has been revised as follows:

Figure has been revised consistent with Table 3-1.

Amendments to Section 4.1, Aesthetics and Visual Resources

The last sentence of the first paragraph of Section 4.1.2.2 on page 4.1-3 has been revised as follows:

In general, trees and patches of natural vegetation border the majority of the Project site, and distant woodland hills and grassy meadows surround the site. Valley Greens Drive near the Project site entrance is lined on both sides with ~~Monterey Pines and other~~ mature trees.

The first sentence of the second paragraph of Section 4.1.2.2 on page 4.1-3 has been clarified as follows:

The Project site, approximately 48.6-acres, spanning eight lots of record, contains generally fallow agricultural fields that slope gently westwards toward the Carmel River.

The first sentence of third paragraph of Section 4.1.2.2 on page 4.1-3 has been revised as follows:

An eight-foot tall food safety fence encloses the majority of the site including the fallowed fields there is no native habitat in any portion of this fenced area.

Mid-paragraph of Section 4.1.2.3 on page 4.1-4 has been modified as follows:

Publicly accessible trails to the south may also provide trail users clear views of the Project site.

The first sentence of the second paragraph of Subsection Motorists and Recreational Users in Section 4.1.2.4 on page 4.1-5 has been modified as follows:

Recreational users within the Project vicinity include hikers using the nearby trails and golfers using the adjacent golf course, which may provide limited views of the Project site.

The following Policy description has been added to Section 4.1.3.2 on page 4.1-6:

Carmel Valley Master Plan

The Carmel Valley Master Plan aims to preserve the region's rural character and area's scenic and visual resources to avoid incompatible development, and to encourage improvements and facilities that complement the region's natural scenic assets:

Policy CV-1.1: All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character. In order to preserve the rural character of Carmel Valley, development shall follow a rural architectural theme with design review.

Impact AES-3 has been revised on page 4.1-18 on line 28 and line 35 as follows:

The proposed visual screening and mitigation requiring all external RV lights be turned off by 9:00 P.M., would assist in decreasing the amount of Project-generated light during events. Security lighting would be permitted to ensure safety but kept to low profile, hooded lighting. Therefore impacts would be *less than significant with mitigation.*

The Special Event Management Plan would prohibit the use of RV external lighting, including but not limited to RV porch lights, after 9:00 P.M.

Amendments to Section 4.2, Agricultural Resources

The following language has been added to last sentence of the last paragraph of Section 4.2.2.3 on page 4.2-2:

Recently, an approximately 8.5-acre portion of the site was planted with turf-grass and most recently in 2013, within the northern-eastern portions of the site with an additional 20 acres of grass hay.

Section 4.2.4.3 has been revised as follows:

The partially completed irrigation reservoir would be fill and reclaimed in place.

Section 4.2.4.4 on page 4.2-8 has been revised as follows:

The Project would not result in significant impacts to agricultural resources that require mitigation; therefore, residual impacts generated by the operation of the proposed Project would be less than significant.

Amendments to Section 4.3, Air Quality and Greenhouse Gas Emissions Resources

Line one of Table 4.3-1 under Section 4.3.2.2 on page 4.3-2 has been revised under column two, "Type of Receptor" as follows:

Table 4.3-1. Sensitive Receptors of Air Quality

Address	Type of Receptor	Distance
8193 Valley Green Drive	Employee Residence	100 feet

Table 4.3-5 under Section 4.3.4 on page 4.3-9 has been revised as follows:

Table 4.3-5. MBUAPCD Air Quality Significance Thresholds

Mass Daily Thresholds		
Pollutant	Construction Thresholds	Operation Thresholds
NO _x	<u>N/A</u>	<u>137 lbs/day</u>
VOC	<u>N/A</u>	<u>137 lbs/day</u>
PM ₁₀	<u>82 lbs/day</u>	<u>82 lbs/day (on-site)</u>
PM _{2.5}	<u>N/A</u>	<u>N/A</u>
SO _x	<u>N/A</u>	<u>150 lbs/day</u>
CO	<u>N/A</u>	<u>550 lbs/day</u>
Pb	<u>N/A</u>	<u>N/A</u>

Impact AQ-3 has been revised on page 4.2-13 on line 15 as follows:

It is assumed that the lifetime of the Project is 10 years. Combined operational and amortized construction emissions would be 152.7 MT/yr CO₂e, which is well below the threshold of 10,000 MT/yr CO₂e (Table 4.3-8).

Table 4.3-8 under Impact AQ-3 on page 4.3-13 has been revised as follows:

Table 4.3-8. Estimated GHG Emissions from Construction and Operation

Phase	MT/yr CO ₂ e
Grading	<u>74.9</u>
Paving	<u>22.1</u>
Construction	<u>51.3</u>
Total Construction	<u>148.3</u>
Construction Amortized over 10 years	<u>14.8</u>

Annual operations including 24 special events	<u>137.9</u>
Maximum Operation + Amortized Construction	<u>152.7</u>
Annual Threshold	10,000
Above Thresholds?	No

Annual threshold for CO₂e has not been established for the MBUAPCD. The threshold of 1,100 MT/yr is based on what is used by the BAAQMD.

Source: Amec Foster Wheeler 2014 (see Appendix C).

Amendments to Section 4.3, Biological Resources

The first paragraph of Section 4.4.2.2 on page 4.4-1 has been modified as follows:

The Carmel River flows to the west approximately 36 miles from its headwaters in the Santa Lucia Mountains and empties into Carmel Bay, a State designated Area of Special Biological Significance (State Water Resources Control Board [SWRCB] 2014a) located within the federally protected Monterey Bay National Marine Sanctuary (National Oceanic and Atmospheric Administration [NOAA] 2013).

Line 19 of the second paragraph of Section 4.4.3 on page 4.4-2 has been revised as follows:

Existing trees on the Project site, including one walnut tree (*Juglans* sp.), one western sycamore tree (*Plantus racemosa*), and four pear trees (*Pyrus* sp.).

The fourth paragraph of section 4.4.3 on page 4.4-3 has been revised as follows:

Upland areas on the north side of the Carmel River were most recently used for equipment storage during agricultural operations; however, the area includes old structure foundations and abandoned equipment that was associated with historic habitation sites, a pig farm, and a stream gravel mine. This area reflects a long history of disturbance with broad, open areas covered with imported chipped material and abundant non-native, annual grasses and forbs (Nedeff 2014). This area contains the existing picnic table south of the food safety fence and north of the riparian habitat. This area is primarily vegetated with non-native and invasive species, including a very large eucalyptus (*Eucalyptus* sp.) and a variety of horticultural garden specimens such as Cape ivy (*Delairea odorata*), periwinkle (*Vinca major*), ice plant (*Carpobrotus edulis*), poison hemlock (*Conium maculatum*), Bermuda buttercup (*Oxalis pes-caprae*), and French broom (*Genista monspessulana*). Numerous Monterey pine (*Pinus radiata*) and Monterey cypress (*Hesperocyparis macrocarpa*) seedlings are also invading; although these species are native to the region, neither of these species is in its natural habitat at this location (Nedeff 2014).

The sixth paragraph of Section 4.4.3 on page 4.4-3 has been revised as follows:

Riparian

The Carmel River lower riparian bench and contemporary floodplain are densely vegetated with native streamside plants. This area has undergone substantial restoration since the

Monterey Peninsula Water Management District (MPWMD) and Wolters LLC initiated its Valley Hills Restoration Project in 1993 (Nedeff 2014). The area was largely devoid of vegetation at that time and now supports Central Coast Riparian Scrub, Central Coast Willow Riparian and Black Cottonwood Forest communities. These communities contain robust riparian vegetation with planted and self-sustaining black cottonwood (*Populus trichocarpa*), arroyo willow (*Salix lasiolepis*), sycamore, box elder (*Acer negundo*), white alder (*Alnus rhombifolia*), coast live oak, California bay, California sycamore (*Platanus racemosa*), and occasional creek dogwood (*Cornus sericea*) as well as wild blackberry (*Rubus ursinus*), Santa Barbara sedge (*Carex barbarae*), rushes (*Juncaceae* spp.), manroot (*Marah fabacea*), coffeeberry (*Rhamnus californica*), mugwort (*Artemisia douglasiana*), horsetail (*Equisetum* spp.) and abundant poison oak (*Toxicodendron diversilobum*). Invading California sagebrush (*Artemisia californica*), coyote brush (*Baccharis pilularis*), and an occasional eucalyptus sapling, as well as invasive Monterey pine and Monterey cypress also occur within this area (Nedeff 2014). Monterey pines are beginning to occupy the area and threaten to eventually shade out some of the native riparian species.

The second to last bullet under Section 4.4.3.1 on page 4.4-4 has been revised as follows:

Black Cottonwood Forest Alliance: Dense broad-leafed, winter deciduous riparian forests dominated by black cottonwood (*Populus trichocarpa*) with tree willows. Most stands are even-aged, reflecting episodic recruitment.

The first sentence of the second paragraph of Section 4.4.3.2 on page 4.4-7 has been clarified as follows:

Potential habitat for passerine birds, raptors, and waterfowl is abundant in the multi-layered riparian habitat.

The first sentence of the second paragraph of Subsection Special Status Wildlife Species under Section 4.4.3.2 on page 4.4-9 has been revised as follows:

The Carmel River supports declining California native aquatic species including populations of the federally listed South-Central Coast steelhead trout, the federally and state listed California red-legged frog, and the State-listed western pond turtle.

The second sentence of the second paragraph of Subsection California Red-legged Frog under Section 4.4.3.2 on page 4.4-14 has been revised as follows:

The Project area is located within federally designated critical habitat for California red-legged frog (FR 71:19244-19346).

The first sentence under Subsection Western Pond Turtle under Section 4.4.3.2 on page 4.4-15 has been revised as follows:

Western pond turtle, a CDFW species of special concern, is aquatic, preferring the quiet waters of ponds, lakes, marshes, rivers, streams, and irrigation ditches that have a rocky or

muddy bottom and emergent vegetation (Stebbins 2003), but also requires terrestrial habitats for nesting, migration and to overwinter and aestivate (Wright et al. 2008).

Impact BIO-2 has been revised as follows:

The Applicant would rely on Riparian Rights to secure water usage at the Project site. Overall proposed water use associated with ongoing operation of the proposed Project would be approximately 60.91 AFY (refer to Table 2-4).

Impact BIO-5 has been revised as follows:

Impact BIO-5 has been revised to less than significant (class III). Reference to impacts and mitigations associated with the construction for an irrigation reservoir have been removed as the proposed Project no longer includes construction of the irrigation reservoir. Instead the existing reservoir.

Line 15, the second to last sentence within the first paragraph of Impact BIO-1 under Section 4.4.5.3 on page 4.4-24 has been revised as follows:

A backhoe would also be used for digging underground, such as for utilities.

Both references to mitigation under Impact BIO-1 under Section 4.4.5.3 on page 4.4-24 have been revised as follows:

Additionally, mitigation measures would be included to further limit noise impacts, as described in MM NOI-3. Further as noise impacts would be temporary and no vegetation removal would occur within the riparian habitat, mobile wildlife species would likely vacate the Project site during construction and return shortly after the completion of construction related activities. Therefore, construction noise related impacts to biological resources associated with Project construction would be *less than significant with mitigation*.

Mitigation Measures

To further reduce the noise levels resulting from construction of the Project, MM NOI-3 would be implemented.

Table 4.4-3 on page 4.4-26 has been revised to include the following reference:

Table 4.4-3. Minimum Mean Daily In-Stream Flow Requirements

December 1 - April 15	April 16 - May 31	June 1 - November 30
<p>Prior to Carmel River lagoon opening to the ocean: May divert with minimum bypass of 40 cubic feet per second (cfs) at the Carmel River at Highway 1 Bridge gage.</p> <p>Following Carmel River lagoon opening to the ocean: May divert with minimum bypass of 120 cfs at the Carmel River at Highway 1 Bridge gage.</p>	<p>May divert with minimum bypass of 80 cfs at the Carmel River at Highway 1 Bridge gage.</p>	<p>May divert with minimum bypass of 5 cfs at the Carmel River at Highway 1 Bridge gage.</p>
<p>Source: SWRCB January 29, 2014</p>		

The second paragraph under Impact BIO-3 under Section 4.4.5.3 page 4.4-27 has been revised as follows:

The proposed Project also contains measures intended to limit the impacts of dogs present on the site. Dog waste would be collected on the site as it is produced at specially marked impermeable dog waste collection receptacles, which would be provided at all areas proposed for use by dogs (e.g., the Member Training Areas, open exercise area, and picnic tables in the ruderal upland habitat area). These receptacles would be regularly serviced and would be disposed of under contract with Waste Management. Additionally, MM BIO-3 would require that all dog waste is picked up at the end of each day. Therefore, dog waste would not accumulate on the ground where it could enter storm water and possibly reduce water quality. Further, the Project would limit the number of dogs allowed in the riparian area by the Carmel River, with a maximum of 30 dogs allowed per day during the initial monitoring period (in the first year). In subsequent years, the limit would be based on minimizing impacts identified in the previous year’s monitoring program. Carmel River is not listed as an impaired water on the 2010 Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report) (SWRCB 2010), and impacts associated with the proposed Project would not be anticipated to complicate or compound local water quality issues. Therefore, potential impacts to water quality and associated impacts to biological resources would be *less than significant with mitigation*.

The middle of the second paragraph of BIO-4 under Section 4.4.5.3 on page 4.4-27 has been revised as follows:

As described in Section 2.3.2, *Project Site*, a maintained trail already exists in this area and it is likely used regularly, and the proposed Project would result in an increase in usage of this area

The first sentence of the fourth paragraph of BIO-4 under Section 4.4.5.3 of page 4.4-27 has been revised as follows:

Brand (2008) indicated that high intensity off-leash use areas within riparian habitats in Colorado have exhibited low vegetation cover or bare ground.

MM BIO-4b on page 4.4-28 has been revised as follows:

The Project Applicant shall strictly enforce a daily cap of 30 owners with dogs per day visiting the area outside of the food safety fence. The number of people and dogs visiting the area outside of the fence shall be logged by the Project Applicant as a component of the reservation/registration process.

New MM BIO-4d on page 4.4-28 as follows:

The riparian and picnic areas shall be closed to CCSC members when MPWMD crews are rescuing threatened steelhead fish in the river adjacent to the picnic areas. Upon notice given by MPWMD, CCSC shall post the gates that the area is closed, and shall monitor the gates to insure that members to not venture into the riparian area.

The first sentence of MM BIO-4c under Section 4.4.5.3 on page 4.4-30 has been revised as follows:

The CCSC shall coordinate with Monterey County, CDFW, and MPWMD to develop an annual Habitat Management Plan and monitoring program that assesses riparian vegetation cover and density as well as bird, fish, amphibian, and reptile occurrences and density within the five acre riparian area included within the Project site.

Monitoring under MM BIO-4c under Section 4.4.5.3 on page 4.4-30 has been revised as follows:

Monitoring. Monterey County, CDFW, and MPWMD shall review the Habitat Management Plan and provide input on adaptive management strategies, including implementation of permanent erosion control measures, should quantitative coverage or density triggers be exceeded for vegetation or wildlife within the riparian area. Additionally, MM BIO-5a and -5b requiring dogs to be on-leash within the riparian area and the 30-dog per day limit can be continued or revised as approved by CDFW and MPWMD.

The first paragraph of Impact BIO-5 under Section 4.4.5.3 on page 4.4-30 has been revised as follows:

Implementation of the proposed Project would introduce up to 30 dogs per day into the five-acre ruderal upland area and 5.9-acre riparian habitat located to the south of the food safety fence [see Figure 4.4-1]. Canine activity in these areas would have the potential to increase the spread of invasive aquatic and terrestrial vegetation. However, implementation of MM BIO 4a, -4b, and -4c would minimize these impacts within the riparian corridor. Further, as the remainder of the Project site is characterized by disturbed or landscape vegetation canine activity would not noticeably impact vegetation or the spread of invasive plant species in this area.

Mitigation Measure MM BIO-5a under Section 4.4.5.3 on page 4.4-31 has been revised as follows:

The applicant shall fence the reservoir with low impermeable fencing to prevent the movement of amphibians into the reservoir and prevent the establishment of predatory bullfrogs, or, new protocols to address resource impacts that are determined by a County qualified biologist to be equally effective and as protective to noted resources of concern may be implemented in place of low impermeable fencing.

Mitigation Measure MM BIO-5b under Section 4.4.5.3 on page 4.4-31 has been revised as follows:

Consistent with MPWMD guidance, the Project applicant shall remove bullfrog adults and drain the irrigation reservoir once during the late fall to eliminate bullfrog tadpoles, or, new protocols to address resource impacts that are determined by a County qualified biologist to be equally effective and as protective to noted resources of concern may be implemented.

First paragraph under Section 4.4.5.4 on page 4.4-31 has been revised as follows:

As described in Impact HYD-3.

First paragraph under Section 4.4.5.4 on page 4.4-31 Line 15 has been revised as follows:

However, the MPWMD

First paragraph under Section 4.4.5.4 on page 4.4-31 Line 18 has been revised as follows:

by agencies with regulatory authority over water development and potential impacts to the alluvial aquifer, including the County of Monterey, SWRCB, the California Department of Fish and Wildlife and US Fish and Wildlife and WPWMD.

Amendments to Section 4.5, Cultural Resources

No modifications

Amendments to Section 4.6, Geology and Soils

No modifications

Amendments to Section 4.7, Hazards and Hazardous Materials

The following sentence has been added to the first paragraph of Section 4.7.2.1 on page 4.7-1:

The Quail Lodge fairways adjacent to the Project site, to the north and west, present potential hazards associated with errant golf balls within the property boundaries.

The end of paragraph three under Section 4.7.2.1 on page 4.7-2 has been revised as follows:

In addition, golf course operations may involve use and storage of hazardous materials such as bulk fuels and chemicals for golf course equipment, maintenance and repair, thus it is likely that similar materials would be located at the Quail Lodge maintenance yard adjacent

to the Project site. Given the small size of these agricultural and recreational operations and their commercial or open space land use designations, application of such chemicals are likely to be in commercially limited quantities.

Amendments to Section 4.8, Hydrology and Water Quality

Figure 2-1 and Figure 2-2 have been revised to show the irrigation reservoir as “Irrigation Reservoir (To Be Filled and Reclaimed)”.

The last sentence of the second paragraph under Section 4.8.2.1 on line 21 page 4.8-5 has been revised as follows:

There are 317 groundwater wells that draw from the four CVAA aquifer subunits (designated as “AS1, AS2, AS3, and AS4”) including four operated by Cal-Am.

Replace the foot note under Section 4.8.2.1 on page 4.8-5 as follows:

There are a total of approximately 837 active groundwater wells in the Monterey Peninsula. The majority of the active wells are located in either the Seaside Groundwater Basin or the Carmel River Basin, but more than 140 are located in other areas.

The middle of the first paragraph under Section 4.8.2.3 on line 12 page 4.8-9 has been revised as follows:

Due to the site’s generally flat topography and lack of impermeable surfaces, precipitation that falls on the site generally infiltrates into the ground until the ground becomes saturated.

The last sentence on lines 3 -5, page 4.8-10 has been revised as follows:

Riparian right are typically only vested in parcels abutted a watercourse, but in the case of the CVAA, parcels that overlie the ~~underflow~~ subterranean stream of the Carmel River with defined bed and banks, as mapped by the SWRCB of the aquifer may have riparian rights as well.

The middle of the second paragraph on line 21 has been revised as follows:

...overlying the CVAA; this right has been confirmed by MPWMD’s legal counsel (see Appendix F).

The middle of the second paragraph on line 22 has been revised as follows:

Although MPWMD does that the authority to assign a water right, ~~they are~~ it is responsible...

The end of the second paragraph on line 28 has been revised as follows:

...property owner has provided adequate documentation of a riparian right to water...

The middle of the last paragraph on line 37 has been revised as follows:

...the Project site was found to have an ~~appropriate right~~ a reservation amount of 37.4 AFY.

The middle of the first paragraph on Page 4.8-11, line 4 has been revised as follows:

The revised ~~water right~~ reservation of 96 AFY, if perfected, would be...

The end of the first paragraph on Page 4.8-11, line 7 has been revised as follows:

...but this application is still ~~outstanding~~ pending.

Page 4.8-14, insert the following text at line 15:

RULES FOR MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

RULE 20 D. PERMIT TO UNDERTAKE WORK ON PROJECTS WITHIN THE RIPARIAN CORRIDOR

Before any individual may undertake any Work or Project within the Riparian Corridor, including but not limited to channel modification, riverbank Works, or vegetation removal, such Person shall obtain a prior written River Work Permit from the District in accord with Rule 126 or meet the emergency River Work Permit criteria of Rule 126 C, or be expressly exempt from the River Work Permit requirement pursuant to Rule 126 B.

RULE 124 - RIVER MANAGEMENT AND REGULATIONS

It shall be a violation of these Rules and Regulations, and an infraction/misdemeanor pursuant to the Monterey Peninsula Water Management District Law, (Sections 256 and 369, adopted by the California Legislature by Chapter 986, Statutes of 1981, and Chapter 767, Statutes of 1983, respectively) for any individual to do one or more of the following acts within the Riparian Corridor without a valid Permit issued by this District:

A. Damage, remove, alter, or otherwise injure the riverbank, Riverbed, canal, or reservoir which lies within the Riparian Corridor of the Carmel River, or take water from any canal, ditch, flume, pipe or reservoir installed or operated by the Monterey Peninsula Water Management District.

B. Damage, remove, alter or otherwise injure any sprinkler or Irrigation System installed or operated by the Monterey Peninsula Water Management District.

C. Damage, remove, alter, deface, or otherwise injure any sign, barrier, or obstruction erected by the Monterey Peninsula Water Management District upon the riverbank or Riverbed of the Carmel River, or within the Riparian Corridor of the Carmel River.

D. Damage, remove, or otherwise injure any tree within or upon the riverbank or Riverbed of the Carmel River.

E. Damage, remove, or otherwise injure native vegetation, excluding poison oak, within the Riparian Corridor.

F. Construct, alter, damage, or otherwise injure any dike or trail within or upon the Riparian Corridor.

G. Drive, ride, park or travel in a motorized vehicle upon the riverbank, Riverbed, or Riparian Corridor of the Carmel River without a valid river access Permit issued by this District.

H. Fail, willfully, to observe any sign, marker, warning, notice, or direction which restricts or closes the Carmel River, or any portion of its bed or banks, to motorized vehicles. The first offense of this rule shall be an infraction, punishable by a minimum fine of five hundred dollars (\$500). The minimum fine may be increased to a maximum of one thousand dollars (\$1,000) based upon the extent of damage

caused. The second offense of this rule shall be a misdemeanor, punishable by a fine not to exceed five thousand dollars (\$5,000), and imprisonment in the county jail not to exceed six months.

RULE 126 - RIVER WORK PERMITS

A. REGULAR PROCEDURE

River Work Permits shall be required by any Person who undertakes riverbank or Riverbed protection, riparian vegetation removal, channel modification or activities prohibited by Rule 124 within the Riparian Corridor, except where such activity is expressly exempt from this Permit process in accord with Rule 126 B. Such a Permit must be obtained prior to the commencement or any work or activity unless that activity is defined as a "minor work" or unless that activity is an "emergency work". Minor works may be undertaken in accord with the process set forth in Rule 127 A (4) below. Emergency works may be undertaken in accord with the process set forth in Rule 127 B.

B. PERMIT EXEMPTIONS

This District Board may from time to time, upon advice of the Carmel River Advisory Committee, designate River Works which shall be exempt from this Permit process, and therefore not be subject to the prohibitions set forth in Rule 124. District staff shall maintain and distribute a list of such exempt activities.

C. EMERGENCY PROCEDURE

Emergency riverbank or Riverbed protection or channel modification measures are excepted from the prior requirement for a River Work Permit, provided that the General Manager or District Engineer must first declare such an emergency to exist or to be imminent. Emergency work Permits shall be processed in accord with Rule 127 B. When declaring an emergency, the General Manager or District Engineer shall take into account the high probability of flooding, erosion danger, blockage and structural damage. During a declared period of emergency, the District must be notified as soon as possible in writing of the type, location and extent of any emergency works. Application for approval shall then be made within 10 days after such emergency works were begun to the Monterey Peninsula Water Management District on forms supplied by the District and, if required by the General Manager or District Engineer, shall be accompanied by appropriate plans.

D. PROCEDURE WHERE A LIFE OR PROPERTY IS THREATENED

Should an emergency situation arise that requires immediate bank protection actions to mitigate a clear and present danger to life or property, such actions may be performed without prior approval of the General Manager or District Engineer. Protective measures performed under this subsection shall be limited to those needed to mitigate such clear and present danger to life or property. Such activity shall immediately be communicated to the District, and within ten calendar days of the commencement of such actions the type, location, and extent of protective measures performed under this subsection shall be reported in writing to the District.

RULE 127 - PERMIT PROCESS

A. RIVER WORK PERMITS

1. Applications for River Work Permits shall be made to the Monterey Peninsula Water Management District on forms supplied by District staff and shall be accompanied by plans showing appropriate Site, improvement and engineering information as may be required by District staff. The fee prescribed by Rule 60 shall be required for any River Work Permit.
2. Any application which appears to propose an activity regulated pursuant to the National Flood Insurance Program, including but not limited to:

a. grading or changes in land forms that might alter channel hydraulics or the configuration of the floodway, or
b. levees or other flood control works that might alter channel hydraulics or the configuration of the floodway, shall be referred for review and comment to the Monterey County Water Resources Agency.

3. A public hearing shall be held by the General Manager or District Engineer on the application after the District Staff determines that the information submitted by the Applicant is sufficient to consider the matter; not less than ten (10) calendar days prior to the public hearing the District shall give notice of the hearing by one publication in a newspaper of general circulation and by posting notice in conspicuous places close to the properties affected by the application. The General Manager or his delegate shall have sole discretion as to where to post such notice, and a failure to post shall not invalidate the proceedings. The General Manager or his delegate shall also give notice of such hearing by mailing postage prepaid a notice of the time and place of such hearing to persons owning property adjacent to the exterior boundaries of the area actually occupied by the use for which the River Work Permit was applied. Addresses shall be used from the last equalized assessment roll, or alternatively, from such other records of the Assessor or the Tax Collector as contain more recent addresses in the opinion of the General Manager. No hearing shall be required of non-controversial minor works.

4. The Board of Directors shall by resolution promulgate upon advice of the Carmel River Advisory Committee a list of "minor works" for which Permits, in the absence of controversy, may be granted by the General Manager upon payment of the fee prescribed by Rule 60 without published notice or public hearing. Minor work Permits which have been issued shall be prominently posted in the Monterey Peninsula Water Management District office, and shall not become effective until seven (7) days after issuance. Such Permits may be appealed to the Board pursuant to Rule 127-C of this regulation. Holders of a minor work Permit may undertake such work immediately upon issuance of the Permit (but before the Permit becomes effective), provided however, that each Applicant for a minor work Permit who undertakes work prior to the effective date of such Permit agrees in writing to proceed during that seven-day period at his own risk, and agrees to indemnify and hold harmless the Monterey Peninsula Water Management District for any damage which may result, and agrees to comply with any Board order should the Permit be denied or conditioned on appeal.

5. In order to grant a regular River Work Permit, an emergency work Permit, or a minor work Permit, the General Manager or the District Engineer shall make the following findings based upon facts apparent from the district files, the Permit application or facts presented at the hearing:

a. the work allowed by the proposed Permit does not appear to adversely affect adjoining or other properties;

b. the work allowed appears to be visually compatible with the natural appearance of the river channel, banks and Riparian Corridor;

c. the work allowed appears to be appropriate for the intended purpose, and be consistent with technical standards and plans set by the Carmel River Advisory Committee;

d. the establishment, maintenance or operation of the use or work applied for does not appear under the circumstances of the particular case, to be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the District, and

e. the work permitted appears either to comply with, or be exempt from the requirements of the National Flood Insurance Program. Each Permit shall briefly set forth or refer to the evidence supporting the findings.

6. The General Manager or the District Engineer may designate conditions in connection with the Permit to secure the purposes of this regulation, in addition to any standard Permit conditions which may be required by the Board. The General Manager or the District Engineer may also require bond and guarantees to assure compliance with the conditions.

7. Each Permit issued by the General Manager or the District Engineer shall become effective seven (7) days after the date such Permit was issued and remain valid until the date of expiration stated on the Permit; or if no date of expiration is stated, or otherwise specified, all such Permits shall expire one year from the date of granting said Permit.

8. When a property owner wishes to maintain the river channel and/or riverbank on a regular basis, a River Work Permit may be issued by the General Manager or District Engineer upon the approval of an appropriate management plan. Permits granted for such ongoing activity under this rule shall state this basis for termination as follows:

“This Permit shall terminate on the date set forth below; and if no date of termination is set, shall terminate one year after the repeal of this rule or regulation”.

B. EMERGENCY RIVER WORK PERMITS

Emergency riverbank or Riverbed protection or channel modification measures performed under this regulation shall require a subsequent emergency River Work Permit from the General Manager or District Engineer. An application for such a Permit shall be submitted within ten (10) calendar days after commencement of such measures. The fee prescribed by Rule 60 shall be required for any emergency River Work Permit. The intent of such a subsequent emergency River Work Permit is to ensure that any emergency bank and bed protection measures conform to or will be brought into conformance with the technical standards promulgated in accord with this regulation. To the extent practicable, emergency River Work Permits shall be administered and granted in accordance with Rule 127-A above, and may also be appealed to the Board in accord with Rule 127-C. Standards shall be developed and distributed summarizing the design concepts that will be required in emergency Permits. Persons undertaking emergency River Works without prior approval shall bear sole responsibility for the adequacy and safety of such work, and shall be deemed to proceed at their own risk. The District, upon later review of the emergency River Work Permit, reserves the right to require removal or modification of such works to that measure compatible with the structural management plan.

C. PERMIT APPEALS

Determinations of the General Manager or the District Engineer may be appealed to the Board of Directors pursuant to Rule 70, “Appeals” upon payment of the fee specified in Rule 60.

Page 4.8-20, lines 20-21 has been revised as follows:

...dogs allowed in the riparian area by the Carmel River with a maximum of 30 dogs allowed per day ~~at any given time.~~

Reference to Section 2.4.3.6 on line 9 page 4.8-20 under Impact HYD-2 Section 4.8.4.3 has been modified as follows:

The proposed Project includes a livestock manure management program for animal concentration areas (e.g., the protective enclosures) that includes composting and/or disposal of any substantial quantity of manure by Waste Management, as required by the Monterey County Environmental Health Bureau (refer to Section 2.4.3.7, *Solid Waste Management*).

Section 4.8.4 has been revised as follows:

All reference to Project related water use has been revised from 63.35 to 60.91 as the Applicant would rely on the riparian right, which would eliminate the originally proposed reservoir from the proposed Project.

The last sentence of the last paragraph under Impact HYD-2 Section 4.8.4.3 has been modified as follows:

Given the seven-acre Member Training Area, as well as the additional 32 acres of agricultural fields, walking paths, riparian habitat and other areas, the site has ample room to support the number of dogs proposed for daily use and for temporary short-term use. Therefore, potential impacts to water quality associated with this level of activity would be *less than significant with mitigation.*

MM HYD-2 Under section 4.8.4.3 on page 4.8-20 has been revised as follows:

MM HYD-2 The Applicant will prepare a Manure Management Plan, which includes semi-annual water sampling, as required by the Environmental Health Bureau prior to Project construction (Section 4.13., *Public Services and Utilities*). The applicant will comply with the approved Manure Management Plan and dispose of solid waste in a manner consistent with public health and safety requirements as an ongoing condition of the Environmental Health Bureau. Should the proposed Project result in exceedances of water quality standards, the applicant would work with SRWCB, CCRWQCB, and MPWMD to implement adaptive management, which could include additional caps on the volume of memberships, member visits, or dog density, or include removal or reduction of wood chipped parking areas.

The last sentence of the first paragraph under Subsection Water Rights of Section 4.8.4.3 on page 4.8-22 has been modified as follows:

However, riparian rights do not allow for seasonal water storage for irrigation purposes (SWRCB 2014b); therefore, any water permit issued based on the applicant's riparian right would not allow for water storage in the proposed irrigation pond.

First sentence of the first paragraph under Subsection Water Distribution Permit of Section 4.8.4.3 on page 4.8-23 has been modified as follows:

Given that the MPWMD has confirmed that the Applicant has provided MPWMD with adequate documentation of a riparian right to water from the subterranean stream below the Carmel River.

The first paragraph of Section 4.8.4.4 on page 4.8-24 has been modified as follows:

4.8.4.4 Cumulative Impacts

The proposed Project would contribute to continued withdrawals from the CVAA, which is currently over-appropriated and contributes to reduced flows in the Carmel River, a critical habitat for two threatened species (see Section 4.4, *Biological Resources*). In addition, the complex effects of global climate change, as addressed under Section 4.3.2.5 *Greenhouse Gases and Global Climate Change*, could result in longer dryer years with possible reductions in water supply and flow as well as periods of major storm events increasing the water supply and flow. These withdrawals, when combined with other groundwater pumpers in the area, and longer term climate shifts would affect groundwater levels and associated surface flows in the Carmel River.

Amendments to Section 4.9, Land Use and Planning

Then end of the first paragraph under Section 4.9.2.2 on page 4.9-3 has been revised as follows:

Surrounding development includes visitor accommodations and facilities of the Quail Lodge Golf Course immediately across from the site on Valley Greens Drive, fairways of the golf course adjacent to the west of the site, the Canada Woods Water Company Commercial Center, located in an area zoned for Heavy Commercial, including the 2.7-acre Tehama reservoir and the Rana Creek Nursery located on land zoned Open Space, as well as a private residence and equestrian facility to the southeast. Additionally, the Valley Hills Shopping Center, and Hacienda Hay and Feed are located to the northeast of the Project site in an area zoned for Planned Commercial uses

The third bullet under Section 4.9.4.3 on page 4.9-9 has been revised as follows:

Project approval by the Planning Commission and to the Board of Supervisors on appeal.

The following sentence has been added to the first paragraph under Subsection Project Daily Operations and Events under Section 4.9.4.4 on page 4.9-11

Daily non-event use of the CCSC facility is anticipated to be up to 100 owners/dogs a day (20% of membership). In addition to individual member day use, contract trainers and other dog-related service providers would be able to use space at CCSC for classes and workshops. Classes would be open to non-members, though non-member participants would have limited access to CCSC facilities outside the specific class/training areas as described under section 2.4.3.2 *Daily Operations*.

References to mitigation on line 28 page 4.9-12 under Section 4.9.4.6 has been revised as follows:

The Project would be largely consistent with policies relating to biological resources after implementation of MM BIO-4a, -4b, and -4c. As discussed in Section 4.4, *Biological*

Resources, mitigation would reduce impacts to sensitive species and critical habitat to a less than significant level.

Amendments to Section 4.10, Noise

Impact Statement NOI-3 under Section 4.10.4.3 on page 4.10-11 of the DEIR has been modified as follows:

Operation of large outdoor events would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity (Less than significant with mitigation, Class II).

The second and fourth paragraphs of MM NOI-3 under Section 4.10.4.3 on page 4.10-14 has been modified as follows:

The 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., with the exclusion of security lighting during overnight events, and prohibiting the use of RV generators outside the hours of 8:00 A.M. to 7:00 P.M.

Review of the Project by the State of California Department of Housing and Community Development (HCD) would be a condition of Project approval prior to clearance of planning and building permits. If the Project requires revisions to conform to HCD regulations or other safety regulations, and the revisions cannot be found in substantial conformance with the approved master plan, the project may require a permit amendment/revision.

Amendments to Section 4.11 Recreation

The title of Table 4.11-1 of the DEIR has been modified as follows:

Table 4.11-1. Local Open Spaces and Recreation Resources (within 5 miles)

#	Recreation Facility	Private Or Public	Distance from Project (miles) ¹	Activities
1	Quail Lodge Resort & Golf Club	Golf Course	0.2	Golf, swimming, lodging, and events
2	Rancho Canada Golf Club	Golf Course	2.2	Golf, rentals, and events
3	Jacks Peak County Park *	Monterey County Park	2.5	8.5 miles of forested hiking and horseback riding trails, pack animals, nature study, photography, and picnics
4	Palo Corona Regional Park	MPRPD	3.5	Hiking
5	Point Lobos Ranch	CA State Park	4.2	Variety of hiking trails, docent led hikes, wildlife and bird watching and picnic areas and photography
6	Carmel Valley Ranch	Golf Course	3.1	Horse rides, organic gardens and bee keeping, hiking, tennis, golf

7	Garland Ranch Regional Park ^	MPPRD	4.9	Access to the Carmel River, Carzas Creek, a redwood canyon, and waterfall. Mountain biking, horseback riding, hiking, and areas for off leash dog recreation
8	Mission Trail Park ^	City of Carmel	3.8	Hiking and dog walking
9	Carmel River State Beach *	CA State Beach	4.0	Beach going, bird watching and scuba diving
10	Carmel Beach City Park ^	City of Carmel	4.5	Services include public beach allowing dogs off leash, with scenic viewing areas
11	Garrapata State Park *	CA State Park	5.1	Two miles of beachfront and 2,879 acres of coastal wilderness and trails; <u>dogs restricted to beach</u>
12	Devendorf Park *	City of Carmel	4.1	Lawn, events, and picnics
13	Picadilly Park *	City of Carmel	4.2	Drought tolerant and rare plant garden
14	Forest Hills Park *	City of Carmel	4.2	Playground, shuffleboard court, horseshoes, sand-volleyball court, BBQ, and picnic tables
15	First Murphy Park *	City of Carmel	4.3	Native plant garden, benches, walking paths, and historic Murphy House (1902)
<u>16.</u>	<u>Carmel Valley Community Park ^</u>	<u>Carmel Valley Village</u>	<u>8.3</u>	<u>Public Park</u>

Notes: 1 = Approximate distance, * = Dogs permitted ON leash, ^ = Dogs permitted OFF leash with restrictions
 Sources: Monterey County Parks Department, Dog Park 2014; Monterey Peninsula Recreation and Parks District (MPPRD) 2014; City of Monterey, Recreation Department 2014; City of Carmel 2015.

References to BIO impacts and mitigation under paragraphs two and three under Impact REC-1 of Section 4.11.4.2 on page 4.11-7 have been modified as follows:

Increased visitation and recreation within the Carmel River riparian corridor could degrade the recreational value of the waterway, as well as its biological resource value (see Impact BIO-4).

However, access to this area would be provided by reservation only and could be limited by river conditions and/or agency activities, as determined on a day-to-day basis. Additionally, no access to any portion of the CCSC lands outside the locked food safety fence would be granted during CCSC events to event participants or their guests. In addition, this potential impact would be mitigated through use of a biological buffer and restriction plan as described in MM BIO-4a through MM BIO-4c.

The first sentence of the last paragraph under Impact REC-1 of Section 4.11.4.2 has been revised as follows:

Within the Member Training Areas of the Project site, 5.6 acres of land historically utilized for agricultural production would be converted to support recreational aspects and operation of the CCSC; however, impacts to agriculture would be temporary during the 10 year life of the Project

References to BIO mitigation measures under Section 4.11.4.4 Residual Impacts on page 4.11-9 have been revised as follows:

4.11.4.4 Residual Impacts

Implementation of listed mitigation measures, including MM BIO-4a through 4c would reduce the level of impacts related to recreational resources to levels that are less than significant.

Amendments to Section 4.12, Transportation and Traffic

The first sentence of the third paragraph on page 4.12-1 under Section 4.12.1 of the DEIR has been revised as follows:

The scope and methodology of the Transportation Impact Study was developed in consultation with County staff and conforms to standards and thresholds contained in the 2010 Monterey County General Plan.

Section 4.12.2.2 on page 4.12-3 has been revised as follows:

4.12.2.2 Regional Transportation System

Principal access from the Monterey Peninsula to the Carmel Valley is provided by Carmel Valley Road (County Route G-16). This principal arterial road is a four-lane divided road from Highway 1 to Via Petra and a two-lane road from there through the Carmel Valley Village. Although Carmel Valley Road is a direct route between Highway 101 at Greenfield and Carmel, its alignment east of the planning area discourages through traffic.

Laureles Grade Road, which provides access to the Carmel Valley from Salinas, is a steep, curved road. It currently operates below maximum capacity.

The last sentence of the first paragraph under Section 4.12.2.4 on page 4.12-4 has been revised as follows:

Within the Project area, existing pedestrian facilities are limited to an MPWMD constructed and maintained trail; however, legal public access to this area is currently only available within the river channel.

The first paragraph under Section 4.12.2.6 on page 4.12-5 has been revised as follows:

Intersections

Intersection counts were collected in November 2014 and segment counts were collected in June and October 2014. The segment volumes used in the analysis were obtained by taking the average of the mid-week and weekend counts as appropriate for the analysis time period. This approach was developed in consultation with County Public Works staff. Traffic

count sheets are provided in Appendix B of Appendix H. The following three study intersections within the Project vicinity were evaluated:

- A policy under Section 4.12.3.3 on page 4.12-13 has been added:

Policy CV-2.17 To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:

- a) Twice yearly monitoring by Public Works (in June and October) of peak hour traffic volumes and daily traffic volumes at the following six (6) locations indicated in bold (at least one of the yearly monitoring periods will occur when local schools are in session):

Carmel Valley Road ADT threshold

1. Holman Road to CVMP boundary 8487
2. Holman Road to Esquiline Road 6835
3. Esquiline Road to Ford Road 9065
4. Ford Road to Laureles Grade 11,600
5. Laureles Grade to Robinson Canyon Road 12,752
6. Robinson Canyon Road to Schulte Road 15,499
7. Schulte Road to Rancho San Carlos Road 16,340
8. Rancho San Carlos Road to Rio Road 48,487
9. Rio Road to Carmel Rancho Boulevard 51,401
10. Carmel Rancho Boulevard to SR1 27,839

Other Locations

11. Carmel Rancho Boulevard between Carmel Valley Road and Rio Road 33,495
12. Rio Road between its eastern terminus at Val Verde Drive and Carmel Rancho Boulevard 6,416
13. Rio Road between Carmel Rancho Boulevard and SR1 33,928

- b) A yearly evaluation report shall be prepared by the Public Works Department in December that shall report on traffic along the six (6) indicated segments. The report shall evaluate traffic using the PTSF methodology (or such other methodology as may be appropriate for a given segment in the opinion of the Public Works Department), and the ADT methodology. ADT thresholds for each segment are listed above, and the Public Works Department shall annually establish appropriate PTSF or other methodology thresholds for each of the six (6) segments listed above.
- c) A public hearing before the Board of Supervisors shall be held in January immediately following the December report when only 100 or fewer ADT remain before the ADT count for a segment will equal or exceed the indicated threshold, or where the PTSF (or such other methodology as may be appropriate for a given segment in the opinion of the Public Works Department) for a segment exceeds or is within one percent (1%) of the value that would cause a decrease in the LOS.

- d) At five year intervals the County shall monitor all segments listed in Policy CV-2.17(a) and the annual report described in Policy CV-2.17(b) shall include a report on all segments. If such periodic monitoring and reporting shows that any segment not previously part of the annual report is within twenty percent(20%) of the listed ADT threshold, that segment shall thereafter be subject to the annual monitoring and reporting.
- e) Also at five year intervals the County shall examine the degree to which estimates of changes in Levels of Service (“LOS”) in the Carmel Valley Master Plan Area may be occurring earlier than predicted in the General Plan Environmental Impact Report. 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.
- f) The traffic standards (LOS as measured by peak hour conditions) for the CVMP Area shall be as follows:
1. Signalized Intersections – LOS of “C” is the acceptable condition.
 2. Unsignalized Intersections – LOS of “F” or meeting of any traffic signal warrant are defined as unacceptable conditions.
 3. Carmel Valley Road Segment Operations:
 - a. LOS of “C” and ADT below its threshold specified in Policy CV-2.17(a) for Segments 1, 2, 8, 9, 10, 11, 12 and 13 is an acceptable condition;
 - 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.

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). (Amended by Board Resolution 13-029)

Mitigation Measures MM TRANS-3a through MM TRANS-3c have been combined into MM TRANS-3, under Section 4.12.4.3 on page 4.12-24 as follows:

MM TRANS-3. Installation of a traffic signal or roundabout at the intersection of Carmel Valley Road & Valley Greens Drive will mitigate the special event impacts at this intersection. If this is funded and constructed as part of the CVTIP, the applicant's payment of Carmel Valley Road Traffic Mitigation Fee will satisfy this mitigation requirement. Until the CVTIP is amended and a traffic signal or roundabout is installed at the intersection of Carmel Valley Road & Valley Greens Drive, the Applicant shall either: (1) obtain agreements with private road holders to divert westbound traffic to the Rancho San Carlos and Carmel Valley Road intersection and preclude left turning movements from Valley Greens Drive onto Carmel Valley Road during special events, or (2) the Applicant shall fund a sufficient number of traffic monitors for the duration of special events; either a CHP officer, sheriff, or another party approved by the CHP, to direct traffic and manage traffic at the Carmel Valley Road & Valley Greens Drive intersection during special events consistent with CVMP Policy 2.17.

Plan Requirements and Timing. If agreements with private road holders can be reached the Applicant shall include provisions within the Special Events Management Plan to address approval of the design and number of temporary signs needed to prohibit left turn movements onto Carmel Valley Road from Valley Greens Drive, and the protocol for coordinating with Public Works when the signs need to be installed and removed. The design, installation, removal and removal of all temporary signage shall be at the expense of the owner/operator. If agreements cannot be reached with private road holders the Special Events Management Plan shall include the provisions for placing a sufficient number of licensed traffic monitors on site during the entire duration of special events at the Project site.

Monitoring. These provisions shall be included in the Special Events Management Plan, approved prior to issuance of any construction permits.

Mitigation under Section 4.12.4.3 Impact TRANS-4, page 4.12-26 line 22 has been modified as follows:

Mitigation Measures

No mitigation deemed feasible.

Mitigation Measure MM TRANS-5 on page 4.12-28 has been modified as follows:

MM TRANS-5. The applicant shall schedule classes to avoid the Weekday A.M. and Weekday P.M. peak hours. Classes shall not start before 9:30 A.M. and not within P.M. peak hours.

Plan Requirements and Timing. The applicant shall submit a tentative class schedule to Monterey County annually in order to demonstrate adherence to the required restrictions.

Monitoring. Monterey County shall review the tentative class schedule annually to confirm that the applicant has restricted its classes to start after 9:30 A.M. and outside of P.M. peak hours.

Paragraphs two and three of Impact TRANS-7 under Section 4.12.4.3 has been revised as follows:

Event participants, including RVs, would be directed to access the Project site via the Valley Greens Drive intersection with Carmel Valley Road, which is a side-street-stop controlled intersection. This intersection also includes an improved right turn lane from the eastbound lane of Carmel Valley Road and a left turn lane from westbound Carmel Valley Road. The majority of traffic would access the site traveling eastbound on Carmel Valley Road and turning south on Valley Greens Drive. After turning onto Valley Greens Drive incoming traffic would then access the site itself by turning left off of Valley Greens Drive into an improved entrance area designed to allow traffic to fully clear the roadway before entering the newly proposed controlled access gate. Although the majority of incoming traffic would be traveling eastbound on Carmel Valley Road, between seven and 10 trips headed westbound on Carmel Valley Road and turning left on Valley Greens Drive would be added during the peak traffic hours. This turning movement could introduce hazardous conditions with motor homes, reaching up to 45 feet in length (Class A motor home) and potentially towing trailers or another vehicle, navigating an unprotected left hand turn across Carmel Valley Road. However, the line of sight for this turning movement is 1,000 feet in the eastbound direction and 300 feet in the westbound direction, which is considered safe for a vehicle of this size.

To address identified potential traffic issues during special events turning restrictions would be enforced or a licensed traffic monitor would be present to direct traffic, consistent with MM TRANS-3a. This would minimize potential impacts to Carmel Valley Road during special operations. However, during typical daily operations, event staff and traffic control personnel would not be staffed at the Project site and vehicles could make left turns from Valley Greens Drive onto Carmel Valley Road. The posted speed limited within the vicinity on this unprotected left hand turn is 50 mph with a reduce line of sight; however, RVs would generally not be present at the Project site during non-event days as overnight camping would not be permitted during these times, and Class C passenger vehicles would be able to more safely navigate this unprotected turn. Therefore, within the implementation

of MM TRANS-7, impacts associated with introduced traffic hazardous would be *less than significant with mitigation*.

Mitigation under Section 4.12.4.3 Impact TRANS-11, page 4.12-36 line 5 has been modified as follows

Mitigation Measures

No mitigation deemed feasible.

Amendments to Section 4.13, Public Services and Utilities

The first paragraph under Impact PSU-3 on page 4.13-18 of the DEIR has been revised as follows:

Solid waste generated at the Project site, including dog waste as well as recycling, would be disposed of under a contract with Waste Management. Manure management under the Project is further analyzed in Section 4.8, Hydrology and Water Quality, Impact HYD-2.

Amendments to Section 4.14, Effects Found not to be Significant

No modifications

Amendments to Section 5.0, Plans and Policies

Under the Carmel Valley Master Plan section of Table 5-1 on page 5-23 of the DEIR, the Project's consistency with CV-2.17 has been revised as follows:

Consistent. Intersections within the CVMP Area would operate at an acceptable level of service with implementation of mitigations. The Existing Plus Project conditions analysis found that all three study intersections would operate at acceptable levels during typical daily operations, and two of the three study intersections would be expected to operate at an acceptable LOS during special event operations; however, Carmel Valley Road and Valley Greens Drive would experience a degradation in LOS to LOS E during the Friday PM. Acceptable operation of this intersection could be achieved at the Carmel Valley Road and Valley Greens Drive with the installation of proposed mitigations including implementation of a roundabout or County-approved licensed traffic monitors during special events. 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. Impact TRANS-4 finds that operation of the proposed Project would result in significant and unavoidable increases in traffic on vicinity roadway segments and Impact TRANS-9 finds that typical daily operations associated with the proposed Project would result in a substantial contribution to cumulatively significant increases in traffic at vicinity intersections. In accordance with this policy, the County determined that preparation of an EIR would be required and included evaluation of traffic impacts based on ADT methodology and a cumulative traffic analysis. The EIR identified feasible mitigation measures; however, such measures combined with the programmed CVTIP road improvements may not be completed prior to Project-generated traffic to find that acceptable standards are met. This policy requires that

either improvements be constructed to mitigate the impact of a project either through the CVTIP or improvements required of the project, or that an EIR be prepared. The County has determined that preparation of this EIR satisfies this policy intent.

Amendments to Section 6.0, Other CEQA Sections

No modifications

Amendments to Section 7.0, Alternatives

Section 7 has been revised as follows:

All references to the proposed irrigation reservoir have been removed.

The first sentence under Conclusions and Relationship to Project Objectives of Section 7.6.3.1 on page 7-19 of the DEIR is revised as follows:

Conclusion and Relationship to Project Objectives

This alternative would avoid all adverse environmental impacts, including the significant and unavoidable traffic and circulation impacts associated with the proposed Project.

Amendments to Section 8.0, References

Changes to references of the DEIR include the following:

Chapter 2.0, Project Overview:

Monterey County. 2010. *Monterey County General Plan*. October. Available at: http://www.co.monterey.ca.us/planning/gpu/gpu_2007/2010_mo_co_general_plan_adopted_102610/2010_mo_co_general_plan_adopted_102610.htm [Accessed April 27, 2015].

Section 4.1, Aesthetics and Visual Resources:

Monterey County. 2010. *Monterey County General Plan*. October. Available at: http://www.co.monterey.ca.us/planning/gpu/gpu_2007/2010_mo_co_general_plan_adopted_102610/2010_mo_co_general_plan_adopted_102610.htm [Accessed April 27, 2015].

Section 4.3, Air Quality and Greenhouse Gas Emissions:

Monterey Bay Unified Air Pollution Control District (MBUAPCD). 2008. *CEQA Air Quality Guidelines*. Available at: [http://mbuapcd.org/pdf/CEQA_full%20\(1\).pdf](http://mbuapcd.org/pdf/CEQA_full%20(1).pdf).

Section 4.4, Biological Resources:

Mayer, K.E., and W.F. Laudenslayer. 1988. *A Guide to Wildlife Habitats of California*. California Department of Forestry and Fire Protection, Sacramento, CA.

Snider, W.M. 1983. Reconnaissance of the Steelhead Resource of the Carmel River Drainage. California Department of Fish and Wildlife, Monterey County, CA.

State Water Resources Control Board (SWRCB). 2014a. California's Areas of Special Biological Significance. Available at: http://www.swrcb.ca.gov/water_issues/programs/ocean/asbs_map.shtml [Accessed December 16, 2014].

SWRCB. 2014b. SWRCB comment letter on the IS/MND.

Wright, D.H., C. Nguyen, and C. Ball. 2008. Western Pond Turtle (*Actinemys marmorata*) Telemetry Study (State Wildlife Grant No. T-14-1). Available at: file:///C:/Users/julia.pujo/Downloads/WPT-'08-SWGfinalReport_DFG-R2_24pp.pdf [Accessed July 20, 2015].

Section 4.6, Geology and Soils:

Monterey County. 2010. Monterey County General Plan. October. Available at: http://www.co.monterey.ca.us/planning/gpu/gpu_2007/2010_mo_co_general_plan_adopted_102610/2010_mo_co_general_plan_adopted_102610.htm [Accessed April 27, 2015].

Section 4.7, Hazards and Hazardous Materials:

Monterey County. 2010. Monterey County General Plan Safety Element. October.

Section 4.9, Land Use and Planning:

Federal Emergency Management Agency (FEMA). 2009. Flood Insurance Rate Map. Map Number 06053C0340G. 2 April.

Monterey County. 2010. Monterey County General Plan. October. Available at: http://www.co.monterey.ca.us/planning/gpu/gpu_2007/2010_mo_co_general_plan_adopted_102610/2010_mo_co_general_plan_adopted_102610.htm [Accessed April 27, 2015].

Section 4.10, Noise:

Monterey County General Plan. 2010. General Plan: Safety and Noise Element. 26 October.

Amendments to Appendices

Appendix F, Water Resources:

Memorandum from the Law Office of Aengus L. Jeffers (dated 7 July 2015) RE: Carmel Canine Sports Center (PLN130352): Wolter Property Riparian Rights has been added to the Appendix.

Appendix G, Noise:

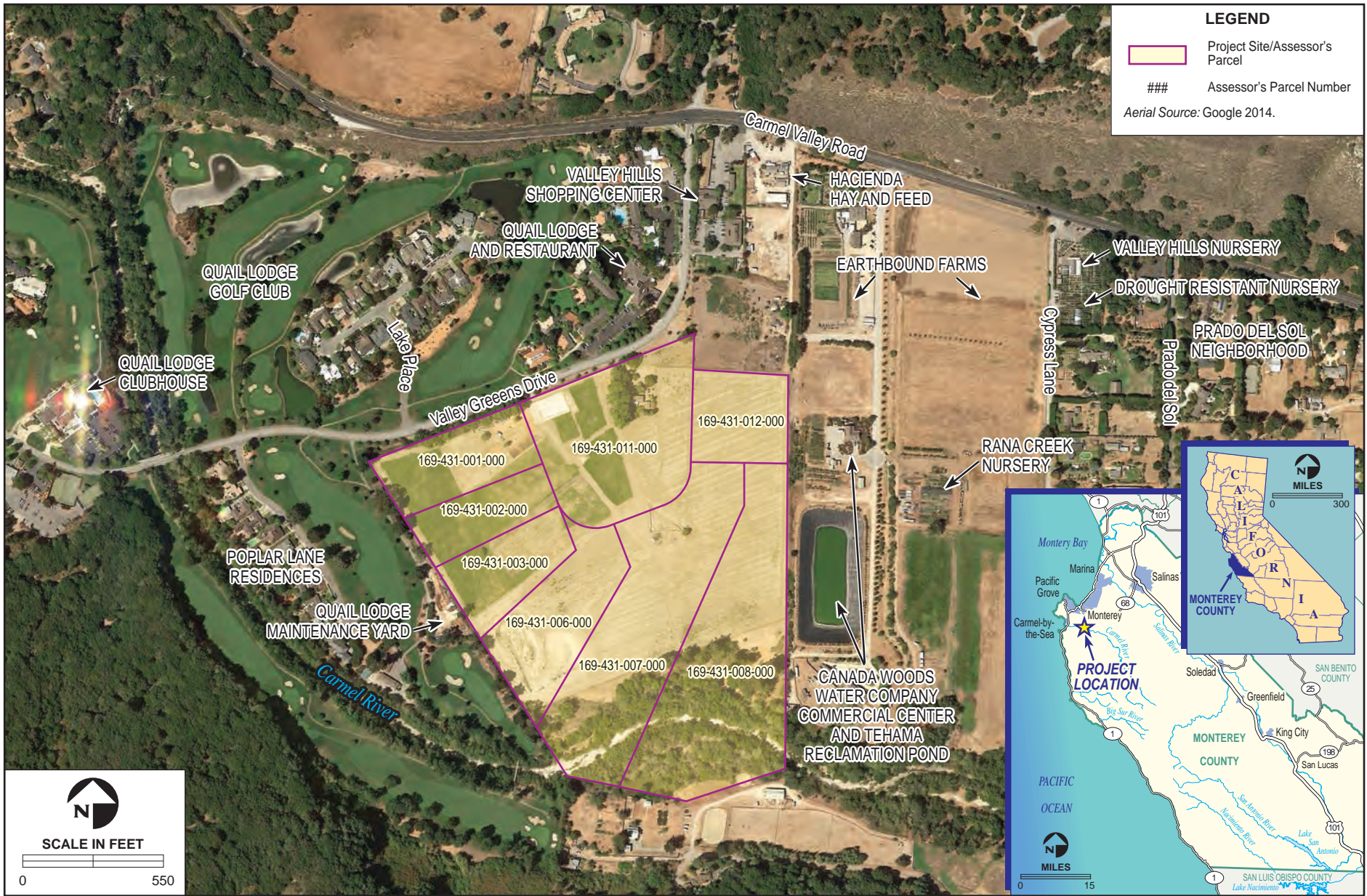
Memorandum from H. Stanton Shelly (dated 20 July 2015) RE: Responses to questions on Noise Study for Carmel Canine Sports Center (CCSC) Project has been added to the Appendix.

Memorandum from H. Stanton Shelly (dated 25 July 2015) RE: Response to Wilson Ihrig Associates Comments on the ECS Noise Study for Carmel Canine Sports Center (CCSC) Project, Carmel Valley has been added to the Appendix.

Appendix H, Traffic Impact Study:

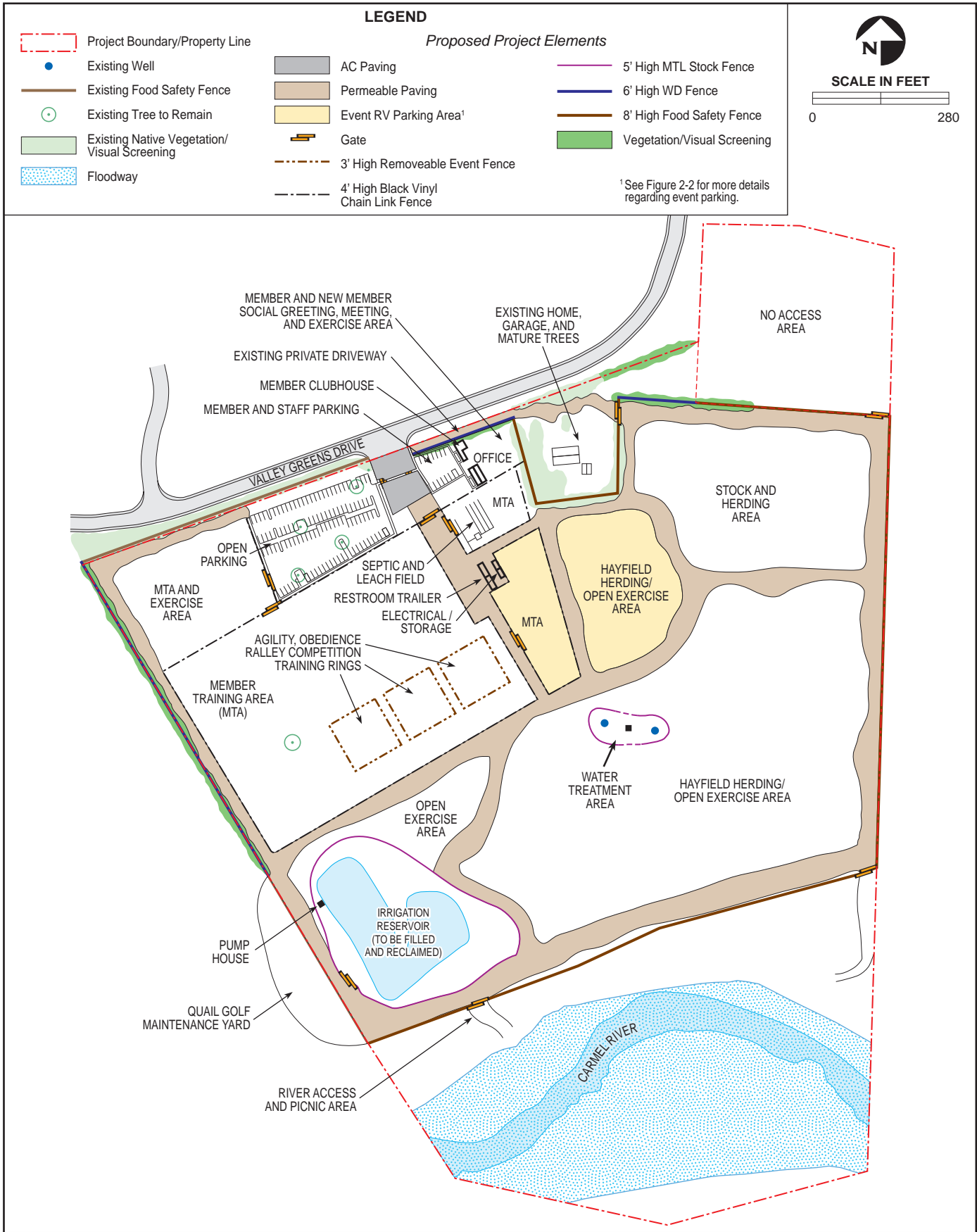
Memorandum from Central Coast Transportation Consulting (dated 24 July 2015) Subject: Transportation Errata – Carmel Canine Sports Center DEIR has been added to the Appendix.

Memorandum from Ryan D. Chapman, P.E., Traffic Engineer (dated 17 July 2015) Subject: Clarification of County Transportation Impact Polices Related to Carmel Canine Sports Center has been added to the Appendix.



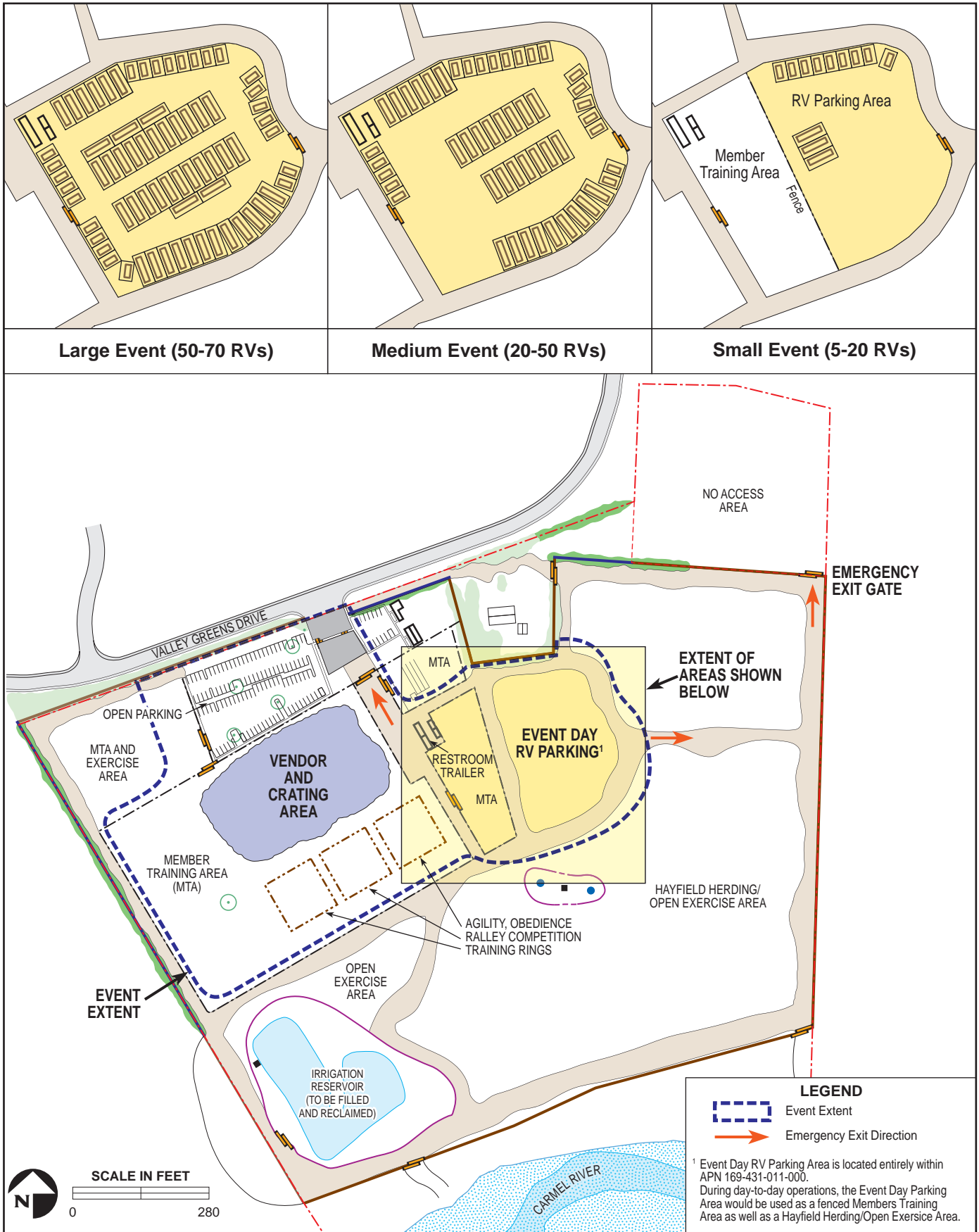
Regional Location

FIGURE 1-1



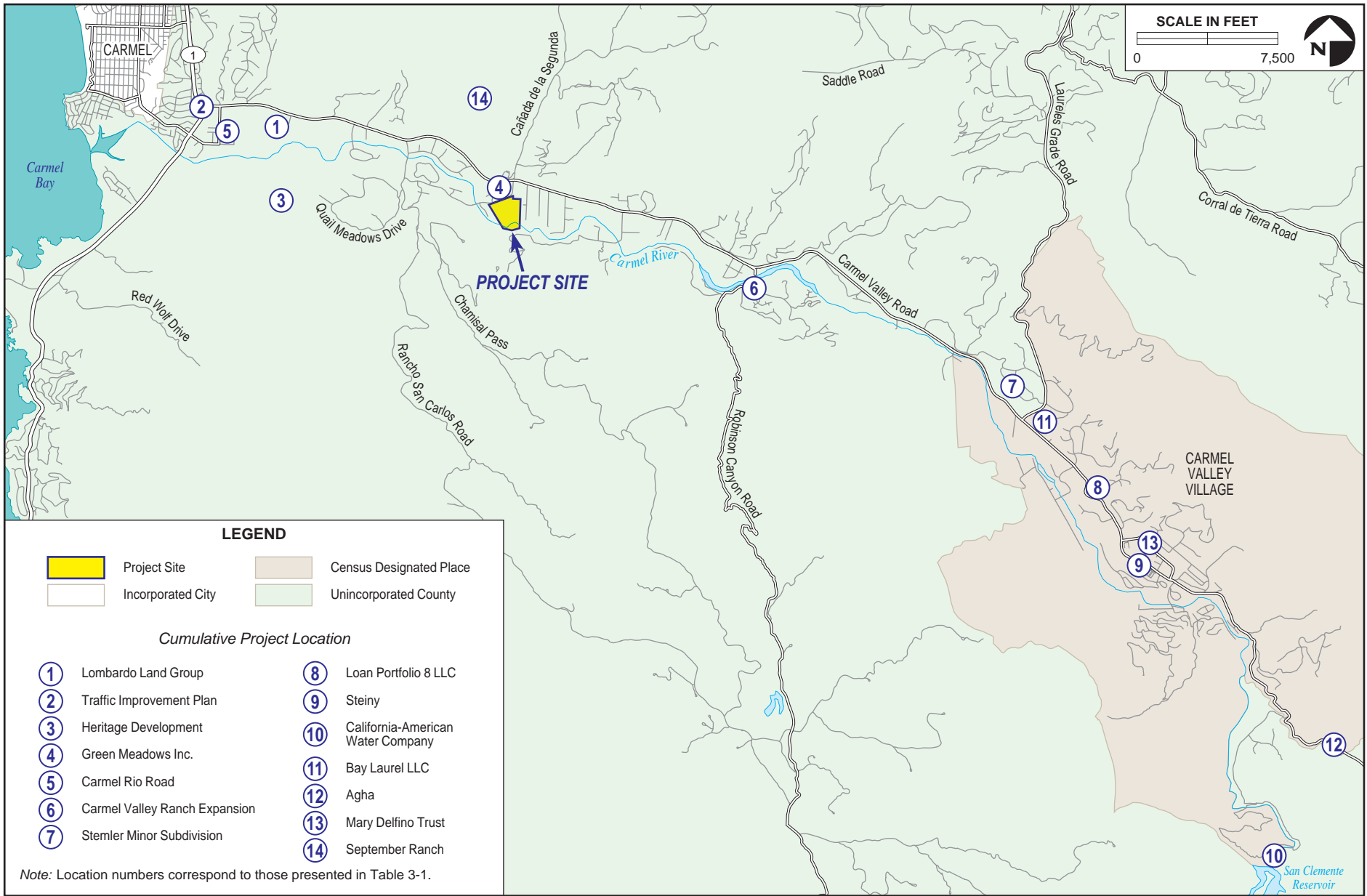
**Carmel Canine Sports Complex
Proposed Site Plan**

**FIGURE
2-1**



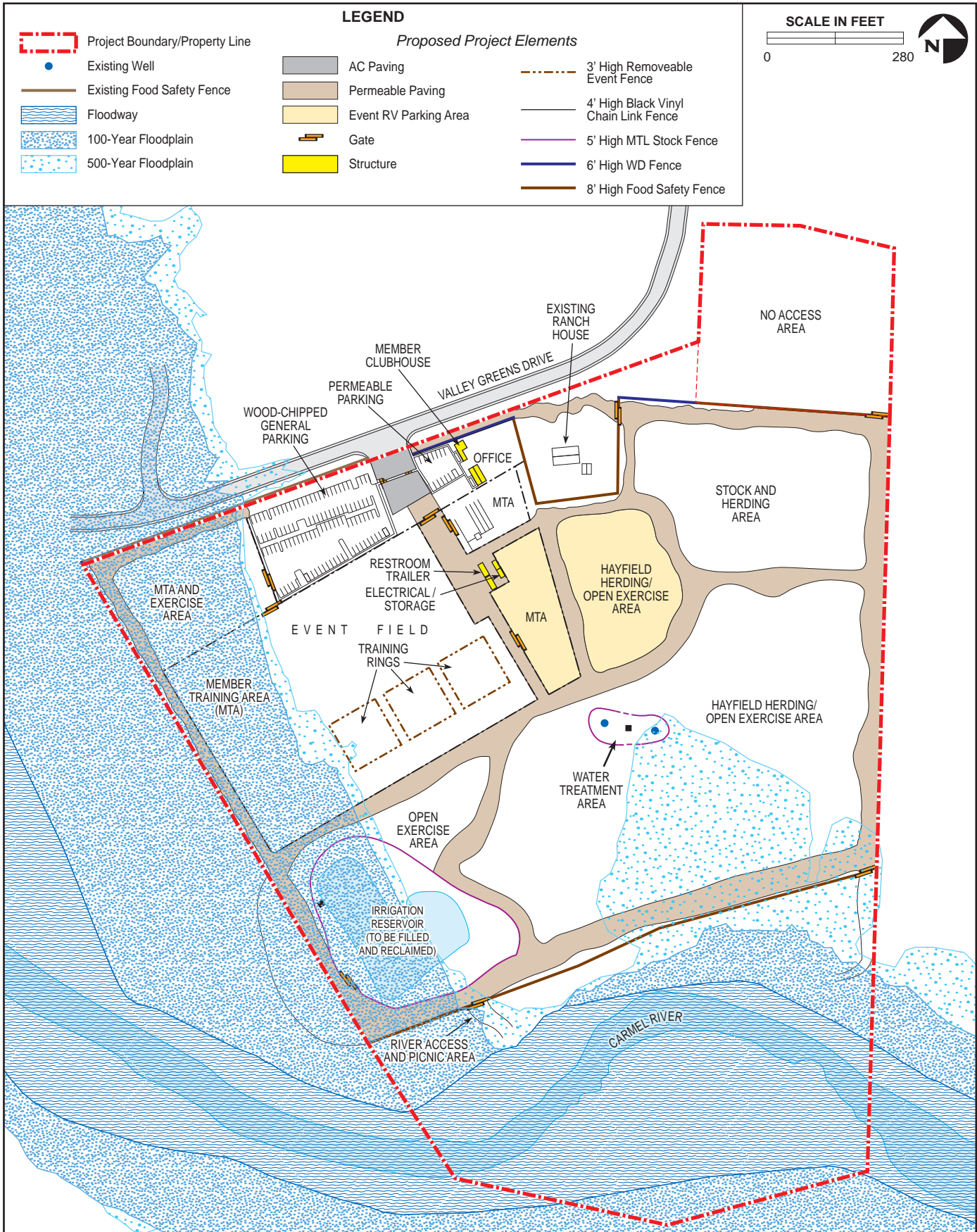
Example Event Day Configurations

FIGURE 2-2



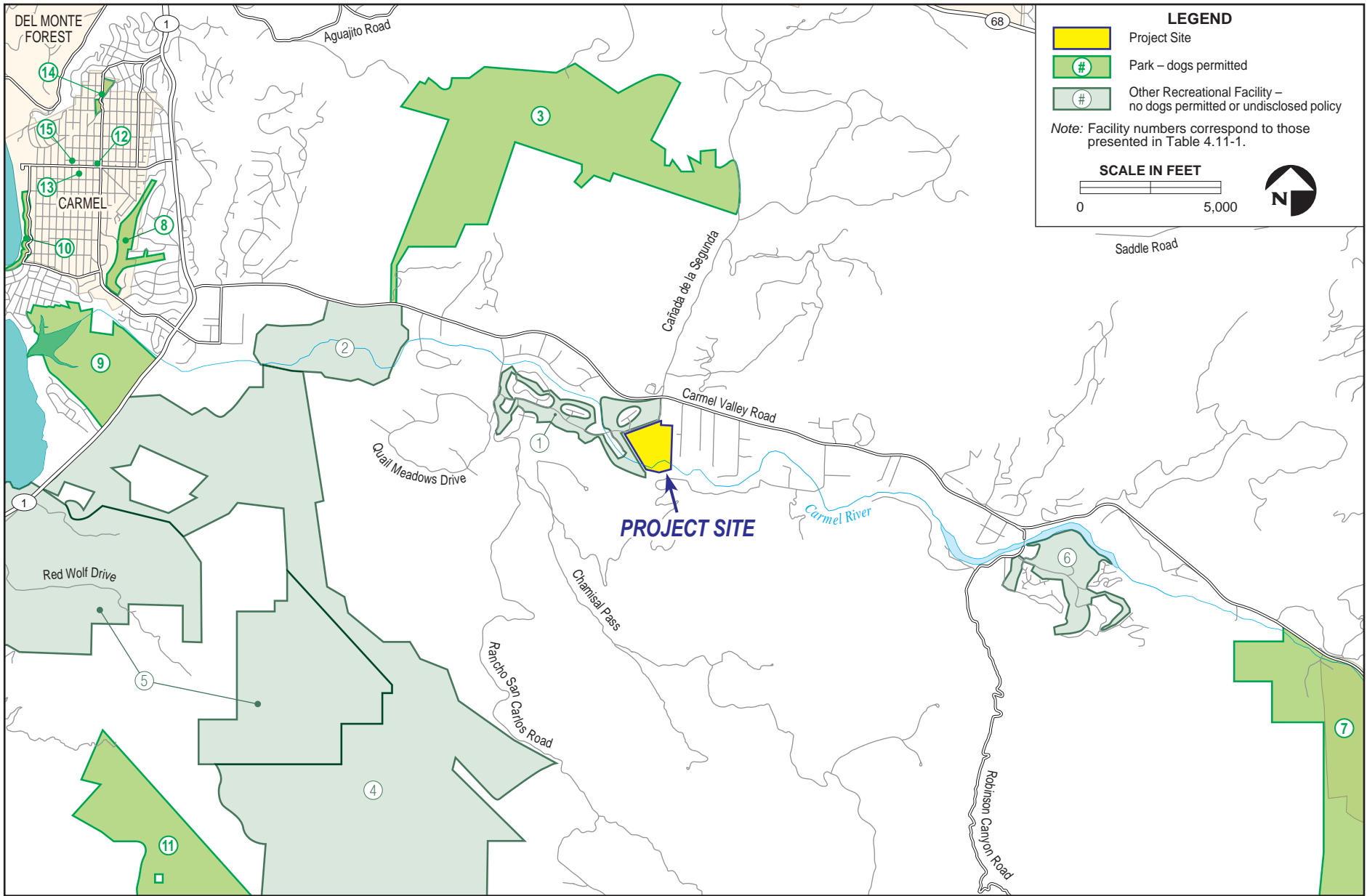
Cumulative Projects

FIGURE 3-1



Floodway and Floodplains in the Project Vicinity

FIGURE 4.8-2



Local Recreational Resources

FIGURE 4.11-1