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June 27, 2011

Mike Novo, Director of Planning
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: FEIR for Villas de Carmelo

Dear Mr. Novo:

LandWatch Monterey County has the following comments on the Final EIR for Villas de Carmelo which is a subdivision to convert 10,350 square feet of an existing hospital structure into 12 condominium units and construct 34 additional condominium units for a total of 46 condominium units in the Carmel area:

1. **Traffic.** The Highway 1/Carpenter Street intersection is expected to degrade from LOS C to LOS D under cumulative plus project conditions during weekday AM peak hour. In addition, the addition of project traffic to the Highway 1 segment between Ocean Avenue and Carmel Valley Road during each of the peak hours represents a significant project impact (p. 6-102, FEIR). The RDEIR identified several regional projects that were unfunded as mitigation measures. Reference to these projects was eliminated in the FEIR (p. 6-79). These referenced projects were replaced with a mitigation measure requiring the applicant to pay a regional impact fee to TAMC. Based on payment of the fee, traffic impacts were found to be reduced to less than significant (p. 6-108).

The FEIR finds that the TAMC Nexus Study provides the necessary legal basis under CEQA for implementing the Regional Development Impact Fee program as mitigation for cumulative impacts to the regional transportation system. The applicable CEQA provision follows:

A'15130 (a) (3)...A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures **designed to alleviate the cumulative impact**. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable (emphasis added).

CEQA ' 15130 (a)(3) is not applicable since there are no projects in TAMC's Regional Transportation Plan or in the TAMC Nexus Study that address the project's impacts at Highway 1 and Carpenter or the Highway 1 road segment. Additionally, the FEIR provides no facts or analysis supporting its conclusion that the contribution [to

cumulative impacts] will be rendered less than cumulatively considerable. **The FEIR should be revised to find the project's cumulative impact on traffic significant and unavoidable.**

2. **Water.** The Regional Desalination Project is described as being approved and identified as replacing existing water supplies that are constrained by legal decisions (p. 3-17; RDEIR, Sec. 4.14). The document references only the approval by the CPUC and fails to note that several additional major approvals are needed prior to the project moving forward, e.g., California Coastal Commission approval for the test wells and the desalination plant, and permits for discharging brine. Additionally, the project has been delayed due to alleged conflict of interest allegations. Thus, assurance that the project will replace existing water supplies is lacking.

Thank you for the opportunity to review the FEIR.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amy L. White".

Amy L. White
Executive Director