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December 10, 2008

Melody Gillette  
County of Monterey Resource Management Agency - Planning Department  
168 West Alisal, 2nd Floor  
Salinas, CA 93901

Subject: DEIR for Encina Hills Subdivision

Dear Ms. Gillette:

LandWatch Monterey County has reviewed the DEIR for Encina Hills, which is the subdivision of 344 acres into 17 lots on 164 acres with one 180-acre remainder parcel. Lots would range from about 5 acres to over 23 acres. About 154 acres of the remainder parcel would be deeded to the Monterey County Parks Department to expand Toro Park. The project includes development on slopes greater than 30% and removal of 79 coast live oak trees. We have the following comments.

#### Aesthetics and Visual Resources

1. The DEIR (p. 3.1-9) states that three lots are potentially visible from SR 68, but that steep and rolling terrain adjacent to SR 68 provides a natural screen limiting visibility of the project from the highway. Apparently the three lots are visible from SR 68 and design review is identified as an existing measure that would assure that the project would not be visible from SR 68. Design review alone does not and would not assure that projects are not visible from public viewing places. The impacts on the viewshed would be significant and unavoidable. Alternative locations for these three lots should be identified given the extensive acreage being subdivided.
2. The DEIR (p. 3.1-10) states that nine lots would be visible from BLM Land on Fort Ord and concludes that because of design review, the project would not have a significant impact. As noted above, design review frequently cannot hide development from public viewing locations. The impacts on the viewshed should be found to be significant and unavoidable.
3. The DEIR (p. 3.1-15) states the proposed project would change the character of the site from undeveloped land comprised of annual grasslands, coast live oak woodland/savanna,

coastal scrub and central maritime chaparral to rural residential development including buildings and roads. It concludes that with a mitigation measure requiring scenic easements for slopes in excess of 30 percent, the impact on visual resources would be less than significant. The DEIR (p. 3.8-8) indicates that 97 acres have slopes over 30%, with the remaining 247 acres under 30%. The EIR should address whether or not the remaining acres are within the viewshed and whether or not the project would have a significant adverse visual impact.

4. The DEIR (p. 3.1-18) states that cumulative development would continue to urbanize the area around Corral de Tierra/San Benancio Road, but concludes that design review and other policies in the County General Plan would prevent significant cumulative degradation of the visual character of the area. The DEIR does not identify the General Plan policies; it simply references policies that “emphasize preservation of the rural environment”. The cumulative impact of the project on the visual character of the community cannot be avoided as identified in the DEIR, and the impact should be found to be significant and unavoidable.

#### Air Quality

5. Table 3.2.2 is incomplete. It shows that the 8-hour ozone standard is not applicable. Please review Table 3.2-5 which correctly identifies this standard and correct Table 3.2.2 showing that the NCCAB is nonattainment for this standard.
6. The AQMP was updated in 2008 and includes AMBAG’s 2008 population forecasts. The information on p. 3.2-12 should be updated accordingly.
7. The cumulative air quality impact on ozone levels (p. 3.2-22) should be revised using the population forecasts in the 2008 AQMP which are considerably lower than those in the 2004 AQMP. AMBAG should be contacted to provide the consistency determination per the District’s CEQA Air Quality Guidelines.

#### Groundwater Resources and Hydrogeology

8. A majority of the proposed residential units is located within the El Toro Creek subarea. (p. 3.6-2). Water would be procured from wells within the San Benancio Gulch subarea of the El Toro Groundwater Basin as identified in Figure 3.6-1. The Gulch subarea overlies the Paso Robles Aquifer and the Santa Margarita Aquifer. According to the 2007 El Toro Groundwater Study prepared for Monterey County Water Resources Agency (MCWRA), “...groundwater production potential is negligible in areas underlain by granitic or metamorphic basement rocks, such as the portion of the San Benancio Gulch subarea northeast of the Harper Fault and Calera Creek subarea south of the Chupines Fault.” (P.ES-3).

The DEIR states (p. 3.66-6), “According to the MCWRA, this portion of the El Toro Planning area, including the project site, receive benefits of sustained groundwater levels

attributed to the operation of both the Nacimiento and San Antonio Reservoirs and will receive benefits of the Salinas Valley Water project upon completion.” The actual findings regarding this issue from the 2007 El Toro Groundwater Study are, “Portions of the northern margin of the El Toro Planning Area fall within Zone 2C of the Salinas Basin (Figure 1-1). Commitment for long-term water supply within Zone 2C is allocated through the implementation of the Salinas Valley Water Project, which includes benefits from the operations of Nacimiento and San Antonio Reservoirs”. The DEIR fails to point out that only portions of the project site are located within the Salinas Groundwater Basin and that the wells for the project are located in the San Benancio Gulch Subarea.

Further, the 2007 Study finds:

“Water level data compiled and reviewed for this study indicates that primary aquifer system in the El Toro Planning Area is in overdraft... If long term declines in groundwater levels and reliance on groundwater storage are acceptable to the County, the B-8 zoning could be lifted in areas with large saturated thicknesses of the El Toro Primary Aquifer System where additional groundwater production is feasible for several decades. However, if County Policy does not allow overdraft conditions and mining of groundwater, the B-8 zoning should be expanded to cover the entire extent of the El Toro Primary Aquifer System.”

9. The DEIR states (p. 3.6-6) that the project would procure water from a special assessment zone established for the Salinas Valley Water Project. The water would be obtained from the Oaks Well and New Well, which the DEIR states are both located within Zone 2C. **While the two wells may be located in the Salinas Valley Water Project Assessment Zone 2C, the wells nevertheless extract water from the El Toro Groundwater Basin which is in overdraft.** Please explain fully why the project would not exacerbate overdraft conditions in the El Toro Groundwater Basin.
10. The DEIR concludes (p. 3.6-18) that the proposed project would reduce return flow to the El Toro Groundwater Basin by approximately 5.88 AFY but that this would be considered a minimal significant adverse impact according to the Monterey County Health Department. **The potential cumulative impact should be addressed based on the 2007 findings in the in the El Toro Groundwater Study.**
11. The DEIR states (p. 3.6-6), “Groundwater quality in the El Toro Groundwater Basin is considered fair to poor. The two principal aquifers, the Paso Robles Aquifer and the Santa Margarita Aquifer, have two different water quality characteristics. The Paso Robles Aquifer is of calcium-bicarbonate type while the Santa Margarita Aquifer is of sodium-chloride type.” Figure ES-3 of the 2007 Study identifies numerous wells in the vicinity of the project wells that exceed both primary and secondary Maximum Contaminant Levels (MCLs). Water with levels exceeding MCLs do not meet national standards for drinking water safety. The DEIR states the project wells probably will exceed drinking water standards for arsenic and currently exceed secondary standards for total dissolved solids, electrical conductivity and manganese. The New Well also exceeds the secondary MCL

for Chloride. Although mitigation measures are proposed to reduce impacts to less than significant, the challenges to assuring appropriate water quality for this project appear daunting.

Transportation and Circulation

12. The following tables compare the Existing LOS for road segments as identified in the DEIRs for the proposed project and for GPU5:

Roadway Segment on SR 68	Project DEIR AM/PM Peak Hour	GPU5 DEIR (Based on Daily Capacity)
SR 218 to York Rd.	E/E (east- and westbound)	F
York Rd and Pasadera Dr	E/F (eastbound) E/B (westbound)	F
Pasadera Dr and Laureles Grade	E/F (eastbound) E/E (westbound)	F
Laureles Grade and Corral de Tierra Rd	E/F (eastbound) E/B (westbound)	F
Corral de Tierra Rd. and San Benancio Rd.	E/F (eastbound) F/F (westbound)	F

Please explain why LOS for peak hour traffic as identified in the DEIR for the Encina Hills Subdivision is better than LOS based on daily capacity.

13. The DEIR describes TAMC’s Nexus Study for a Regional Impact Fee (p. 3.10-23). The discussion of the fees is significantly out-of-date and should be revised to reflect the fee program adopted in 2008.

Alternatives Analysis

14. CEQA requires consideration of alternatives that would mitigate significant impacts. The Environmentally Superior Alternative identified in the DEIR (Modified Subdivision Design B) would eliminate development on four residential units which are downslope from existing landslide deposits and scarp. Eliminating development of these lots would reduce disturbance of soil and exposure of people and structures to hazards and decrease project density. The DEIR finds the impacts on aesthetics and visual resources, air quality, biological resources, geology, groundwater resources, surface water hydrology, public services, transportation and noise would be less than the proposed project. This alternative is rejected because it does not meet all of the proposed project objectives.

The project’s objective is to subdivide 344 acres into 17 lots; thus, by definition, an alternative that reduces the number of lots would not meet the project’s objectives.

However, CEQA requires (§ CEQA Guidelines 151126.6) that alternatives that reduce impacts be evaluated “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.... Among the factors that may be used to eliminate alternatives... are (I) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts”. The discussion regarding rejection of the Environmentally Superior Alternative should be revised to address the criteria identified above or the alternative should not be rejected.

Thank you for the opportunity to review the document.

Sincerely,

//s//

Chris Fitz, Executive Director  
LandWatch Monterey County