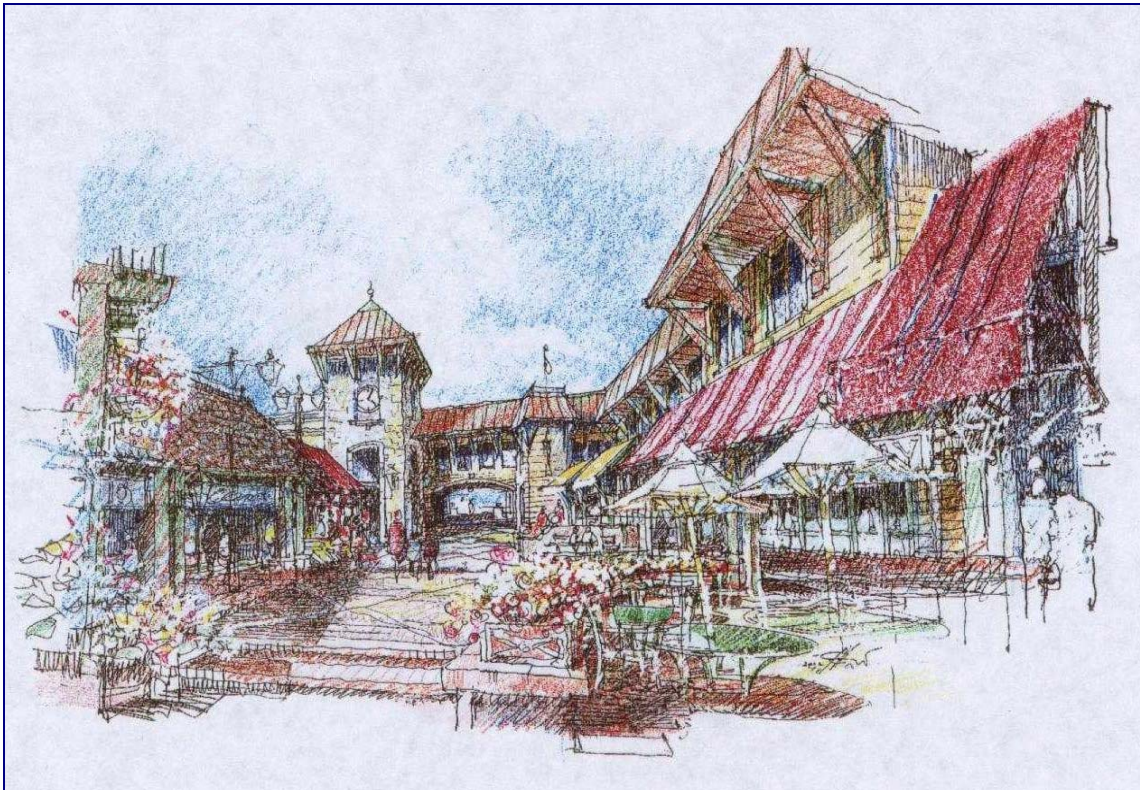


**FINAL
ENVIRONMENTAL IMPACT REPORT**

**CORRAL DE TIERRA NEIGHBORHOOD RETAIL VILLAGE
COUNTY OF MONTEREY, CALIFORNIA**



**COUNTY OF MONTEREY
RESOURCE MANAGEMENT AGENCY**

November 2010

FINAL ENVIRONMENTAL IMPACT REPORT

CORRAL DE TIERRA NEIGHBORHOOD RETAIL VILLAGE COUNTY OF MONTEREY, CALIFORNIA

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LSA

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- b. California's Groundwater Bulletin 118, Salinas Valley Groundwater Basin, Corral de Tierra Area Subbasin
- c. Balance Hydrologics, Inc., August 26, 2010 –Peer Review – Revised Evaluation of Potential for Increased Groundwater Recharge, Proposed Commercial Project, Corral de Tierra Road and Highway 68 dated October 14, 2009, prepared by Whitson Engineers
- d. Stormtech Subsurface Stormwater Management, August 11, 2010 – Proposed StormTech System, Corral de Tierra Project, Monterey County, CA and related supporting documentation
- e. Brian Finegan, Denise Duffy, DD&A, Eric Phelps, Applicant, November 5, 2010 – Corral de Tierra Commercial Project Water Demand Information
- f. TERRAPIN, November 8, 2010 – Detailed Irrigation References at Corral de Tierra Project
- g. DICKSON & ASSOCIATES, INC., November 4, 2010 – Corral de Tierra, Monterey, California
- h. Whitson Engineers, November 12, 2010 – Corral de Tierra Commercial Development – Storm Drainage Improvements on the Former Service Station Parcel as Required to Satisfy Water balance Assumptions

- i. Denise Duffy & Associates, October 8, 2010 – Corral de Tierra Project (Phelps Property) California Red-legged Frog and California Tiger Salamander Habitat Assessment Report
- j. Marina Coast Water District – Marina Coast Water District Assigned Water use Factors for Determining Water Capacity Charges
- k. Monterey Peninsula Water Management District – Commercial Water release Form and Water Permit Application
- l. Whitson Engineers, October 14, 2009 – Revised Evaluation of Potential for Increased Groundwater Recharge, Proposed Commercial Project, Corral de Tierra Road and Highway 68, Monterey County, California
- m. State of California, Central Coast Regional Water Quality Control Board – Charette Materials: Implementing LID 7 Hydromodification Controls
- n. Hatch, Mott, MacDonald, Traffic Report, Harper Canyon Subdivision – Appendix C, Trip Generation for Approved Projects
- o. Hatch, Mott, MacDonald, Traffic Report, Harper Canyon Subdivision – Appendix G, Trip Generation for Approved Projects
- p. Various, Attachments to Comment Letter II submitted by Mr. Brian Finegan
- q. Whitson Engineers, July 2002 – Vesting Tentative Map, Proposed Commercial Subdivision, Corral de Tierra, California [Note: This is an enlarged version (11x17) of Figure 3.3 of the DEIR provide for improved readability]
- r. Geosyntec Consultants, June, 2010 – Geologic Map and Cross-Sections from El Toro to Salinas Valley.

INTRODUCTION

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the County of Monterey, as the lead agency, has evaluated the comments received on the Draft EIR (May 2010). The responses to the comments and other documents, including additional documentation submitted by the applicant, and which are included in this volume, together with the DEIR comprise the Final EIR for use by the Monterey County Planning Commission and the Board of Supervisors in their review.

This document includes a copy of each letter received on the DEIR. Responses to comments on the DEIR environmental analysis are provided following each letter. Some public comments received on the DEIR may be outside the scope of the EIR evaluation of environmental impacts or are opinions without evidentiary basis. For non-environmental comments, such as questions or concerns on other planning or socioeconomic issues, or comments that offer the commentator's opinions in support or opposition to the project itself, comments are noted but do not necessarily constitute a substantial environmental issue requiring response in the context of the EIR. These may be considered separately by the decision makers.

In some cases, responses to comments require changes to the text or figures in the DEIR. These changes are noted in the response and are also included in the Errata section of the FEIR.

The Final EIR consists of the following:

- Draft EIR
- Draft EIR Appendices
- Responses to Comments on the Draft EIR
- Errata to the Draft EIR
- Appendix K Additional Information Used to Address Comments on the DEIR.

2.1 MASTER RESPONSES

MASTER RESPONSE No. 1: PROJECT DESCRIPTION

Commenters have raised a number of questions with respect to the Project Description including a) whether or not the adjacent gas station site (also owned by the Project proponent) are included in the Project; b) whether the adjacent hillside is included in the Project; and c) whether wells in the Project Area are included in the Project. The Project includes the Project Site as described below, but also relies upon runoff from the adjacent gas station site solely for the purpose of calculating water balance..

Project Site. The Project Site consists of two lots of record occupying approximately 11 acres. The adjacent gas station site is not proposed for development as part of the proposed shopping center complex. Access to the gas station site is also separate from the access points to the Project.

Water Balance. Commenters are referred to Table 4.7.B on page 256 and Tables 6B on page 462 and Table 6.E on page 479 for the water balance analysis for the Proposed Project and each alternative. The area used for calculating the Project's water balance(i.e. recharge that will be collected and directed to the underground water basin) included

- Project Site (11 acres)
- Gas Station Site (.7 acres)

The Project design does not include collecting runoff from the adjacent hillside. The runoff from the adjacent hillside is assumed to be the same as for pre-project conditions.

The area used for the calculation of the water balance for Alternatives 2 and 3 included

- Project Site (11 acres)
- Gas Station Site(.7 acres)
- Adjacent Hillside (3.6 acres)

This totals 15.3 acres. The retention system for these alternatives is specifically designed to capture runoff from all three areas.

Wells on the Project Site. There is currently a well on the Project Site that serves the Hargis subdivision (Well 115). Well 115 has 9 connections of which 7 are active. This well will not be used to serve the Proposed Project and has not been included in the water balance for the subject site. Well 94 which is located on the gas station site will not be used to serve the Proposed Project and has not been used as part of the water balance for the Proposed Project. As noted on page 67, water for the Proposed Project will be provided by the Ambler Park Water System owned by Cal Am through the use of water supply wells that are approximately 500 feet southeast of the Project Site.

The County is proposing an errata to page 67 to clarify that runoff from the gas station site is included in the calculation of the amount of runoff that will be captured in the underground retention/detention

facility for the Proposed Project as follows;

“Storm water runoff from the Project Site and adjacent gas station site would flow through a system of storm drains and catch basins to a proposed underground retention/detention system in the northeast corner of the Project Site adjacent to SR-68(refer to Figure 3.8). “

The County will also include a condition of approval that will prohibit the gas station site from receiving any credit for water runoff from the site being applied/counted in a water balance analysis for development on that site. This condition will be enforced in part through recordation of a deed restriction on the gas station site.

MASTER RESPONSE No. 2: VALIDITY OF WATER BALANCE

Commenters have raised a number of issues with respect to the validity of the Water Balance analysis, including the following:

- a) Methodology and demand assumptions utilized for calculating water consumption on the proposed site.
- b) Rainfall assumptions
- c) Ability to enforce assumptions regarding water limits
- d) Reliance on information provided by the applicant.

A. Estimated Water Demand

Concerns were raised about the methodology used to calculate the water demand figures for the center. The water demand projections contained in the DEIR were prepared by the applicant based upon water demand factors from Monterey Peninsula Water Management District (MPWMD) and Marina Coast Water District (MCWD) estimates. The project is not located within the boundaries of either MPWMD or MCWD, so neither agency's factors are a requirement of this project, but these factors are considered representative of anticipated project water demands. The DEIR water demand factors were used in a recent Water Supply Assessment (WSA) prepared by Byron Buck & Associates and adopted by MCWD for the proposed Seaside Main Gate Project.

Comments questioned why the MPWMD factors were not used. It is common practice to utilize factors that are the most reasonable for the application involved. In this case the water demand factor for Retail Uses was taken from the MCWD and the food service factor was taken from the MPWMD. This was the approach used in the Seaside Main Gate Project referenced above. The factors of both MCWD and MPWMD are included in the appendix to this document.

In response to the comments on the Water Demand Analysis Denise Duffy (consultant to the applicant) prepared “Corral de Tierra Commercial Project Water Demand Information” dated November 5, 2010 (See Appendix K). This information identified the water demand presented in the DEIR and compared it to three different scenarios of determining water demand. The three scenarios included a Fixture Based Water Demand, MPWMD Project Water Demand, and a Combination of MCWD and MPWMD Water Demand. The comparison of the four different methods is provided in the following table:

Factors Used	Water Usage (AFY)
Draft EIR	11.34
Fixture Based	9.86
MPWD	13.53
MCWD/MPWD	12.39

The Fixture Based Water Demand is based upon a combination of retail for the Market and fixtures for the remainder of the center. It is premature to have a sufficient level of detail to determine if this approach is truly possible. In applying the MPWMD factors the Market was assigned a retail water demand factor. This factor is appropriate for "Family Grocery". Under the MPWMD approach, a supermarket would have a higher water demand factor. The Family Grocery is considered appropriate in this case because the market will not have any of the accessory uses commonly associated with a supermarket such as prepared foods, coffee bar, etc. Applying the MPWMD Water Demand Factors as described, the use water demand for the project would be 13.53 acre feet per year.

In the Alternatives Analysis, the LEED alternative and staff reduced density alternative assume aggressive water conservation measures. It is assumed in the DEIR that a 30% reduction in water use inside the building can be achieved using LEED technology for water conservation. Estimates for reductions that can be achieved by fixtures that comply with LEED standards range from 15 percent- 50 percent reduction for irrigation systems (Paige Gimbal, LEED-AP, ASIC, CID, EPA WaterSense Partner).

The landscape water conservation program is based on using Terrapin Bright Green assumptions. According to Terrapin Bright Green, LLC, water demand reductions can be realized in connection with project landscaping to reduce demands by approximately 90% through a combination of xeriscaping, drip irrigation, and automatic sensors. Terrapin has indicated that in some locations plant selection alone can reduce landscape demand by 50% or more.

The result of these water savings measures showed the following water demands and positive water balances taken from Table 6B and Table 6.E of the DEIR:

Alternative	Water Usage (AFY)	Post Project Water Balance
LEED	6.46	3.5
Staff Reduced Density ¹	6.10	3.6

1. See Corrected Table 6.E in the Errata

For purposes of comparison a new Water Balance Analysis was prepared for the LEED Alternative and the Reduced Density Alternative. These are shown in the tables on the following pages. These analyses assumed use of the MPWMD water demand assumptions identified above, and assumed a more conservative 80% savings in irrigation. In the reduced density alternative the percentage of

Revised Table 6.B Water Balance Analysis for Alternative 2: LEED Silver Design.

Corral De Tierra Neighborhood Village Project - LEED Alternative REVISED					
Water Balance Analysis					
Pre-Project					
Water Use					Water Use AFY
Project Site					0.00
Existing Service Station					0.00
Hillside					0.00
Total Water Use					0.00
Recharge	Total Area acres	Undeveloped Area (1) acres	Mean Annual Precipitation(2) inches/year	Recharge Rate (3)	Recharge AFY
Project Site	11.0	11.0	15.5	0.04	0.57
Existing Service Station	0.7	0.07	15.5	0.01	0.00
Hillside	3.6	3.6	15.5	0.08	0.37
Total Recharge					0.94
Water Balance = Recharge - Water Use					0.94
Post-Project					
Water Use	Area (4) square feet	Multiplier (5)		Demand AFY	LEED (6) AFY
Retail/Office/Market	109,500	0.00007		7.665	5.366
Deli/Pizza/Bakery/Coffee	17,023	0.0002		3.4046	2.383
Landscaping	1.69 acres x 1.46 af/ac per Denise Duffy and Associates			2.46	0.492
Total Water Use					8.24
Recharge	Total Area acres	Developed Area (7) acres	Mean Annual Precipitation inches/year	Recharge Rate (8)	Recharge AFY
Project Site	11.0	9.35	15.5	0.80	9.66
Existing Service Station	0.7	0.63	15.5	0.80	0.65
Hillside	3.6	0	15.5	0.13	0.60
Total					10.92
Water Balance = Recharge - Water Use					2.68
Net Change					
Post-Project Water Balance - Pre-Project Water Balance					1.7

Notes:

1. The *Revised Evaluation of Potential for Increased Groundwater Recharge* dated October 14, 2009, states that 90% of the service station parcel is impervious surface and the remaining 10% of its area is available for recharge.
2. Mean Annual Precipitation provided in the *Schaaf & Wheeler Preliminary Drainage Study* dated July 30, 2002.
3. The recharge rates are based on results presented in the *Laguna Seca Subarea Phase I Hydrogeologic Update* (November 2002, prepared by Eugene B. Yates, Martin B. Feeney, and Lewis I. Rosenberg). These recharge rates represent 4%, 8%, and 1% of mean annual precipitation
4. Estimates based on conceptual drawings
5. Based on water demand factors from a Water Supply Assessment from the Marina Coast Water District for a shopping center for commercial retail uses and demand factors typically applied to individual deli and restaurant uses from Monterey Peninsula Water Management District.
6. LEED water demand has been reduced 30% for water efficient fixtures and equipment. The landscaping demand was reduced by 80% in accordance with estimates provided by Dickson & Associates, Inc.
7. The *Revised Evaluation of Potential for Increased Groundwater Recharge* prepared by Whitson Engineers dated October 14, 2009, estimated the project site would be 85% impervious surface and the service station parcel is 90% impervious.
8. The *Revised Evaluation of Potential for Increased Groundwater Recharge*, prepared by Whitson Engineers dated October 14, 2009, estimated the fraction of precipitation that would contribute to groundwater recharge could be increased to 80% for the impervious areas within the project site and former service station site due to the complete capture and percolation of runoff. According to the report, the recharge rate for adjacent hillside could be increased from 8% to 13%. The contribution to groundwater recharge from the proposed landscaped areas within the project site and service station parcel is taken as zero as a conservative assumption.

Revised Table 6.E Water Balance Analysis for Reduced Density/Redesigned Project Alternative

Corral De Tierra Neighborhood Village Project - Staff Alternative REVISED Water Balance Analysis					
Pre-Project					
Water Use					Water Use AFY
Project Site					0.00
Existing Service Station					0.00
Hillside					0.00
Total Water Use					0.00
Recharge	Total Area acres	Undeveloped Area (1) acres	Mean Annual Precipitation(2) inches/year	Recharge Rate (3)	Recharge AFY
Project Site	11.0	11.0	15.5	0.04	0.57
Existing Service Station	0.7	0.07	15.5	0.01	0.00
Hillside	3.6	3.6	15.5	0.08	0.37
Total Recharge					0.94
Water Balance = Recharge - Water Use					0.94
Post-Project					
Water Use	Area (4) square feet	Multiplier (5)		Demand AFY	LEED (6) AFY
Retail/Office/Grocery	102,092	0.00007		7.14644	5.003
Deli/Pizza/Bakery/Coffee	15,831	0.0002		3.1662	2.216
Landscaping	1.69 acres x 1.46 af/ac per Denise Duffy and Associates			2.46	0.492
Total Water Use					7.71
Recharge	Total Area acres	Developed Area (7) acres	Mean Annual Precipitation inches/year	Recharge Rate (8)	Recharge AFY
Project Site	11.0	9.35	15.5	0.80	9.66
Existing Service Station	0.7	0.63	15.5	0.80	0.65
Hillside	3.6	0	15.5	0.13	0.60
Total					10.92
Water Balance = Recharge - Water Use					3.21
Net Change					
Post-Project Water Balance - Pre-Project Water Balance					2.3

retail to food service remained consistent with that of the proposed project. The following table summarizes the water usage numbers and resulting water balance would be achieved:

Alternative	<u>Water Usage (AFY)</u>	<u>Post Project Water Balance</u>
LEED	8.24	1.7
Staff Reduced Density ¹	7.71	2.3

The result of using the MPWMD water use factors shows an increase in the water demand for the site, but consistent with the alternatives presented in the DEIR, a positive water balance can be still be achieved with use of LEED water conserving technology and planting xeriscape and drought tolerant landscaping.

B. Rainfall

The water balance analyses are based upon long term mean annual rainfall data for the County. Rainfall data and correction factors were derived from Monterey County Water Resource Agency data analysis. The average rainfall factor assumed by Whitson (October 14, 2009, "Potential for Increased Groundwater Recharge") was 15.5." This information was derived from the Laguna Seca Subarea Phase III Hydrogeologic Update (November 2002, prepared for the Monterey Peninsula Water Management District by Eugene B Yates, Martin B. Feeney, and Lewis I, Rosenberg). This is considered to be a conservative number given that the Geosyntec Report 2006 assumed an average annual rainfall of 16.70" per year.

As for potential change in rainfall caused by climate change, at this time there is no way of knowing how climate change will affect rainfall in the project area. If climate change leads to increased temperatures and increased evaporation it may also lead to increased rainfall. Therefore the County has utilized rainfall data used to calculate the water balance that is an average of known data.

C. Enforcement

Commenters have raised concerns about the County's ability to insure that the development does not exceed the water usage evaluated in the DEIR. The County has enforced conditions and mitigation measures in the past with respect to water conservation measures. In 2002, as part of mitigation monitoring and compliance activity, the County required a homeowners association to remove all landscaping at its entryway and replace this with drought tolerant landscaping as per the conditions of approval. Similar enforcement was taken with respect to individual lots whose landscaping was not in compliance. Similar action was taken in the same subdivision in 2006 with respect to denial of building plans whose fixtures exceeded the estimated demand that had been assumed for total subdivision consumption. Last, the County has filed code enforcement actions against development that is not in compliance with conditions pertaining to drainage system operation. Recent adoption of a code enforcement ordinance (Ordinance 5122, January 2009) provides additional tools for the County to enforce conditions and mitigation measures in a more timely fashion and to obtain compliance.

In the event that the County approves the project or one of the alternatives, the County would propose a Mitigation Measure (Mitigation Measure 4.7.8) that would limit the amount of water used by the project on an annual basis. This would include the requirement to provide quarterly reports for the first two years and yearly after that, as well as measures to limit the use of the shopping center to ensure that the water cap is not exceeded. The measures would be imposed as a condition of the General Development Plan and will be implemented through CC&Rs to account for the multiple parcels within the center. A critical decision is deciding upon an appropriate water use cap. The net recharge rate is approximately 9.7 AFY and therefore the cap should be under that number. A cap of 9.0 AFY is proposed in the mitigation measure to stay conservatively under the recharge rate. Mitigation Measure 4.7.8 would read as follows:

Water Cap

The total amount of water which can be used on the site on an annual basis is 9.0 acre feet per year. The owner/shopping center developer shall be responsible for developing a refined water use plan demonstrating that the 9.0 acre feet cap can be achieved. The water use plan shall include a mechanism to track all water consumption on the site. The water use plan shall be reviewed and approved by the Director of Planning and the General Manager of the Water Resources Agency prior to issuance of any permits.

Reporting

The applicant or shopping center owner shall provide reports to the General Manager of the Water Resources Agency of water consumption on the site. For the first two years after occupancy, the reports shall be submitted quarterly, and annually thereafter. If any report suggests that annual consumption of the site will exceed the cap for the year, then the General Manager shall have authority to impose measures to be taken to bring the site into compliance with the cap. These may include but are not limited to, limitation on specific consumptive uses within tenant spaces, holding certain spaces vacant, and restricting or eliminating the water usage for landscaping. The General Manager of the Water Resources Agency shall have the authority to return to quarterly reporting in the event of a repeated exceedence of the cap.

Landscaping

The shopping center shall provide a separate meter for the water conveyed to the Landscape Irrigation system. The amount of water used in the landscaping shall be included in all reports.

D. Differences from applicant submittal

The water balance analyses for the proposed Project, LEED alternative, and staff alternative were prepared using data provided by the applicant which was then reviewed by County staff. The water balance analyses included estimates of current demand on the subject property, estimates of future demand, and calculations of recharge from natural sources and engineered infiltration systems. To account for the hydrologic change resulting from the conversion of natural land to impervious surfaces, Monterey County staff included the estimated pre-project recharge volume in each water balance analysis. The staff alternative water balance analysis includes reduced area for both

commercial/retail/office and restaurant/deli/food services categories. In addition, earlier estimates from Whitson with respect to the estimated recharge were evaluated. County staff believed that the original estimates provided by the applicant overstated recharge values and requested that the applicant resubmit the analysis using Laguna Seca Subarea Phase III Hydrogeologic Update (November 2002, prepared for the Monterey Peninsula Water Management District by Eugene B Yates, Martin B. Feeney, and Lewis I, Rosenberg) assumptions which are more representative of the project area. This subsequent analysis was provided by Whitson Engineers and is in the Appendix to the DEIR.

MASTER RESPONSE No. 3: STORM WATER RECHARGE

Commenters expressed concern regarding the ability to demonstrate recharge of groundwater and questioned the County's practice of including recharge in the water balance analysis. Commenters also questioned the ability of storm tech chambers to accomplish introduction of water into groundwater.

The use of retention basins to recharge groundwater is a recognized technology among professional agencies in California. In response to comments regarding the potential efficacy of the technology proposed for the Project, the County reviewed the Cal Trans Final Report ID CTSW-RT-050 (2004) regarding BMPs for stormwater detention.¹ The County also reviewed several documents prepared by the Central Coast Regional Water Quality Control Board which is coordinating an interagency project "Development and Implementation of Hydromodification Control Criteria Methodology for the Central Coast Region and Other California Municipalities" (See Appendix K). The project, which is ongoing, has as one of its objectives to determine appropriate technologies for enhancing infiltration. Based on the County's review of the materials submitted by the applicant, review of the materials cited above and County staff's professional experience with respect to storm drainage issues, staff believe that the retention proposal for the Proposed Project is reasonable. Measures to ensure adequate maintenance are included in proposed Mitigation Measure 4.7.6. The County is also adding a provision that would require the applicant to adopt BMPs or other proposed recommendations that might emerge from the work of the Central Coast RWQCB should these be available to inform specific project engineering for this element. The following text would be added to MM 4.7.6:

"In the design of the drainage facilities for the Project, the applicant shall incorporate any appropriate BMPs or other proposed recommendation from the Central Coast Regional Water Quality Control Board 'Hydromodification Control Criteria Methodology Study' that are adopted in the CCRWQCB at the time of Project design. These design features shall be reviewed and approved by the County Water Resources Agency and Building Services Department for consistency with the BMPs and/or recommendations and with Count standards."

The applicant has provided additional material on the use of the Storm Tech Chambers, but notes that this is an example of a specific product by a specific manufacturer. Storm Tech Chambers are that company's product. There are comparable technologies manufactured in the U.S. with equal efficacy. See also Master Response 4 below.

¹ REPORT ID CTSW - RT - 01 - 050 "BMP Retrofit Pilot Program, January 2004, California Department of Transportation CALTRANS, DIVISION of ENVIRONMENTAL ANALYSIS.

The El Toro Groundwater Study prepared by Geosyntec, dated July 2007, included additional suggestions and recommendations for improved management, utilization, and preservation of water resources in the El Toro Planning Area including the following: Evaluate the feasibility of retaining surface water runoff and enhancing aquifer recharge. Accordingly, the proposal to include a retention facility in the Project design is consistent with these recommendations for addressing groundwater resources in the El Toro Study Area.

MASTER RESPONSE No. 4: MAINTENANCE OF DRAINAGE FACILITIES

Comments expressed concern with the success of the recharge facilities if they are not maintained. There were two components to this concern: the first relates to how would they be maintained and who would insure that maintenance occurs, and secondly would this be affected by the possibility that there may be more than one property owner involved in the center.

As stated on page 264 of the Draft EIR (Mitigation Measure 4.7.6), the applicant would be required to sign a Drainage and Flood Control Systems Agreement for the maintenance of project related drainage facilities. The mitigation measure requires the agreement to include a summary of required annual maintenance activities and provisions for the preparation of an annual report by a registered civil engineer. The annual report would be submitted to the MCWRA for review and approval. The MCWRA and Monterey County Counsel would approve the agreement prior to filing of final map or issuance of building permits in the event that there is no final map.

If the drainage facilities are not properly maintained, the agreement identifies a process through which the MCWRA is granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance, or improvements necessary to operate the drainage and flood control facilities for the project. The MCWRA retains the right to collect the cost for said repairs from the property owners. According to the MCWRA, there are many subdivisions in Monterey County that are required to submit annual drainage reports. The approved drainage analysis, drainage plans, and annual drainage reports will be available at the MCWRA.

MASTER RESPONSE No 5: HYDROGEOLOGY – SALINAS VALLEY GROUNDWATER BASIN – CORRAL DE TIERRA SUBBASIN, EL TORO PRIMARY AQUIFER SYSTEM, AND MONTEREY COUNTY WATER RESOURCES AGENCY ZONE 2C.

In the comments received there were references to basins, sub basins and aquifers that were incorrectly stated and references to the findings of the Geosyntec 2007 report which are not correct. This Master Response has been prepared to correctly identify the water basins, subbasins and aquifers in the context of the Geosyntec (2007) report.

State of California Department of Water Resources Bulletin 11

The Project is located within the Salinas Valley Groundwater Basin, Corral de Tierra Subbasin defined in *Bulletin 118 California's Groundwater* prepared by the State of California Department of Water Resources. The subbasin includes outcrops of plio-pleistocene nonmarine units, including the Aromas Sands, the Paso Robles Formation, the Santa Margarita Formation, and the Monterey Formation (Jennings and Strand 1956, Muir 1982 and GTC 1984). The subbasin is bounded on the northwest by the

Seaside Area Subbasin, and on the northeast by the 180/400 foot aquifer subbasin. On the south and southwest, the subbasin is bounded by Middle Miocene marine rock units, and a portion of the eastern boundary is a small area of Mesozoic granitic rocks (Jennings and Strand 1956).

From oldest to youngest, the primary water-bearing units of the subbasin are the Miocene/Pliocene Santa Margarita Formation, the Pliocene Paso Robles Formation, and the Pleistocene Aromas Sands. Groundwater also occurs locally in alluvial material along creeks in the canyon bottoms.

The Santa Margarita Formation is a poorly consolidated marine sandstone. This unit is an important water-bearing formation in the subbasin. It underlies the Paso Robles Formation and has a maximum thickness of 225 feet (GTC 1984).

The Paso Robles Formation is the major water-bearing unit in the area and consists of sand, gravel, and clay interbedded with some minor calcareous beds (GTC 1984).

The Aromas Sands consist of relatively clean red to yellowish-brown, well sorted sand and has an estimated thickness of up to 200 feet within the subbasin.

El Toro Groundwater Study, Geosyntec, July 2007

The primary objective of the El Toro Groundwater Study was to evaluate groundwater resource capacity of the El Toro Planning Area and recommend maintaining or revising the B-8 zoning overlay. The El Toro Planning Area is a watershed-based planning area comprised of five designated planning subareas including: Calera Creek, Watson Creek, Corral de Tierra, San Benancio Gulch, and El Toro Creek.

According to the El Toro Groundwater Study, the Santa Margarita Sandstone and continental deposits commonly called the "Aromas-Paso Robles" are the primary aquifers in the El Toro Planning Area. The study refers to the units collectively as the El Toro Primary Aquifer System, and states aquifers are contiguous between the northwestern margin of the El Toro Planning Area and the Laguna Seca area of the Seaside groundwater basin to the west near Highway 68. Groundwater flow from El Toro Planning Area to Laguna Seca in the range of 200 to 500 AF/Y was estimated by Yates et al. (2002) based on Darcy flux calculations and groundwater modeling. The direction of groundwater flow between the El Toro and Laguna Seca Planning Areas depends on local hydraulic gradients that are controlled by pumping.

The Geosyntec Report evaluated existing hydrologic reports (Anderson-Nichols (1981); Stall, Gardner & Dunne, Inc. (1991); Fugro West, Inc (1996); Yates, Feeney, Rosenberg, (2002); Rosenberg (2001); Yates, Feeney Rosenberg (2005). It reviewed the water-balance water-budget methodologies used in these previous reports. Geosyntec built on the analysis of these reports, to develop a ground water level trend analysis. Based on water level data compiled and reviewed, the study concludes the primary aquifer system in the El Toro Planning Area is in overdraft. The study also concludes that current and increased rates of pumping can be sustained for decades in areas with large saturated thickness of the El Toro Primary Aquifer System because of the large volume of groundwater in storage.

The methodology and supporting data used in the Geosyntec Report was refined in consultation with County staff. The Geosyntec Report was presented to the Monterey County Board of Supervisors. The Board of Supervisors accepted the report, and directed staff to move forward with an evaluation of the

recommendations. The El Toro Groundwater Study is the accepted analysis by the County, building on the work of prior consultants, relative to the condition of the groundwater resources within the study area.

Monterey County Water Resources Agency Zone 2C

The proposed project is located outside of Monterey County Water Resources Agency Zone 2C which is an assessment zone that includes lands receiving special benefit from the Salinas Valley Water Project. These benefits are deemed special benefits; therefore, only those parcels that receive special benefits are expected to fund the project. Zone 2C was defined based on geologic conditions and hydrological factors which define and limit the area of benefits derived from operation of Nacimiento and San Antonio Reservoirs and construction of the Salinas Valley Water Project. The eight criteria used to establish Zone 2C are presented in section 3.1 of Salinas Valley Water Project Engineer's Report prepared by RMC dated January 2003. In addition, the County updated the GeoSyntec Report in August of 2010 with respect to the connectivity of the El Toro Groundwater Basin. In addition, the County updated the GeoSyntec Report in August of 2010 with respect to the connectivity of the El Toro Groundwater Basin. A new exhibit is included in the update which indicates the demarcation between those portions of the study area that are in Zone 2C and those that are not as an indication of the areas that have available water supply. The exhibit is provided in the FEIR Appendix K.

Conclusions

As stated on page 255 of the Draft EIR, the Project would result in a net deficit to the groundwater basin. The impact of the project as proposed is significant and unavoidable. However there are alternative designs, and densities which can be used to achieve a net benefit to the ground water basin. These are expressed in the project alternatives.

**A. COMMENTS FROM CALIFORNIA DEPARTMENT OF FISH AND
GAME CENTRAL REGION – REGION 4**

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State of California - THE NATURE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

JOHN McCAMMAN, Director



Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
<http://www.dfg.ca.gov>

July 8, 2010

Luis Osorio
Resource Management Agency –
Planning Department
County of Monterey
168 West Alisal, 2nd Floor
Salinas, California 93901

Subject: Draft Environmental Impact Report (DEIR)
Corral de Tierra Neighborhood Retail Village
SCH No. 2007091137

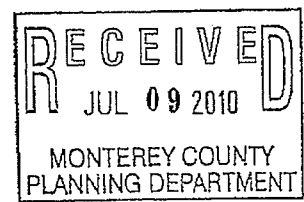
Dear Mr. Osorio:

The Department of Fish and Game has reviewed the DEIR submitted by the County of Monterey for the above Project. Project approval would allow for the subdivision of two lots of record totaling approximately 11 acres into seven lots ranging from 0.72 to 2.67 acres. The proposed retail development would include 10 retail buildings, a one-story market building with a mezzanine, a two-story office building, and 508 surface parking spaces. The Project site is located at the southeast corner of the intersection of Highway 68 with Corral de Tierra Road in the unincorporated Toro Area.

The DEIR refers to biological site assessments conducted in 2007 and prior. According to the DEIR, during March 2010, United States Fish and Wildlife (USFWS) staff advised that more current surveys to assess the potential for State- and Federally listed species should occur on the Project site. Surveys were not repeated prior to release of the DEIR, and the Department therefore does not know whether current baseline conditions are necessarily represented. Based on previous site assessments, the DEIR proposes ... repeat surveys at a later time, but it does not appear that revised or new information that characterizes the site currently is proposed for future public disclosure.

The Department has concerns regarding potential Project-related impacts to State candidate and other sensitive species, and has comments regarding proposed mitigation measures. Our specific comments follow.

Conserving California's Wildlife Since 1870



Luis Osorio
July 8, 2010
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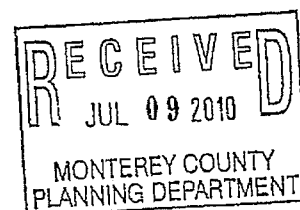
Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with the responsibility under the California Environmental Quality Act (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 Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit 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). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Statements of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080. The Project has the potential to reduce the number or restrict the range of the Federally threatened and State Candidate approved for listing California tiger salamander (*Ambystoma californiense*).

Other Rare Species: The Project has the potential to reduce the number or restrict the range of the Federally threatened red-legged frog (*Rana aurora draytonii*) and State Species of Special Concern burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), Monterey dusky-footed woodrat (*Neotoma fuscipes luciana*), Western spadefoot (*Spea hammondi*), Loggerhead shrike (*Lanius ludovicianus*), California horned lark (*Eremophila alpestris*), and northern harrier (*Circus cyaneus*).

Fully Protected Species: The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited and the Department cannot authorize their "take" for development. The white-tailed kite is a fully protected species that is known may nest and forage in the Project area vicinity, and could use the Project site for foraging, nesting, and roosting purposes.



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Page 3

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 non-game bird).

Project Recommendations

California Tiger Salamander (CTS): The Department is aware of breeding locations for this species within approximately 2 miles of the Project site both north and south of Highway 68. Based on aerial photography, suitable breeding ponds may exist in closer proximity to the Project site, which appears to contain appropriate upland habitat. Protocol-level surveys (USFWS 2003) for CTS therefore appear to be warranted. It is important to note that protocol surveys for CTS may require more than one survey season. Conducting protocol-level surveys will ensure a level of detectability sufficient to determine potential Project-related impacts to CTS. In the absence of these surveys, the applicant may instead assume presence of CTS within the Project site and obtain an Incidental Take Permit, pursuant to Fish and Game Code Section 2081.

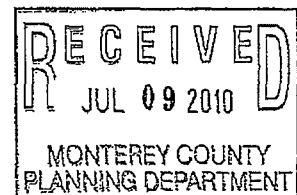
In the absence of surveys for CTS in suitable habitat, the Department would be unable to assume that the species is absent, and the measures proposed in Avoidance and Minimization Measure 4.3.4 to trench for exclusionary fencing could therefore result in "take" of CTS. Consultation with the Department is strongly recommended upon completion of a complete habitat assessment and subsequent protocol-level surveys.

"Take" under the Federal Endangered Species Act (FESA) is more stringently defined than CESA; "take" under FESA also includes 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 resting. Consultation with the USFWS for CTS to comply with FESA is also advised.

Burrowing Owl: It is not known whether nests for this species exist on the Project site. The Department recommends following the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). According to the protocol, a complete survey comprises four total site visits if the Project site contains burrows that could be used by burrowing owls. In the event that burrowing owls are detected, the Department's Staff Report on Burrowing Owl Mitigation (DFG, 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a *minimum* distance of 250 feet, unless a qualified biologist approved by the

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Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure. Impacts of this nature are violations of Fish and Game Code Sections 3503, 3503.5, 3513, and the Federal Migratory Bird Treaty Act (MBTA).



A-2

If the Project proposes to evict burrowing owls that may be present, the Department recommends passive relocation during the non-breeding season. The CEQA document should describe methods that would be used to evict owls from burrows, including a monitoring program to ensure that evicted individuals are using a relocation site. The Department's Staff Report on Burrowing Owl Mitigation (DFG, 1995) also recommends that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat. The Department recommends consultation to determine the appropriate amount of habitat. The Department also recommends the installation of artificial burrows at a minimum 1:1 replacement ratio for any burrows lost as a result of Project-related activities.

Red-Legged Frog and Western Spadefoot: The DEIR proposes in Avoidance and Minimization Measure 4.3.5 to survey and excavate potential burrows for these species and either excavate or survey burrows with a fiber optic camera. The Department does not consider surveys done with cameras to be adequate to detect animals that may be present in underground burrow systems, and the Project proponent should first consult with the USFWS regarding the potential unpermitted "take" of red-legged frog that could result from burrow excavation. This measure only addresses surveys, and does not include mitigation actions for the impacts to individuals that may be disturbed. If the Project proponent proposes to remove any individuals from the Project site, appropriate agency approvals would be necessary, including for the State Species of Special Concern Western spadefoot. The Department recommends consultation with both the USFWS and the Department to ensure that any impacts to these species and any planned removal from the Project site is conducted appropriately.

A-3

Monterey Dusky-Footed Woodrat (MDFW): The Project site could provide nesting habitat for MDFW, and the Department recommends that pre-construction surveys in appropriate habitat include a survey for MDFW in any suitable areas planned for ground disturbance. In the event that nests are located, active nests that will not be in areas of grading or vegetation removal should be avoided and protected during Project activities with a minimum 25-foot buffer. Nests that cannot be avoided should be dismantled prior to land clearing activities, to allow animals to escape harm and to reestablish territories for the next breeding season. Nests should be dismantled during the nonbreeding season, between October 1 and December 31. Dismantling should be done by hand,

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allowing any animals to escape either along existing woodrat trails or toward other available habitat. If a litter of young is found or suspected, nest material should be replaced, and the nest left alone for 2 to 3 weeks before a recheck to verify that young are capable of independent survival before proceeding with nest dismantling.

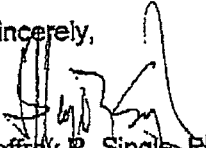
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Nesting Birds: Tree removal is planned prior to Project implementation. These trees likely provide nesting habitat for a variety of songbirds and raptors, and removal should occur during the nonbreeding season (mid-September through January). Ground nesting birds may also be present on the Project site. If construction activities or tree removal must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around active nests 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.

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If you have any questions regarding these comments, please contact Linda Connolly, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 242.

Sincerely,

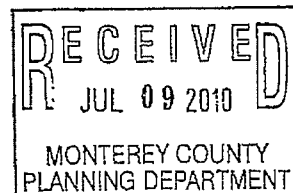


Jeffrey R. Single, Ph.D.
Regional Manager

cc: Chris Diel
United States Fish and Wildlife Service
Ventura Office
2493 Portola Road, Suite B
Ventura, California 93003

State Clearinghouse
Office of Planning and Research
Post Office Box 3044
Sacramento, California 95812-3044

cc: Jeff Cann
Linda Connolly
Department of Fish and Game



A. RESPONSES TO COMMENTS FROM CALIFORNIA DEPARTMENT OF FISH AND GAME CENTRAL REGION – REGION 4

CDFG has provided comments regarding the procedures to be utilized to determine the presence of several listed species and species of concern and appropriate mitigation should presence be determined. The response with respect to each of these species is provided below.

A-1 California Tiger Salamander (CTS). Two procedures are typically used to accurately assess the likelihood of CTS presence in the vicinity of a project site, including: (1) an assessment of CTS locality records and potential CTS habitat in and around the project area; and (2) focused field surveys of breeding pools (aquatic surveys) and their associated uplands (drift-net fencing surveys).

As described in the Draft Environmental Impact Report (DEIR) (LSA May 2010), Mitigation Measure 4.3.4 on pages 163 and 164 of the DEIR, currently requires a qualified biologist to conduct a Site Assessment per procedure (1) above. In response to the comment from California Department of Fish and Game (CDFG) that protocol-level surveys for CTS are warranted based on the presence of suitable upland habitat on the project site and the site's close proximity to suitable breeding ponds, Mitigation Measure 4.3.4 is herewith revised to provide the applicant with two mitigation options for addressing potential project-related impacts to CTS: (1) conduct focused field surveys, more specifically, drift-net surveys, of suitable upland aestivation habitat to determine CTS presence or absence on the project site; or (2) assume presence of CTS, proceed with the process of obtaining an incidental take permit from U.S. Fish and Wildlife Service (USFWS) and a consistency determination from CDFG, and mitigate as necessary. Should CTS be found on the site during completion of protocol-level surveys, suitable mitigation measures, such as avoidance, minimization, and compensation, would be determined during consultations with CDFG and USFWS.

Reference to exclusionary fencing during construction has been omitted from the revised mitigation language, since the CDFG letter mentions the possibility of take during placement of the fencing.

Mitigation Measure 4.3.4 is herewith revised as follows:

Mitigation Measure 4.3.4: California Tiger Salamander.

Mitigation Option #1. Determination of Presence/Absence of CTS by conducting a drift-net fencing surveys. Prior to issuance of a grading permit, the applicant shall retain a qualified biologist to complete a Habitat Assessment per the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003). More specifically, focused surveys of upland habitat using drift net fencing will be conducted for two years, per the methods described on page 5 of interim survey guidance. Aquatic surveys on nearby off-site breeding ponds, in combination with drift-net

fencing surveys, are frequently requested by the agencies in support of a presence or absence determination. If there is not sufficient rainfall during the survey years, it is possible that CDFG would require additional year(s) of surveys to conclude that CTS are not present on the site.

Should there be a subsequent recommendation to examine burrows on the site, the Applicant's biologist will be required to employ fiber optics rather than hand excavation.

Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measures prior to the initiation of construction activities:

- 1) A biologist familiar with CTS shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined here, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.
- 2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbances has been completed. If any CTS individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.
- 3) Silt fencing delineating the project activity boundaries adjacent to CTS breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.
- 4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.
- 5) During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.
- 6) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 7) All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Should the protocol-level surveys fail to document presence of CTS on the site, and the agencies concur that the species is absent from the site, project construction may proceed without further mitigation.

If the protocol-level surveys determine presence of CTS, the applicant shall retain a qualified biologist to prepare the application materials for a 2081 permit from CDFG and a Section 10 permit from USFWS, prior to the issuance of a grading permit. The mitigation strategy for CTS could include off-site mitigation, such as the purchase of CTS credits from the Ohlone Conservation Bank in Alameda County. Credits for CTS at this mitigation bank are currently being sold at \$45,000 per credit.

Mitigation Option #2. Assume presence of CTS. Prior to the issuance of a grading permit, the applicant shall retain a qualified biologist to prepare the application materials for a 2081 permit from CDFG and a Section 10 permit from USFWS.

Suitable mitigation measures, such as avoidance, minimization, and compensation shall be required as determined through consultation with and to the satisfaction of CDFG and USFWS. Avoidance, minimization, and compensation measures below shall be implemented. Furthermore, the mitigation strategy for CTS could include off-site mitigation, such as the purchase of CTS credits from the Ohlone Conservation Bank in Alameda County. Credits for CTS at this mitigation bank are currently being sold at \$45,000 per credit.

Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measures prior to the initiation of construction activities:

- 1) A biologist familiar with CTS shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined here, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.
- 2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbance has been completed. If any CTS individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.
- 3) Silt fencing delineating the project activity boundaries adjacent to CTS breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.
- 4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.

- 5) During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.
- 6) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 7) All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

A-2 **Burrowing Owl.** To address CDFGs comment regarding surveys and potential take of western burrowing owl, Mitigation Measure 4.3.3 on page 162 of the DIER is herewith revised as follows:

Mitigation Measure 4.3.3: Burrowing Owl. Prior to issuance of a grading permit, the following measures shall be implemented to mitigate for potential impacts to burrowing owl:

- 1) The applicant shall contract with a qualified biologist to conduct burrowing owl presence/absence surveys per the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). Since the project site contains burrows suitable for nesting of burrowing owls, the protocol requires four surveys during the nesting season (April 15 through July 15) and four surveys during the winter season (December 1 through January 31). If the survey results are negative, no further action is warranted.
- 2) If burrowing owls are found to be occupying the project site in either season, a buffer of no less than 250 feet shall be established around occupied burrows, unless a qualified biologist approved by the CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If it is determined that burrowing owls are found occupying the project site, eviction of owls shall be accomplished through passive relocation during the non-breeding season (July 16 – April 14). Passive relocation shall be accomplished by installing one-way doors at burrow entrances that are left in place and monitored daily to ensure that owls have left the burrows. Burrows shall be vacant for one week prior to excavation of the burrows (CDFG, 1995). Excavation of the burrows will ensure that no burrows remain on the site as suitable nesting habitat for the owls. Construction of the site can commence once all owls on the site have been successfully relocated and not seen on the site for at least one week. A monitoring program of the relocation site shall ensure that evicted individuals are successfully using the relocation site. This monitoring program shall be implemented for the number of years that is deemed acceptable by CDFG. The monitoring program shall

include provisions for success criteria, remedial measures, and an annual report to the CDFG.

- 3) Should owls be found on the site during protocol-level surveys, compensation for loss of foraging and breeding habitat shall be required in accordance with the CDFG Staff Report on Burrowing Owls (CDFG, 1995). Compensation, as outlined in the report, shall consist of consultation with the CDFG to: 1) determine the appropriate amount of acreage to be protected in perpetuity to compensate for the loss of foraging and breeding habitat associated with project construction and development; 2) the appropriate level of funding for long-term management and monitoring of the protected lands; and 3) the appropriate length of time that monitoring of the protected lands shall be required. In addition, artificial burrows shall be installed on protected lands either on-site (if possible) or off-site if on-site is not possible, at a minimum ratio of 1:1 for each suitable burrow destroyed by the project.

A-3 California Red-legged Frog (CRLF) and Western Spadefoot Toad (WST). To address the CDFG's comment regarding surveying for and the potential take of CRLF and WST, Mitigation Measure 4.3.5 CRLF and WST on pages 164 and 165 of the DEIR is herewith revised as follows:

Mitigation Measure 4.3.5: California Red-legged Frog and Western Spadefoot Toad. Prior to issuance of a grading permit, the project applicant shall retain a qualified biologist to first determine presence or absence of CRLF and WST. If either species is present, a mitigation strategy shall be negotiated with the agencies (USFWS and CDFG) through implementation of the following mitigation measure. The contract shall be submitted for review and approval by the County of Monterey – RMA Planning Department prior to issuance of any permits.

Habitat Assessment and Protocol-level Surveys. The applicant shall contract with a qualified biologist to complete a Habitat Assessment for CRLF and WST on the proposed project site. If results of the Habitat Assessment indicate that CRLF and WST could be present on the site, protocol-level surveys for RLF shall be completed per the 2005 USFWS Guidance. WST would be found (if present) during these RLF protocol-level surveys. Multiple surveys (up to 8) are required to determine the presence of the CRLF and WST on or near the project site. Two day surveys and four night surveys shall be required during the breeding season (February 1 through June 30). One day and one night survey shall be required during the non-breeding season (July 1 through September 30). These surveys shall consist of listening for frog calls and a visual-encounter survey. Decontamination of equipment and reporting requirements shall be followed, per the Guidance.

Should there be a recommendation to examine burrows on the site, the Applicant's biologist will be required to employ fiber optics rather than hand excavation.

Should no CRLF or WST be found on the project site during protocol-level surveys, the project shall continue as scheduled, with implementation of the avoidance and minimization measures specified below.

If CRLF and/or WST are observed within 50 feet of planned construction activities during the protocol-level day and night time surveys for CRLF and WST, all construction-related activities

shall be postponed until consultation with USFWS (CRLF) and CDFG (WST) has been established.

Compensation Measures. If the protocol-level surveys result in positive findings for CRLF or WST, consultation with the USFWS (CRLF) or the CDFG (WST) shall be required. Prior to relocation of any individuals from the project site, appropriate agency approvals shall be required. Therefore, prior to issuance of a grading permit or other authorization to proceed with project construction, the project proponent shall complete all consultation requirements with USFWS pursuant to Federal Endangered Species Act for the CRLF and with CDFG pursuant to the California Endangered Species Act for the WST, obtain all required permits, and provide approved permit documentation to the County.

As part of the permitting requirements, the applicant shall prepare a mitigation plan to address the potential impacts to CRLF and WST, and describe proposed compensatory mitigation to offset the loss of approximately 11-acres of estivation habitat resulting from project implementation. The mitigation plan shall be subject to approval by USFWS and CDFG. Compensatory mitigation for CRLF and WST habitat typically consists of habitat preservation at a minimum 2:1 ratio. Preservation of this habitat shall be accomplished through:

- a. Acquisition of suitable off-site habitat and recording a conservation easement over the property;
- b. purchasing sufficient credits at an approved conservation bank;
- c. a combination of the above methods, or
- d. other method acceptable to USFWS and CDFG.

Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measure prior to the initiation of construction activities:

- 1) A biologist familiar with CRLF and WST shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined herein, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.
- 2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbance has been completed. If any CRLF or WST individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.
- 3) Silt fencing delineating the project activity boundaries adjacent to CRLF or WST breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.

- 4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.
- 5) During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.
- 6) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 7) All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

A-4: Monterey Dusky-Footed Woodrat. The impact discussion in Section 4.3.5.1 Impacts Considered Less than Significant regarding Monterey Dusky-footed Woodrat on page 153 of the DEIR is herewith revised as follows:

Although there is a low potential for this species to occur on the project site, and no evidence of woodrat activity was observed during site surveys, this species could move onto the site prior to ground disturbance. Preconstruction surveys within two weeks prior to the start of construction are warranted to ensure that no individuals are harmed during construction. Therefore, implementation of Mitigation Measure 4.3.6 would ensure impacts to Monterey dusky-footed Woodrat is less than significant.

Mitigation Measure 4.3.6 of the DEIR is herewith added to the DEIR as follows:

Mitigation Measure 4.3.6 Monterey dusky-footed Woodrat. Prior to issuance of a grading permit, a qualified biologist shall identify any active woodrat nests that may be present, deconstruct nests prior to construction, and reconstruct suitable nests within preserved lands off-site. All activities involving deconstruction and reconstruction of nests shall be approved by CDFG. Nests that cannot be avoided shall be dismantled prior to land clearing activities to allow animals to escape harm and to reestablish territories prior to the next breeding season. Nests shall be dismantled during the nonbreeding season, between October 1 and December 31. Dismantling shall be done by hand allowing any animals to escape either along existing woodrat trails or toward other available habitat. If a litter of young is found or suspected, nest material shall be replaced, and the nest left alone for 2 to 3 weeks and then resurveyed to verify that young are capable of independent survival before proceeding with nest dismantling. Active nests that are not located in areas of grading or vegetation removal shall be avoided and protected during project activities with a minimum 25-foot buffer.

A-5: Nesting Birds. Mitigation Measure 4.3.2 Nesting Birds on page 161 is herewith revised as follows:

Mitigation Measure 4.3.2. Nesting Birds. The following measures shall be implemented to mitigate for potential impacts to nesting birds (including but not limited to Northern Harrier, white-tailed kite, California horned lark, and loggerhead shrike).

Prior to the issuance of any grading permits, the County shall verify that the project applicant has retained a qualified biologist to ensure that avoidance and minimization measures for raptor and other bird nests are in place.

- 1) If possible, all trees, brush and other potential nesting habitat that will be impacted by project construction shall be removed during the non-nesting season (September 15 through January 31).
- 2) If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (February 16 through August 31), all suitable nesting habitat within the limits of work and a 250-foot buffer shall be surveyed by a qualified biologist prior to initiating construction-related activities. The qualified biologist shall conduct preconstruction nesting surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities to locate any active nests within 250 feet of the footprint of development. Surveys shall be conducted no more than 30 days prior to the start of work. If an active nest is discovered, a buffer shall be established on the project site around the nest and delineated using orange construction fence or equivalent. Buffers for all nests shall be a minimum of 250 feet. The buffer shall be maintained in place until the end of the breeding season or until the young have fledged and the young birds are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist. The active nest sites within the exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. A report shall be prepared at the end of the construction season detailing the results of the preconstruction surveys. The report shall be submitted to the CDFG by November 30 of each year.

If no nesting is discovered, construction shall begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.

- 3) Alternatively, CDFG may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity).

B. COMMENTS FROM CALTRANS

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER Governor

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3077
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

July 8, 2010

MON-68-12.95
SCH# 2007091137

Luis Osorio
Monterey County Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93908

Dear Mr. Osorio:

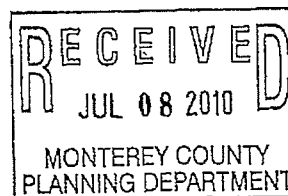
COMMENTS TO CORRAL DE TIERRA NEIGHBORHOOD RETAIL VILLAGE

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments in response to your summary of impacts. Caltrans appreciates the opportunity for early consultation to identify and discuss the significant impacts this development creates. Our comments focus on traffic and hydrology.

Transportation/Traffic

1. From early discussions, we have raised concerns over possible segmentation in the EIR for the retail project, and what will soon likely be a "new gas station" project and analysis. Specifically, Caltrans worked with Monterey County to ensure that only one driveway access point would be allowed for the retail project on Highway 68. We are glad that you supported the need to protect Highway 68 traffic operations by conditioning the applicant as such. However, when the time comes to review changing the land use of the adjacent real estate office to a gas station, Caltrans will require the existing two driveways at the real estate/future gas station, be permanently closed. B-1
2. With regard to Monterey County's intersection improvement project at Corral de Tierra and Highway 68, it is imperative that final site plans for the parking and access improvements of the retail center be consistent with the intersection improvements. Where there are potential conflicts, design priority shall be given to the intersection improvement project. B-2
3. To help prevent illegal left-turn movements from the shopping center parking lot to westbound Highway 68 or vice-versa, it is encouraged that final site plans include a soft-barrier option in the driveway to facilitate right-in and right-out movements only. This would be in addition to adequate signing of the area. B-3

"Caltrans improves mobility across California"



B

Corral de Tierra Neighborhood Retail Village DEIR
July 8, 2010
Page 2

Hydrology

1. After reviewing the Schaaf & Wheeler Preliminary Drainage Study for run-off improvements, it looks as though many of the drainage issues are being addressed. However, we noted that this development proposes to add a drainage system that would connect to an existing Caltrans culvert. Prior to Caltrans allowing this to occur, we would require an analysis of the existing system to make sure there is enough capacity to handle the additional flows.
2. Encroachment permits for any access to State right-of-way will be withheld until all traffic and drainage issues are resolved to our satisfaction.

B-4

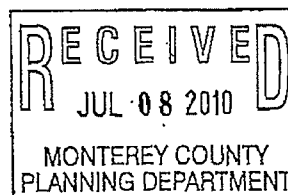
B-5

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

- cc: Mike Zeller (TAMC)
Ben Erchul (D5)
Mark McCumsey (D5)
Steve Senet (D5 Permits Office)



B. RESPONSES TO COMMENTS FROM CALTRANS

- B-1. Concern expressed about not addressing the corner parcels as part of the DEIR. Commenter supports mitigation measures limiting access to SR-68, and indicates that in the future, when a new application is submitted for the corner parcel, no access from that parcel will be allowed onto SR-68. This comment reflects the County's understanding of future permitting for the corner parcel.
- B-2. Commenter expresses importance of final site and improvement plans being consistent with the plans for the intersection at Corral de Tierra and SR-68. If there are design conflicts the design of the intersection improvements must prevail. The County agrees with this and will insure that the intersection design prevails.
- B-3. Commenter recommends that in order to prevent left turn movements from the shopping center to west bound SR-68 that a soft-barrier be included in the driveway along SR-68 to facilitate right turning movements only. Commenter suggests this in addition to posting adequate signage. This is the intent of the driveway and Mitigation Measure 4.12.2 will be revised to include the following:
- N. The driveway on SR-68 shall be designed and constructed to include adequate signage and other improvements to preclude left-turn ingress and egress.
- B-4. Commenter states that an analysis of a proposed drainage system connecting the Site to an existing Caltrans culvert would be required to ensure that there is enough capacity to handle additional stormwater flow that may be generated by the Project. Mitigation Measure 4.7.5 contains a requirement that such analysis be prepared if necessary.
- B-5. Commenter states that encroachment permits for any access to the State right-of-way on SR-68 will be withheld to ensure that traffic and drainage issues are resolved satisfactorily. Comment noted. No County permits for improvements within the right-of-way will be issued until improvement plans are reviewed and approved by Caltrans.

C. MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT



MBUAPCD

Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501

Sent Electronically to:
CEQAcomments@co.monterey.ca.us
Original Sent by First Class Mail

July 16, 2010

Mr. Mike Novo, Planning Director
Monterey County Resource Management Agency
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

SUBJECT: DRAFT EIR FOR CORRAL DE TIERRA NEIGHBORHOOD RETAIL VILLAGE

The Air District submits the following comments for your consideration:

Table 1.B: Summary of Mitigation Measures. Page 7.

Section 4.2, Air Quality, specifies in the fourth entry under "Description of Impact" that:

"The Project would not result in a net increase of any criteria pollutant for which the project region is in nonattainment."

The Draft EIR correctly states on page 121 that the North Central Coast Air Basin is designated non-attainment under State standards for ozone and PM₁₀. The Draft EIR also specifies the amounts of NO_x and ROG (ozone precursors) and PM₁₀ that would be emitted from project operations (Table 4.2.F on page 126). These amounts are above zero; while not significant (greater than applicable thresholds); they do represent a net increase.

C-1

Thresholds 4.2.2. Page 125.

The District's thresholds of significance for excavation and grading are 2.2 and 8.1 acres/day, respectively (see Table 5-2 on page 5-4 of the District's CEQA Air Quality Guidelines (February 2008)), not 2.2 acres/day.

C-2

TABLE 5-2 CONSTRUCTION ACTIVITY WITH POTENTIALLY SIGNIFICANT IMPACTS Pollutant: PM ₁₀	
Activity	Potential Threshold*
Construction site with minimal earthmoving	8.1 acres per day
Construction site with earthmoving (grading, excavation)	2.2 acres per day
* Based on Midwest Research Institute, <u>Improvement of Specific Emission Factors</u> (1995). Assumes 21.75 working weekdays per month and daily watering of site. Source: Monterey Bay Unified Air Pollution Control District 1996	
<u>Note: Construction projects below the screening level thresholds shown above are assumed to be below the 82 lb/day threshold of significance, while projects with activity levels higher than those above may have a significant impact on air quality. Additional mitigation and analysis of project impact may be necessary for those construction activities.</u>	

Air Quality Section / Standard Condition 4.2.1. Particulate Matter. Pages 128-129.

The Air District appreciates the County's thoroughness in developing this list of measures. Given the level of traffic along this transportation corridor, requiring haul trucks to maintain at least two feet of freeboard and to be covered when hauling dirt, sand or loose materials; and the project developer to cover inactive storage piles, should not only reduce the impacts of fugitive dust (PM₁₀), but also reduce the potential nuisance of windblown dust that could be experienced by people traveling along Highway 68 and Corral de Tierra Road. However, the last item, "Limit the area under construction at any one time" is vague and likely unenforceable. The District suggests that this be deleted and that instead, "the Project Applicant be required to limit construction impacts to levels within District thresholds of significance" (which the Draft EIR includes in Table 4.2.E).

Standard Condition 4.2.2. Diesel Emissions. Page 129.

The measures listed here are vague. The District suggests that these measures be deleted and replaced by the following:

- "All diesel equipment shall comply with applicable State (Air Resources Board) regulations"; and
- "All equipment shall comply with the State Anti-Idling Rule", which is included below.

Anti-Idling Regulation

Please see Title 13, California Code of Regulations, Section 2485 (c) (1) regarding idling of commercial vehicles, which follows:

California Code of Regulations

Title 13. § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles. (b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes: (1) California-based vehicles; and (2) Non-California-based vehicles. (c) Requirements. On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

Thank you for circulating the document for our review.

Best regards,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

C-3

C. RESPONSES TO COMMENTS FROM MBUAPCD

- C-1: Table 1.B: Summary of Mitigation Measures, Page 7, Section 4.2 Air Quality, fourth entry under "Description of Impact" is herewith revised as follows:

"The Project would result in a net increase of ROG (ozone precursors) and PM₁₀ for which the project region is in non-attainment under State Standards. While the proposed project would represent a net increase in these criteria pollutants, the increase is not significant in that it is not greater than applicable thresholds."

- C-2: Threshold 4.2.2. on Page 125 incorrectly reported the MBUAPCD's threshold of significance for excavation and grading as being 2.2 acres per day of disturbed area. The reference is herewith revised to state that the MBUAPCD's threshold of significance for excavation and grading are 2.2 acres per day for a construction site with earthmoving (grading, excavation) and 8.1 acres per day for a construction site with minimal earthmoving. Please refer to Table 5-2 from page 5-4 of the MBUAPCD's CEQA Air Quality Guidelines (February 2008) provided in the comment letter.
- C-3: Standard Condition 4.2.1 Particulate Matter on pages 128 and 129 of the DEIR is herewith revised as follows (revised text is underlined):

Standard Condition 4.2.1: Particulate Matter. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that the construction plans and specifications include the following measures to reduce particulate matter during construction operations:

- Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure
- Prohibit all grading activities during periods of high wind (over 15 mph)
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area
- Haul trucks shall maintain at least 2'0" of freeboard
- Cover all trucks hauling dirt, sand, or loose materials
- Plant vegetative ground cover in disturbed areas as soon as possible
- Cover inactive storage piles
- Install wheel washers at the entrance to construction sites for all exiting trucks
- Sweep streets if visible soil material is carried out from the construction site

- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall also be visible to ensure compliance with Rule 402
- Require that the Project Applicant limit construction impacts to levels within the Monterey Bay Unified Air Pollution Control District thresholds of significance provided in Table 4.2E of the EIR.

C-4: Standard Condition 4.2.2: Diesel Emissions on page 129 of the DEIR is herewith replaced with the following:

Prior to issuance of a grading permit, the County of Monterey – RMA Planning Department shall verify that the construction plans and specifications include the following measures to reduce diesel emissions during construction operations:

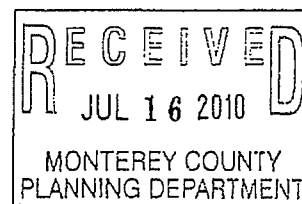
- All diesel equipment shall comply with applicable State (Air Resources Board) regulations” and
- All equipment shall comply with Title 13, California Code of Regulations, Section 2485 (c) (1) regarding idling of commercial vehicles, as outlined below:

California Code of Regulations

Title 13. § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles. (b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes: (1) California-based vehicles; and (2) Non-California-based vehicles. (c) Requirements. On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

D. COMMENTS FROM MONTEREY-SALINAS TRANSIT

D



TRANSIT DISTRICT MEMBERS:

*City of Carmel-by-the-Sea • City of Del Rey Oaks • City of Gonzales • City of Greenfield
 City of King • City of Marina • City of Monterey • City of Pacific Grove • City of Salinas
 City of Sand City • City of Seaside • City of Soledad • County of Monterey*

July 16, 2010

Mr. Luis Osorio
 Senior Planner
 Monterey County Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, CA 93901

Re: Corral de Tierra Retail Village Draft EIR

Dear Mr. Osorio:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) prepared for the proposed Corral de Tierra Retail Village. Located at the intersection of Highway 68 and Corral de Tierra Road, the development would be served by MST's line 21 Monterey-Salinas. Line 21 currently operates on weekdays during peak times, with one eastbound trip in the morning (6:55 am to 8:01 am) and one westbound trip in the morning (8:15 am to 9:09 am). An additional westbound trip occurs in the afternoon (3:10 pm to 4:08 pm). MST has two bus stops in the vicinity of the project, one adjacent to the development property on the eastbound side of Highway 68 just east of Corral del Tierra Road and an additional stop on the westbound side of Highway 68.

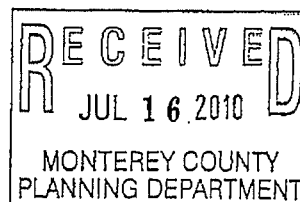
The DEIR proposes a new eastbound bus stop within the project area, further east from the existing bus stop at the intersection of Highway 68 and Corral de Tierra Road. The design of the bus stop and transit user access must be consistent with MST's *Designing for Transit*; MST staff is available for consultation. MST appreciates the reference of policy 41.2.1.1 in the Toro Area Plan on page 366, "the county supports enhancing transit ridership and designing amenities that make transit ridership more desirable as part of all new development."

D-1

Several sections that reference MST's service in 4.11 Public Services and 4.12 Traffic and Transportation should be updated to reflect existing conditions. For purposes of clarification, references to line 53 on pages 355 and 359 should be removed, as the line is no longer in operation. Figure 4.11.1 on page 357 should also be updated to reflect existing service on line 21. Furthermore, please remove or modify the reference to line 39 on page 373 of the DEIR. Line 39 is a seasonal service and operates only during special events.

D-2

D



Letter to Luis Osorio
July 16, 2010
Page 2 of 2

The development of clear and safe pedestrian pathways to and from bus stops should be included in the Final Environmental Impact Report in the form of "Site Access and Transit Plan". This plan should show bus stop configurations and the surrounding area, including residential areas and employment centers in the area, and how traffic, bicycles, pedestrians and transit users will flow to, through, and from the project site. The plan must also consider accessibility for persons of disability.

D-4

As mentioned in the letter dated May 10, 2004, bus service to this location is not provided during non-peak times or on weekends. If the project developers wish to have additional bus service during these times, a supplementary funding source must be identified. MST is financially unable to augment service within the Highway 68 corridor at this time due to existing budgetary constraints.

D-5

We look forward to working with the project developer to ensure that the retail village is transit-friendly and accessible to people using modes of transportation other than private automobiles. If you have any questions regarding these comments, please contact me at 393-8192.

Sincerely,

A handwritten signature in cursive script that reads "Theodore Kosub".

Theodore Kosub
Planning Intern

D. RESPONSES TO COMMENTS FROM MONTEREY-SALINAS TRANSIT

- D-1 The commenter supports the DEIR's recommendation that the proposed Project includes a new eastbound bus stop further east from the existing bus stop at the Highway 68/Corral de Tierra Road intersection. The bus stop is be required as part of Mitigation Measure No. 4.1.1.
- D-2 The commenter requests DEIR references to Monterey Salinas Transit be updated. The referred language is updated as follows:

Page 355, second paragraph, second sentence: Passengers using MST have access to both Monterey and Salinas to and from the Site via Line 21, ~~and Line 53. Line 21, Salinas Monterey, which~~ offers one round trip in the morning and a single westbound trip in the evening on the weekdays.

Page 355, third paragraph: ~~Line 53 operates daily with one westbound trip in the morning on the Monterey Peninsula Express, and one eastbound trip in the evening on the South County Express. Line 53 westbound makes all Line 21 stops on the SR-68 between Torero Drive and York Road which includes the Corral de Tierra bus stop. Line 53 eastbound makes all Line 21 stops on SR-68 between Olmstead Road and Reservation Road which also includes the Corral de Tierra bus stop. Again, because the Corral de Tierra bus stop is not a timepoint stop, it is assumed that departure times from the Corral de Tierra bus stop would occur between the timepoint "E" and timepoint "F" departure times specified on MST's schedule for Line 53 (refer to Figure 4.11-2). In addition, Line 20 connects Monterey and Salinas via the City of Marina every half-hour using Reservation Road and Blanco Road. Therefore, passengers could access the Site indirectly using Line 20 in conjunction with Line 21 and/or Line 53.~~

Page 373, second paragraph, second to last sentence: The 39 line provides local service between Laguna Seca Regional Park and the Salinas Transit Center on Fridays, Saturdays and Sundays during special events at the Regional Park.

The current schedule for Service Line 21 is attached hereby which substitutes the one contained in the DEIR which is outdated. The errata to the FEIR also includes the text changes above and the correct schedule for Line 21.

21 Salinas							21 Monterey						
Weekdays*							Weekdays*						
Stops	Monterey Transit Plaza	Monterey Peninsula Airport	Wilson A. Playhouse	Highway 68 Laguna Seca	Pavosi & Crookston	Salinas Transit Center	Stops	Salinas Transit Center	Parola & Coweade	Highway 68 Laguna Seca	Wilson A. Playhouse	Monterey Peninsula Airport	Monterey Transit Plaza
	A	B	C	D	E	F	F	E	D	C	B	A	
A	6:55	7:07	7:17	7:23	7:36	8:01	8:15	8:27	8:39	8:44		8:25	8:42
	7:15	7:26	7:35									7:25	7:42
	8:15	8:26	8:35									8:52	9:09
	9:15	9:26	9:35										
	6:00	6:11											
A	9:10	9:27	9:39	9:43	9:51	10:08							

Notes:
 A Serves Paloma and Notre Dame High Schools on school days.
 * Line 21 does not operate on Thanksgiving, Christmas, New Year's Day, and holidays. MST operates on Sunday schedule.

- D-3 The commenter states that the Final EIR should include a "Site Access and Transit Plan" that includes clear and safe pedestrian pathways from bus stops, bus stop configuration, residential and employment centers in the vicinity, access for persons with disabilities and how traffic, bicycles, pedestrians and transit will flow to and through the site. All the elements of the project highlighted by the commenter would be included as part of any General Development Plan approved for the Project.
- D-4 The commenter refers to earlier correspondence submitted to the County in May, 2004, restating that bus service to the Project site is not provided during non-peak times or on the weekends; and that if the applicant wishes to have additional bus service to the site during these times, a supplementary funding source must be identified since MST is financially unable to augment the service. Comment noted. However, the County would suggest that the Project Applicant is not responsible for funding additional bus service along Highway 68. It would be up to MST in the future to determine if there is sufficient ridership to warrant additional services along this route. This and other potential modifications to transit will be considered during the AMBAG Blueprint for Growth Process which is ongoing.

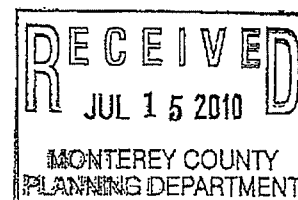
**E. COMMENTS FROM TRANSPORTATION AGENCY FOR MONTEREY
COUNTY**



Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

July 15, 2010

Mr. Luis Osorio, Senior Planner
County of Monterey, Resource Management Agency – Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901



SUBJECT: Comments on the Draft Environmental Impact Report for the
Corral de Tierra Neighborhood Retail Village

Dear Mr. Osorio:

The Transportation Agency for Monterey County is the Regional Transportation Planning Agency and Congestion Management Agency for Monterey County. Transportation Agency staff has reviewed the draft Environmental Impact Report for the Corral de Tierra Neighborhood Retail Village project. The project proposes the development of 10 retail buildings, a one-story market building with a mezzanine, and a two-story office building totaling 126,523 square feet.

The Transportation Agency offers the following comments for your consideration:

Regional Road & Highway Impact

1. Our agency appreciates the County's intent to collect Regional Development Impact Fees as mitigation for cumulative impacts for this development proposal. However, there are some issues with the manner in which the regional impact fees are being utilized by this development, as well as by the pending Harper Canyon subdivision development, as mitigation for both project-specific and cumulative impacts:

1.1. Mitigation Measure 4.12.1: Impact Fee for Project Impacts at SR-68/San Benancio Road; SR-68/Corral de Tierra Road; and SR-68/Laureles Grade.

This measure calls for the payment of the Regional Development Impact Fee as mitigation for project-specific impacts. The regional fee, as designed, is adequate mitigation only for cumulative impacts. By definition, a project-specific impact entails a level of significance in excess of a cumulative impact. Since the regional fee funds are spread across 17 regionally-significant improvement projects to satisfy a development's cumulative impacts throughout the county, not solely for direct impacts within the vicinity of the development, payment of regional fees would be less than what would be expected for adequate mitigation of project-specific impacts. Additional project-specific impacts would still need to be addressed through another mechanism, such as direct fair-share payments towards the planned improvements at the impacted facilities. This mitigation measure should be revised to identify alternative mitigations, since regional fees alone would not fully mitigate the identified project-specific impacts.

E-1

E

1.2. Mitigation Measure 4.12.4: Impact Fee for Project Impacts at SR-68/San Benancio Road; SR-68/Corral de Tierra Road; and SR-68/Laureles Grade.

This measure calls for the payment of the Regional Development Impact Fee as mitigation for cumulative impacts at the aforementioned facilities, and identifies three methods by which mitigation could occur.

- a) The first method calls for payment of the regional fee, of which the funds would be "earmarked for completion of the Cal Trans Project Study Report (PSR) for the 2.3 miles 'State Route 68 Commuter Improvements' project identified with the TAMC RDIF."
- b) The second method calls for the applicant to pay "the entire fair share for the proposed development toward the 'State Route 68 Commuter Improvements' through payment of the TAMC RDIF."
- c) The third method calls for the applicant to "fund, initiate, and complete a Caltrans Project Study Report for the 2.3 mile 'State Route 68 Commuter Improvements' project," with a refund of any costs of completing the report that are in excess of the development's fair-share contribution.

As mentioned above, payment of the regional fee satisfies a development's cumulative impact mitigation. An environmental impact report does not determine where regional fees will be spent or earmark regional fees for certain improvement projects. Instead, the prioritization of projects to receive regional fee revenues is established in the Strategic Expenditure Plan, which is approved by the regional fee's Joint Powers Agency Board and can be found on the Transportation Agency website.

In addition, a Project Study Report for the State Route 68 Commuter Improvements project at this point would be premature, since construction of this project is not likely to occur within a timeframe for a report created now to be utilized. As such, any Project Study Report created now would likely need to be redone, negating the effects of moving the project towards construction and mitigating this development's cumulative impacts. This mitigation measure should be revised to simply identify payment of the regional fee as mitigation for this development's cumulative impacts.

2. Mitigation Measure 4.12.2 identifies improvements for Street Frontage and Accessways, including new or merged driveways onto Highway 68 from Corral de Tierra. Any modification of access to Highway 68 should be coordinated with Caltrans, particularly to address the concern of the opening of a gas station adjacent to this development and the driveway / access issues that this will generate. Since this development already assumes the gas station will be opened under the cumulative analysis, it would make sense to coordinate the access of these two developments within this environmental impact report.

Pedestrian, Bicycle, & Transit

3. The Transportation Agency supports accommodation of alternative forms of transportation both through the design of transportation facilities and through the design and orientation of land uses. Our agency appreciates the development's intention to encourage the use of

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E-1
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alternative forms of transportation among the employees and commuters accessing the proposed project. To facilitate this goal, our agency recommends the following:

3.1. Considering the amount of internal bicycle and pedestrian usage that the site will likely receive, a premium should be placed on safe and accessible access to the site from intersections and crosswalks, sidewalks, and bicycle facilities. Direct access should be provided to project site entrances to avoid the need for travel through parking lots. Consideration should also be given to including intelligent crosswalks, which provide flashing notification lights when a pedestrian enters the crosswalk to increase visibility and alert drivers of their presence. The development should be required to be designed with American Disability Act-compliant sidewalks that connect to external facilities and provides access to transit stops.

E-5

3.2. Our agency encourages and recommends the inclusion of on-street bike lanes in the construction of new major arterials and collectors with an average daily traffic greater than 3,000 or with a speed limit in excess of 30 miles per hour, to reduce vehicle-bicycle conflicts at intersection crossings and improve safety for bicyclists making turning movements through intersections. New roadways on the interior of development should be designed to accommodate bicycles with adequate pavement for bike travel, with specific dimensions clearly identified, particularly along major arterials.

E-6

As such, our agency supports Mitigation Measure 4.12.3, which requires the applicant to install a Class II Bikeway along the project frontage on Corral de Tierra Road. Mitigation Measure 4.12.2 also calls for a four foot northbound Class II Bikeway to be installed. The minimum width for bike lanes is five feet, and this could be wider if there is on-site parking present. Our agency recommends that the site plan be consistent with the Highway Design Manual Chapter 1000 and allow for appropriate width for both bicycle and pedestrian facilities in the site design.

3.3. Bicyclists currently use the shoulder when travelling on Highway 68. Any bikeways constructed with this development on Corral de Tierra should allow for safe linkages for bicyclists to enter and exit Highway 68. Loop detectors capable of identifying bicyclists should be installed at the Highway 68 / Corral de Tierra intersection to provide safe and timely bicycle turning movements onto westbound Highway 68.

E-7

3.4. The Transportation Agency strongly recommends that the installation of public bicycle racks and lockers be included as a condition of approval. Adequate lighting at these locations to improve safety and visibility should be provided by the development. The Transportation Agency encourages project developers to apply for our Bicycle Protection Program, which provides grant funding for bicycle parking facilities (racks and lockers) for local businesses, governments, and school districts.

E-8

3.5. Accommodations for existing transit service, such as Line 21 between Monterey and Salinas and Line 39 between Laguna Seca Regional Park and Salinas, should be included in the development. This could include, as appropriate, bus shelters, bus pull-outs, signage, or connections to bicycle and pedestrian facilities. Monterey-Salinas Transit's *Designing for Transit* Guideline Manual should be used as a resource for accommodating transit access to the project site.

E-9

Greenhouse Gas Emissions

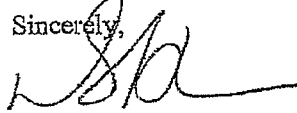
- 4. Senate Bill 375 requires the Metropolitan Planning Organization to develop a Sustainable Communities Strategies as a comprehensive approach to addressing greenhouse gas emissions at a regional level by linking land use and transportation planning decisions. Our agency encourages the County's coordination with the Association of Monterey Bay Area Governments in the development of the region's Sustainable Communities Strategy and for developments within the General Plan area to be consistent with the plan once it is completed. E-10

- 5. Our agency supports the use of light-colored pavement for pedestrian areas to cut down on the heat island effect. In addition, the development should explore the use of gray granite pavement for parking areas and roadways, which has the benefit over traditional blacktop of increasing nighttime visibility and is permeable to aid in the control of on-site water run-off. E-11

- 6. Where appropriate, light-emitting diode (LED) lighting should be used for external lighting to reduce the site's electricity consumption. E-12

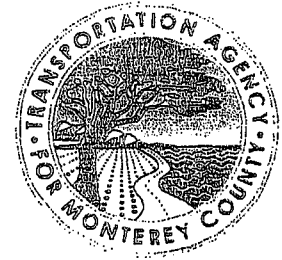
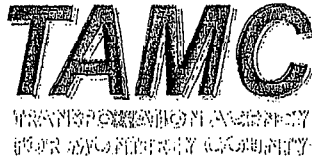
- 7. Consideration should be given to including preferred parking spaces for carpools, alternative fuel vehicles and electric vehicle charging stations. The Monterey Bay Electric Vehicle Alliance is currently preparing grant application materials for charging stations to be installed throughout the county. This provides the opportunity for new development to plan to include charging stations at potentially reduced costs, or with costs fully covered for government facilities. E-13

Thank you for the opportunity to review this document. If you would like to discuss these comments further, please contact Michael Zeller of my staff at (831) 775-0903.

Sincerely,


Debra L. Hale
Executive Director

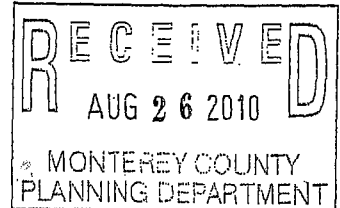
- cc: Dave Murray, California Department of Transportation (Caltrans) District 5
 Yaz Emrani, County of Monterey Department of Public Works
 Mike Novo, County of Monterey Planning Department
 Carl Sedoryk, Monterey-Salinas Transit
 John Doughty, Association of Monterey Bay Area Governments
 Ed Kendig, Monterey Bay Unified Air Pollution Control District



E

Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

August 24, 2010



Mr. Luis Osorio, Senior Planner
County of Monterey, Resource Management Agency – Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901

SUBJECT: Revised Comments on the Corral de Tierra Neighborhood Retail Village

Dear Mr. Osorio:

The Transportation Agency for Monterey County is the Regional Transportation Planning Agency and Congestion Management Agency for Monterey County. Agency staff has reviewed the draft Environmental Impact Report for the Corral de Tierra Neighborhood Retail Village project and offers the following revised comments to our July 15, 2010 correspondence:

Regional Road & Highway Impact

1. **Mitigation Measure 4.12.4** calls for the payment of the regional fee as mitigation for cumulative impacts, but identifies that mitigation could also occur through the funding of a Caltrans Project Study. A Project Study Report for the State Route 68 Commuter Improvements project at this point would be premature, since construction of this project is not likely to occur within a timeframe for a report to be utilized. Any report created now would need to be redone, negating the effects of mitigating this development's cumulative impacts. This mitigation measure should be revised to identify payment of the regional fee as mitigation for this development's cumulative impacts.
2. **Mitigation Measure 4.12.1** calls for the payment of the Regional Development Impact Fee as mitigation for project-specific impacts. After discussions with County staff on this issue, the Transportation Agency defers to the County to finalize decisions related to adequate mitigations for project-specific transportation impacts.

E-1-R

Thank you and please contact Michael Zeller of my staff at (831) 775-0903 with any questions.

Sincerely,

Debra L. Hale
Executive Director

CC: Alana Knaster, County of Monterey

E. RESPONSES TO COMMENT FROM TRANSPORTATION AGENCY OF MONTEREY COUNTY

The commenter submitted an initial letter on July 15, 2010, and submitted a revised letter modifying comments under bracket E-1 on August 24, 2010. Response to bracket E-1 will respond to both sets of comments.

- E-1 Comment provided input on Mitigation Measure No. 4.12.1 in the DEIR, which provides several options to pay a traffic impact fee as mitigation for project-specific traffic impacts to road intersections along the SR-68 corridor. Commenter noted that this mitigation should be revised to identify alternative mitigations, since regional fees alone would not fully mitigate the identified project-specific impacts. In a revised comment addressing the same mitigation measure (See Comment E-1-R), the commenter states that the Transportation Agency defers to the County to finalize decisions related to adequate mitigations for project-specific transportation impacts. A legal opinion was prepared for TAMC that found that: with respect to the proposed regional transportation improvement projects by the Transportation Agency that have been identified and prioritized as being constrained and therefore fully funded by either impact fees alone, or in combination with other potential federal, state and local sources, payment of impact fees should be deemed to be adequate mitigation of a private development project's impacts on regional transportation improvements pursuant to the California Environmental Quality Act.

Case law also strongly supports the use of traffic mitigation fees as a valid means of mitigating project impacts. In fact the September Ranch decision helped clarify that developers cannot be unfairly assessed duplicative fees if the same mitigation is required for both direct and cumulative impacts. The assessment of the fees must also be fair and equitable so the developer cannot be expected to pay more than a fair-share of needed road improvements. Because the SR-68 corridor is viewed as a single road network rather than a collection of individual road segments and intersections, any improvement or fee that represents an equitable share is viewed as an appropriate mitigation to the corridor. There are many examples in Monterey County of how the assessment of impact fees has appreciably contributed to the funding of important roadway improvements. Besides the previously mentioned Safety and Operational improvements on SR-68, the SR-1 @ Salinas Road Interchange, the Davis Road Bridge and widening, US101 Prunedale Improvement Project and the US101 @ San Juan Road Interchange are just a few examples.

Each of these fees or improvement programs addresses different level of impacts. Impacts to specific Highway 68 segments and intersections at both a project-specific and cumulative level which are addressed through the same regional project improvement (i.e. State Route 68 Commuter Improvements" project identified in the TAMC RDIF) are mitigated by the payment of regional fees.

Commenter has indicated that Mitigation Measure No. 4.12.4, which provides several options to satisfy payment of cumulative traffic impact fees, should not include the option of paying for a Project Study Report because the timeframe for completing a PSR might not be consistent with the

timeframe for initiation of the improvement project. In a revised comment addressing the same mitigation measure (See Comment E-2-R), the commenter restates their suggestion. This option of the mitigation measure will be deleted. The developer will be required to pay the full regional fee. The revised mitigation measure would read as follows:

Mitigation Measure 4.12.4: Impact Fee for Cumulative Traffic Impacts at SR-68/San Benancio Road; SR-68/Corral de Tierra Road; SR-68/Laureles Grade Road. Prior to issuance of building permits, the Project applicant shall comply with the following actions to address cumulative impacts to intersections along SR/68:

1. Upon issuance of each building permit for proposed development on the Site, the applicant shall contribute his proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time. The TAMC RDIF payment will be earmarked for completion of the Caltrans Project Study Report for the 2.3-mile "State Route 68 Commuter Improvements" project identified in the TAMC RDIF; or
2. Prior to issuance of the first building permit for proposed development on the Site, the applicant shall pay the entire fair share for the proposed development toward the "State Route 68 Commuter Improvements" project through payment of the TAMC RDIF.

- E-2 Commenter notes that payment of regional fees satisfies cumulative impact mitigation, but does not determine where fees will be spent. See response to comment E-1 above.
- E-3 Commenter notes that requiring a project study report now for the widening of SR-68 is premature. See response to comment E-1 above.
- E-4 Comment notes that Mitigation Measure No. 4.12.4 requiring street frontage and access improvements on Highway 68 should be coordinated with Caltrans; and that it would make sense to coordinate access to the subject site and gas station within the EIR for the proposed Project. This mitigation measure was developed in consultation with Caltrans and encourages the developer to coordinate access between the two sites. The County notes that there is a limit to what can be required at this time because the gas station is not included in this application.
- E-5 The commenter recommends the inclusion of safe pedestrian and bicycle access to the site that avoids the need to walk and bike through parking areas and that complies with the requirements of the Americans with Disabilities Act (ADA). Mitigation Measure 4.1.1 requires the provision of an improved transit stop (bus turnout lane or bus stop) on the Highway 68 frontage and provision of a pedestrian area to connect the transit stop to the interior of the site. Mitigation Measure 4.12.2 requires construction of a sidewalk and a four-foot Class II bicycle lane along Highway 68 and Mitigation Measure 4.12.3 requires construction of a Class II bicycle lane along Corral de Tierra Road. All improvements will have to comply with applicable ADA regulations. It should also be noted that much of the center is designed with parking around the perimeter and internal pedestrian circulation.

- E-6 The commenter encourages and recommends inclusion of on-street bike lanes, and supports Mitigation Measure 4.12.2 requiring a bike lane along Corral de Tierra Road. The commenter expresses that minimum bike lane width is five feet. Mitigation Measure 4.12.2 requires that a four-foot wide bike lane be provided. There is no provision in the design of the street to include on-street parking; therefore a four-foot width is considered adequate because the four feet are measured from the edge of pavement. County standards allow three feet on pavement and two feet in the gutter pan for a total of five feet. In this case it is four feet of pavement and two feet of gutter for a total of six feet.
- E-7 The commenter suggests that any bike ways constructed as part of the proposed development should allow for safe linkages for bicyclists to enter/leave Highway 68 and should include loop detectors to provide safe and timely turning movements onto westbound Highway 68. The standard detector loops used by Caltrans have been redesigned to detect bicycles. The newly redesigned detectors will be installed as part of the SR-68/Corral de Tierra intersection improvement project currently under review by Caltrans.
- E-8 The commenter recommends the installation of public bicycle racks and lockers as a condition of project approval. The proposed Project would have to comply, at a minimum, with the provisions of Chapter 21.58.050 M of the Zoning Ordinance which require one bicycle rack space for each ten parking spaces.
- E-9 The commenter suggests that accommodations for existing transit service should be included in the proposed Project using Monterey-Salinas Transit's (MST) *Designing for Transit* Guideline Manual as a resource for their design. Mitigation Measure 4.1.1 requires the provision of an improved transit stop (bus turnout lane or bus stop) on the Highway 68 frontage and provision of a pedestrian area to connect the transit stop to the interior of the site. The design and type of transit stop will be developed in consultation with MST.
- E-10 The commenter states that they encourage the County's coordination with the Association of Monterey Bay Area Governments in the development of the region's Sustainable Communities Strategy required under State Senate Bill 375, and for developments to be consistent with the strategy once adopted. Comment noted. The County is a participant in the ongoing "Blueprint" process.
- E-11 The commenter supports the use of light-colored pavement for pedestrian areas to reduce the heat island effect, and suggests that the development should explore the use of gray granite pavements for parking and road areas to increase nighttime visibility and to increase permeability of stormwater runoff. Recommended Mitigation Measure No. 4.1.3 would require the use of light-colored asphalt. The comment regarding the use of gray granite asphalt is noted.
- E-12 The commenter recommends the use of light-emitting diode (LED) lighting fixtures for external lighting as a way to reduce energy use. Comment noted.
- E-13 The commenter suggests that preference be given to parking spaces for carpools, alternative fuel vehicles and electric vehicle charging stations. The commenter further suggests that there may be funds available through grants for the development of charging stations throughout the County. The final General Development Plan for the proposed project would include a number of parking spaces

for carpools. The County currently does not have requirements for establishment electrical vehicle charging stations. Mitigation Measure 4.13.5 requires the Applicant to submit a site plan that increases the potential for use of alternative transportation access to the Site. Alternatives reviewed in the DEIR provide for additional transit reduction strategies including targeted parking spaces for carpools.

F. COMMENTS FROM LANDWATCH

LandWatch monterey county

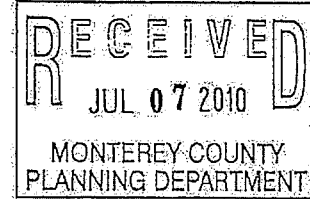
Post Office Box 1876
Salinas, CA 93902-1876
831-422-9390

Website: www.landwatch.org
Email: landwatch@mclw.org
Fax: 831-422-9391



July 8, 2010

Luis Osorio, Senior Planner
Monterey County Planning Department
168 West Alisal St., 2nd Floor
Salinas, CA 93901



SUBJECT: DEIR FOR CORRAL DE TIERRA NEIGHBORHOOD RETAIL VILLAGE

Dear Mr. Osorio:

LandWatch Monterey County has reviewed the project which would include 10 retail buildings, a one-story grocery store and a two-story office building, totaling 126,523 square feet and 508 parking spaces. We have the following comments:

1. Cumulative Projects List. The list does not include the following projects in the Toro area that are in the County's permitting process: Christensen (1 unit); Briggs (4); Tjs Development (1); PLN020526 (3); PLN04061 (1); Cdt. Prop. (4); Franscioni (4); Villalobos (4); Silva (2); Provost (1); Amaral (4); Bollenbacher (212); Johnson (4); Avila (11); and CDT Prop. (4) for a total of 259 units. The list should be updated and the cumulative impact analyses adjusted accordingly. F-1

2. Surface Runoff. The DEIR states (p. 255) that groundwater recharge resulting from an on-site retention/detention system would total 10.04 afy and that this amount would help reduce the overall project water use of 11.34 afy, resulting in a net deficit of 1.30 afy. Since the current site does not include impervious cover (p. 258), please identify the amount of water currently retained onsite and whether or not that amount was deducted from the 10.04 afy. As noted (p. 263), the project would have a significant and unavoidable impact to groundwater supplies after mitigation. F-2

3. Consistency with General Plans. The subdivision component (Lot 1) of the Project is inconsistent with certain requirements of the County Code and therefore cannot be approved (pp. 301, 304 and 305). Based on these findings, the proposed project must either be revised or denied. F-3

4. Traffic Analysis. The document states (p. 374) that the Harper Canyon project is 14 units. The Harper Canyon FEIR identifies the project as having 17 units. F-4

The DEIR finds that with payment of the regional transportation fee, the project level impact would be less than significant. The fee would fund the State Route 68 Commuter Improvements - the widening project from Toro Park to Corral de Tierra. This project is programmed in the Regional Development Impact Fee Strategic Expenditure Plan for construction in the 2025-2030 period. Regional fees will cover \$5.9 million of the \$24 million estimated total cost. The source of the remaining funds is not identified yet. Without assurance that the project will be completed in a timely manner, project level impacts should be determined to be significant and unavoidable.

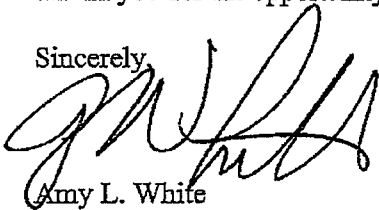
F-5

5. Project Alternatives. The reduced density/redesigned project would be the environmentally superior project. Traffic impacts would be similar to those of the proposed project. The DEIR finds this alternative would result in a net benefit to the groundwater basin and would not contribute to a cumulative impact to water supply (p. 478). The net benefit is based on 10.66 afy of recharge to the basin. Please identify the amount of water currently retained onsite and whether or not that amount was deducted from the 10.66 afy.

F-6

Thank you for the opportunity to review the document.

Sincerely,



Amy L. White
Executive Director

F. RESPONSES TO COMMENTS FROM LANDWATCH

F-1 The commenter cites projects not identified in the Cumulative Project List of the DEIR and indicates that these projects should be added to the list and the cumulative impact analysis adjusted accordingly.

The CEQA Guidelines require the discussion of cumulative impacts when the project's incremental effect is cumulatively considerable as defined in Section 15065 (a) (3). Cumulatively considerable means that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Section 15130 (b) (1) (A) of the Guidelines allows for the inclusion of a list of past, present, and probable future projects producing related or cumulative impacts, in an EIR as the basis for the cumulative impact analysis.

The Christensen (File No. PLN060296) and Villalobos (PLN060101) applications include development of one and two single-family dwellings on existing lots of record and do not need to be included in the cumulative project list since they include development of existing lots of record. The Tjs Development (PLN020121), Amaral (PLN040461), CDT Prop. (PLN060046), Francioni (PLN060455) and Silva (PLN060589) applications include requests for minor subdivisions of land which are in an "incomplete" status according to Planning Department records and it is unknown if they would ever proceed through the process and/or be approved; therefore they do not need to be included in the cumulative project list. The Provost (PLN020526) application includes development of a single-family dwelling on an existing lot of record which is in an "incomplete" status and does not need to be included in the cumulative project list. The Bollenbacher and Kelton, also known as Ferrini Ranch, application for a 212-lot residential subdivision (PLN040758) should be included in the list along with the Briggs application (PLN020508) which is an approved 4-lot residential subdivision. It is unknown which Avila application the commenter refers to; if the applicant refers to the Mohsin-Samoske 11-lot subdivision on River Road, the site of this subdivision is located at a significant distance from the Project site and therefore was not included in the list.

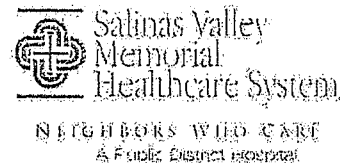
F.2 The commenter asks for clarification of the amount of stormwater currently retained on-site and whether that amount of water was deducted from the 10.04 acre/feet per year of groundwater recharge that would result from implementation of the proposed on-site stormwater retention/detention system as shown on Table 4.7.A of the DEIR. The existing pre-project water balance is 0.9 AFY as shown in Table 4.7.B. When this is added to the negative water balance of -1.3 AFY for the proposed project, this results in a total water balance change of -2.2 AFY.

F.3 The commenter states that the subdivision component of the Project is inconsistent with certain requirements of the County Code and cannot be approved and must either be revised or denied. The commenter specifically refers to the discussion contained in page Nos. 301, 304 and 305 of the DEIR. The commenter is correct. As discussed through the DEIR, the subdivision component of the proposed Project is not consistent with the provisions of Section 21.42.030 (H) (2) of the Zoning Ordinance which states that the minimum building sites for properties in the area covered by the B-8

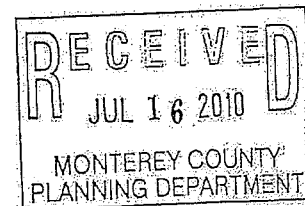
Overlay District, are those that were recognized as legal lots of record at the time the B-8 was imposed.

- F.4 The commenter states that the Harper Canyon project referred to in page 374 of the DEIR has 17 units –according to the Harper Canyon FEIR– and not 14 as stated in the DEIR. The 14-unit Harper Canyon Development referred to in the DEIR is comprised of existing, undeveloped lots. The 17-unit Harper Canyon project referred to by the commenter is a different project which may or not be approved.
- F.5 The commenter states that the payment of regional transportation fees required as mitigation for project level impacts would not fund a project –the widening of SR-68 from Toro Park to Corral de Tierra Road– that is programmed for construction in the 2025-2030 period, that the fees required under the mitigation will cover only \$5.9 million of the \$24 million estimated total cost and that the source for the remaining fees are not identified. Finally, the commenter states that without assurance that the widening project will be completed in a timely manner, project level impacts should be determined to be significant and unavoidable. See response to Comment EEE-70.7.
- F.6 The commenter states that the Reduced Density/Redesigned Project alternative would be the environmentally superior project, and, further, that the DEIR states on page 478 that this alternative would result in a net benefit to the groundwater basin and would not contribute to a cumulative impact to water supply. The commenter asks to identify the amount of water currently retained onsite and whether or not that amount was deducted from the 10.66 acre/feet per year calculated as the potential amount of groundwater recharge resulting from the alternative. As shown on Table 6.D of the DEIR, the amount of pre-project recharge is 0.9 AFY. This figure is not included in the 10.66 AFY post-project recharge. It's seen in the difference between the post-project water balance (5.34 AFY) and the net change (4.4 AFY)

**G. COMMENTS FROM SALINAS VALLEY MEMORIAL HEALTHCARE
SYSTEM**



July 16, 2010



Luis Osorio
 Monterey County Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, CA 93901-2487
osorio@co.monterey.ca.us

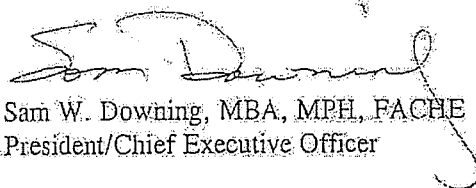
Re: Meeting the Medical Needs of the Residents of the
 Corral de Tierra Neighborhood

Dear Luis:

Salinas Valley Memorial Healthcare System would like to express our support of the development of the site at the corner of Corral de Tierra and Highway 68. With our mission statement *Neighbors Who Care*, we would like to go on record of our desire to lease or buy approximately 3,000 square feet of space at the proposed neighborhood-serving, shopping village planned for this location. This medical space would be used for primary care, obstetrics, and pediatric services in order to meet the health care needs of this region.

G-1

Sincerely,



Sam W. Downing, MBA, MPH, FACHE
 President/Chief Executive Officer

/ks

cc: Eric Phelps, Omni Resources, LLC
 SVMHS Board of Directors:
 Nathan J. Olivas
 Deborah Nelson
 James Gattis
 Harry Wardwell
 Patrick Egan



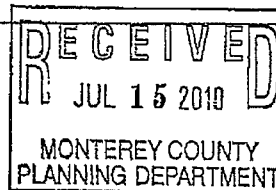
G. RESPONSES TO COMMENTS FROM SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM

- G-1: The commenter expresses support for the project and their desire to lease or buy space within the shopping center for installation of primary care, obstetrics, and pediatric services in order to meet the health care needs of the region. Comment noted.

H. COMMENTS FROM CAROLE ALIOTTI

Osorio, Luis x5177

From: carole aliotti [cjofercorral@gmail.com]
Sent: Wednesday, July 14, 2010 9:55 PM
To: Osorio, Luis x5177
Subject: Retail Village at Corral de Tierra



I want to let you know that I support this project. I hope the Phelps Family can finally go ahead with this project. Thank you, Carole Aliotti

H-1

H. RESPONSES TO COMMENTS FROM CAROLE ALIOTTI

H-1: Commenter expresses support for the project and hopes it will be approved. Comment noted.

I. COMMENTS FROM BURTON ANDERSON

From: burton anderson (burtonanderson@sbcglobal.net)
To: osorial@ca.monterey.ca.us;
Date: Thu, July 15, 2010 3:37:34 PM
Cc: helpsfamily@corraldetierra.com;
Subject: Phelps properHwy 68 & Corral de Tierra Road.

Gentlemen

I am a resident of Markham Ranch on Corral de Tierra Road and I strongly support the construction of a small shopping center at that site, for the following reasons.

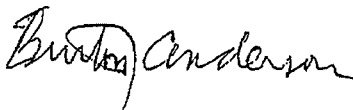
1. I make roughly 6 trips a week to Salinas for groceries, Post Office, bank, hardware, and drug store. If a center was built I would cut my trips by at least one-half. Multiply that by 10,000 residents in Corral and it would reduce traffic on Hwy 68 by at least half. It would also reduce my gasoline expense for a 20 mile round trip.

2. The environmental impact statement has been studied and modified for 20 years and has satisfactorily answered all the critics. There are some who would continue to throw roadblocks to any development and want to study the project to death. It is time to move on.

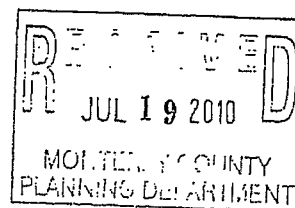
3. There is no threat to prime farmland in this project.

4. It would be an attractive addition to that corner instead of a bare lot.

Sincerely, Burton Anderson



| -1



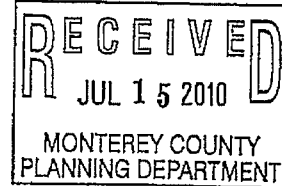
I. RESPONSES TO COMMENTS FROM BURTON ANDERSON

- I-1: The commenter expresses support for the project, stating his belief that it would reduce traffic on highway 68 by one-half. The commenter also states that the project has been studied and modified for 20 years and the “environmental impact statement” has satisfactorily answered all critics; proposes no threat to prime farmland; and would be an attractive addition to the corner. Comment noted.

J. COMMENTS FROM SUSAN BACIGALUPI

Osorio, Luis x5177

From: bacigalupis@sbcglobal.net
Sent: Thursday, July 15, 2010 4:36 PM
To: Osorio, Luis x5177
Subject: Phelps project Corral de tierra



07-15-10
Dear Mr. Luis Osorio

It was recently learned at a Monterey County Planning Commission hearing for the Encina Hills project that California Utilities Service is still over capacity.

They are allowed 60% and now report 62% according to Van Horn, and testimony at the hearing from Michael Kling indicated it is over 75% and with the proposed encina hills project adding another 1.4% would be at 76.4%.

As the B-8 overlay was put on for water, traffic, and sewage capacity concerns, and CdeT Neighborhood Village Shopping Center will be using California Utilities Service, how will this work? How much more over capacity will this be?

How much sewage is this Village proposing? What are the specific uses being proposed to calculate how much sewage may be generated?

Just curious as the numbers don't add up. also i fail to see the wisdom in adding an additional load to an already over capacity system.

thank you,

susan c bacigalupi
97 San Benancio Rd
Salinas CA 93908
831-484-1908

J-1

J-2

J-3

J. RESPONSES TO COMMENTS FROM SUSAN BACIGALUPI

J-1: The commenter states the B-8 Overlay was applied to the area for water, traffic, and sewage capacity concerns. The commenter raises issues relative to the Project's generation of wastewater and the capacity of the sewage treatment operated by the California Utilities Service to treat such waste water in view of the Encina Hills project currently under consideration by the County. The commenter is incorrect relative to the reasons for the adoption of the B-8 Overlay. The B-8 Overlay applicable to the Site was applied due only to water availability constraints in the area. Ordinance No. 03647 (See Exhibit 1, in Appendix J in Volume Two of the DEIR) adopted by the Board of Supervisors to apply the B-8 Overlay regulations in the area of the project Site, referred to specific water constraints in the area. Regarding the capacity of the California Utility Service sewage treatment plant, the DEIR (p.409) states that "CUS is allowed a maximum discharge of 300,000 gallons per day (GPD) and a peak flow rate of 450,000 GPD," and that "CUS has estimated its current average monthly flow rate to be 220,000 GPD." Therefore, the sewage treatment plant is not over capacity and has an estimated excess capacity of 80,000 GPD. This information was confirmed by staff from the Environmental Health Bureau. Mitigation Measure 4.13.7 has been revised as follows to assure that the sewage treatment plant will have adequate capacity to treat sewage from this and other projects in the area. The change to the language of the mitigation measure will also be reflected in the FEIR errata.

Mitigation Measure 4.13.7 – Capacity of Wastewater Treatment Facility: "Prior to approval of any building permits, the applicant shall verify that there is sufficient capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the Project. If the Project would cause the CUS facility ~~has exceeded 60% of its existing capacity or the Project would cause the facility to exceed its permitted capacity,~~ then the County of Monterey ~~would~~ shall not issue a building permit until such time as the CUS wastewater treatment facility has attained a revised permit from the Regional Water Quality Control Board."

J-2: The commenter asks how much sewage the development is proposing, and what specific uses were used to calculate how much sewage would be generated. The DEIR (Section 4.13.5, p.416) states that the Project required sewage treatment would range between 16,962 and 34,161 GPD. Both estimates would be within the sewage treatment excess capacity of 80,000 GPD identified in the response to Item J-1 above.

J-3: The commenter states the numbers don't add up, and fails to see the wisdom in adding additional load to an already over capacity system. See responses to Items J-1 and J-2 above.

K. COMMENTS FROM MONTE BAGGS

Osorio, Luis x5177

From: Monte Baggs [montewbaggs@sbcglobal.net]

Sent: Wednesday, July 14, 2010 4:30 PM

To: Osorio, Luis x5177

Subject: The Rural Village at Corral de Tierra Rd.

Dear County Planners:

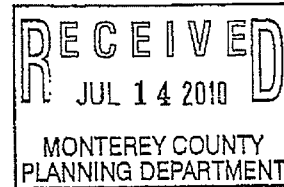
This email is to let you know we very much like the idea of having this project approved by the County. I can assure you we have assessed the situation carefully as we live just up Corral de Tierra Rd. at Corral de Tierra Oaks. I can assure you the project will take a substantial load off the traffic on Hwy 68. We make several trips each week to shop in either Salinas or Monterey. With shopping facilities at the corner we will travel much less into town.

The Phelps family has done an excellent job of determining the need of this community and you should not delay approving this project any longer than you already have.

Please consider the interests of this community in your deliberations and approve this project!

Sincerely,
Monte Baggs

K-1

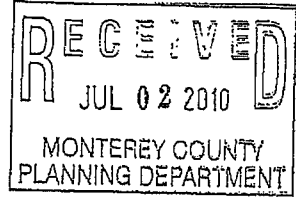


K. RESPONSES TO COMMENTS FROM MONTE BAGGS

K-1: The commenter states that he is in support of the proposed project and hopes that it will be approved. The commenter believes that the construction of a shopping center at this location would reduce traffic on sr-68. Comment noted.

L. COMMENTS FROM BEVERLY AND STEPHEN BEAN

L



June 29, 2010

Senior Planner Luis Osorio
Monterey County Planning Department
168 West Alisal Street
Salinas, CA 93901-2487

Dear Mr. Osorio,

We write with deep concern about the following projects concerning the Toro Area:

1. Corral de Tierra Shopping Village (PLN020344-Toro Area Plan)

We have lived in Corral de Tierra for 22 years and our water supply is in danger. A recent county commissioned study of the Toro area water supply concluded that the aquifers in the Toro area are in overdraft. The local water table is dropping. The study showed that the local wells are pumping water faster than the rains can replenish the local aquifer. There is no other water source recharging the Toro section of the aquifer. Downy cover and shade is being removed from the Toro area. Traffic congestion on Highway 68 remains a serious problem no matter the studies done or the spin by county agencies. We do not need or want a large urban shopping center in our rural community. It will have 508 parking spaces, buildings up to 45 feet high, light pollution at night, 85% lot coverage of almost 11 acres and the loss of mature, protected oak trees. This is totally inappropriate next to a road designated "Scenic" by both State and County. Please reject the current proposal and require that any development permitted be smaller and have much less impact on the rural character of our precious "Pastures of Heaven."

L-1

2. Ferrini Ranch Subdivision (PLN040758; Toro Area Plan)

The Ferrini Ranch project includes most of the frontage between San Benancio and River Road along Highway 68. The developer, Domain Corp. has already received "special consideration" from the Board of Supervisors that the County would not consider public complaints when oak trees were cut down and the public could see the houses planned for the field off San Benancio Road. In

L-2

L-3

addition the County agreed to ignore a CalTrans mitigation measure that replacement oak trees be planted in the County's Toro Regional Park near Highway 68. That area of Toro Park is where they will put the driveway to part of their housing subdivision. The County agreed to eliminate this mitigation measure with no environmental analysis.

The issue of access to the proposed subdivision through Toro Regional Park, first discussed in secret, is to be addressed in the Draft EIR , now in progress at County Planning. We urge that this egregious idea be rejected. If developers can violate the integrity of our Regional Parks, with the approval of county planning, then the future of all Monterey County open space is at risk. What property owner will be willing to trust that their gift of land will be preserved in perpetuity for the public and environmental good? Please DO NOT give away any part of our park to development interests. There is no deal or trade off that can justify such an action.



L-3

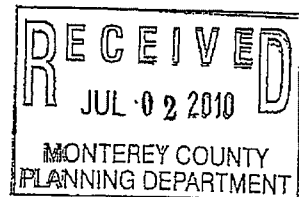
Thank you for your efforts on behalf of the citizens of Monterey County.

Beverly G. Bean
Beverly G. Bean

Stephen E. Bean
Stephen E. Bean

39 Calera Canyon Road

Salinas, CA. 93908



L. RESPONSES TO COMMENTS FROM BEVERLY AND STEPHEN BEAN

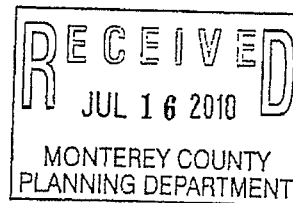
- L-1: The commenter states that the recent County study in the Toro area concluded that aquifers are in overdraft, and the local water table is dropping. The commenter states the study shows that local wells are pumping water faster than rain is replenishing the aquifer. See Master Response 5.
- L-2: The commenter requests that the project be rejected and that permitted development be on a smaller scale that produces less impact to the rural character of the area. Comment noted.

M. COMMENTS FROM PAMELA BECKING

M

Fri, Jul 16, 2010 4:06 PM

Subject: DEIR for Corral de Tierra Neighborhood Retail Village
Date: Friday, July 16, 2010 4:03 PM
From: Pamela Becking <pbecking@att.net>
To: <OSORILO@CO.MONTEREY.CA.US>
Cc: <info@corraldetierra.com>
Conversation: DEIR for Corral de Tierra Neighborhood Retail Village



Dear Mr. Osorilo:

I live in The Meadows at 14045 Mountain Quail Rd, Salinas, CA 93908-9351. The proposed DEIR for Corral de Tierra Neighborhood Retail Village is a "YES VOTE" for me and numerous neighbors I have spoken to. The Village has numerous advantages for those of us who live 15 to 20 minutes from Monterey and Salinas. I believe the Phelps family has done an excellent job in all areas of importance and look forward to the project progressing on a timely basis. Please feel free to contact me.

M-1

Sincerely,
Pamela J. Becking

M. RESPONSES TO COMMENTS FROM PAMELA BECKING

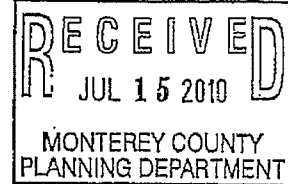
M-1: The commenter states that she is in support of the proposed project and hopes that it will be approved.
Comment noted.

N. COMMENTS FROM LARRY AND PAM BELL

Osorio, Luis x5177

From: Larry Bell [larrybell62@gmail.com]
Sent: Wednesday, July 14, 2010 9:28 PM
To: Osorio, Luis x5177
Subject: Corral de Tierra Shopping Center

Larry & Pam Bell
78 San Benancio Rd.
Salinas, CA 93908
831/484-2449



July 14, 2010

Luis Osorio
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

RE: The Shopping Center @ Corral de Tierra

Dear Sir,

As a resident of the Highway 68 Corridor, we are very excited for a regional shopping center to be considered at Highway 68 & Corral de Tierra.

We believe this center would enhance the region by providing goods and service badly needed in a close proximity to our homes. This would scale back our need to drive to Monterey and Salinas for everyday items we currently must travel 10 to 15 miles for. This is an opportunity to positively enhance our region & promote a community atmosphere never before realized.

07/15/2010

N-1
↓

N

Page 2 of 2

We fully support this project and are hopeful that Monterey County will allow this project to begin.

↑ N-1

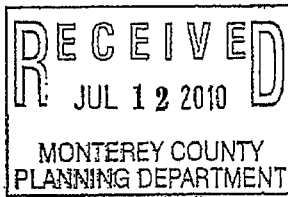
Larry & Pam Bell

07/15/2010

N. RESPONSES TO COMMENTS FROM LARRY AND PAM BELL

N-1: The commenter states that they are in support of the proposed project and hopes that it will be approved. They believe that the proposed project will provide goods badly needed in this region, it would reduce the need to travel to Salinas for everyday items, and it would enhance and promote a community atmosphere in the area of the proposed project. Comment noted.

O. COMMENTS FROM DONALD BOLLES



July 6, 2010
23799 – 18 Monterey Hwy
Corral de Tierra, CA 93908

Luis Osorio
Planning Department
Monterey County
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

VIA Mail and email osoriol@co.monterey.ca.us

RE: Comments on the Draft EIR Corral de Tierra Neighborhood Retail Village (PLN020344)

Dear Mr. Osorio:

For the past 15 years, my wife and I have lived at **Corral de Tierra Villas Homeowners Association**, a development of 63 condo-type homes that is next to the planned project shopping center. This is one of the most scenic and serene locations in Monterey County with a golf course, fishing pond, swimming pool/spa, tennis/basketball court, and Clubhouse surrounding our homes. The entrance and exit from our development is off SR 68 only a few hundred yards from the intersection of SR 68 and Corral de Tierra Road. Due to the proximity, we are most directly affected by the planned shopping center.

1. Traffic Although the EIR addresses the traffic impact of the project on the Intersections of SR-68 and Laureles Grade and SR-68 and Corral de Tierra, nowhere does the EIR address the impact on the 63 homes (approximately 207 residents)¹ at The Villas Homeowners Association development. Today we fight to exit our residences on to SR-68 in the morning of Westbound (going from Salinas to Monterey), and the late afternoon Eastbound (going from Monterey to Salinas). On the Mitigation Measure 4.12.2 the Draft EIR calls for modifying and redesigning the site plan to eliminate the western most driveway from the Shopping Center and replace it with a 60 foot deep driveway on the eastern most side fronting SR-68. Whether the driveway is closer to Corral de Tierra Road and SR-68 or our development, there will be an unregulated increased traffic from the Shopping Center driving east (toward Salinas). Today, we are able to wait for the traffic light at SR-68 and Corral de Tierra Road, and the traffic light at SR-68 and San Benancio Road to give us a momentary opportunity to exit our development. On weekdays in the morning (coming from Salinas) and late afternoon (coming from Monterey), there is a constant flow of traffic. With an unregulated additional flow of traffic from the Shopping Center from the driveways proposed in the Draft EIR (either closer to Corral de Tierra Road, or nearer our development), I predict that this Project Plan will have virtually land-locked us in our development. Today, exiting the development is harsh. The additional unregulated traffic flow will make living at The Villas Homeowners Association completely unacceptable. That is, it will devalue our property and destroy our tranquil lifestyle in one of the most wholesome places to live in Monterey County. Possible solutions:

- a. **Eliminate the driveway exiting the Shopping Center on to SR-68** If all traffic to and from the Shopping Center were to enter and exit from Corral de

¹ One source lists the Corral de Tierra area as having 5,328 homes with 15,029 residents. That is, each household has an average size of 3.26 people living in it. See Corral de Tierra Neighborhood Information www.househunt.com/demographics/93908/Corral_de_Tierra

O-1

O-2

Tierra Road, then Eastbound vehicles (going to Salinas) would be regulated by the traffic light at SR-68 and Corral de Tierra Road. This would provide our residents with a fighting chance to exit our homes on to SR-68 and get to our destinations.

↑
O-2

b. Require that the Developer plan an alternate exit for Villas

Residents. Since the additional traffic generated by the Shopping Center will cause undue hardship on the residents of The Villas to exit their property on to SR-68, part of the EIR should address the option of requiring the Developer to find an alternate route to exit the development. That new exit could be across the Shopping Center property from the Villas and on to Corral de Tierra Road. Alternatively, the Developer may be required to purchase additional lands at the rear of the Villas to permit an exit on to Corral de Tierra Road, rather than exit directly on to SR-68.

O-3

c. Require the Developer to stipulate that a fast food place not be a part of this shopping center. A fast food restaurant would definitely draw more traffic congestion for this intersection and should not be permitted.

O-4

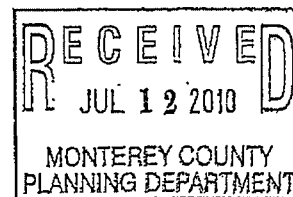
2. Water The Developer requests to remove the B-8 zoning designation from this Project. If the reason for the B-8 zoning is an overdraft of approximately 2 feet from the aquifer serving the current owners, it makes no sense to remove the B-8 zoning unless the property can put more water back in to the aquifer than it takes out. To do otherwise will only invite every other Developer in this B-8 zone to point to this project and ask for removal of the B-8 zoning from their projects. It would then make the B-8 zone useless. The LEED Silver Reduced Water Consumption/Full Recharge Alternative states that 3.5 acre feet per year will recharge the aquifer. If the project is to go forward, that is the only sensible alternative.

O-5

3. Too large a Shopping Center From my perspective, this Shopping Center is too large for the serene, rural area of Corral de Tierra. The draft EIR acknowledges that the former gas station on the corner of Corral de Tierra and SR-68 is not included in this study. My guess is that this property is at least one acre. Another gas station, replacing the former one would seem appropriate. However, the site then becomes a 12-acre development, not 11 acres suggested by the EIR. The size of shopping center project is out of place for a small rural community of 5,328 homes with 15,029 residents.² Alternative 3: Reduced Density/Redesigned Project Alternative seems to limit the size of this Shopping Center more appropriately.

O-6

Donald S. Bolles
23799 Monterey Hwy, Unit 18
Corral de Tierra, CA 93908
(831) 484-2780
dsbolles@sbcglobal.net



² See Corral de Tierra Neighborhood Information [www.househunt.com/demographics/93908/Corral de Tierra](http://www.househunt.com/demographics/93908/Corral_de_Tierra)

O. RESPONSES TO COMMENTS FROM DONALD BOLLES

- O-1: The commenter states that the DEIR does not address traffic impacts to the Corral de Tierra Villas Homeowners Association (63 homes / 207 residents) adjacent to the east of the project site. The commenter states that entering and exiting this residential development –from Highway 68– is tough now, and feels the Mitigation Measures applied to project relative to traffic do not do enough to diminish any additional traffic impacts to their entry/exit driveway. The proposed Project includes two access/egress driveways on Highway 68 in the area adjacent to the Villas development. The construction of these two driveways is identified in the DEIR as having the potential to create hazards to vehicle circulation on Highway 68. Review of the Project by Caltrans and the County Department of Public Works requires the elimination of the westernmost of these two driveways. Those agencies have determined that this would be an adequate mitigation for the identified traffic impacts and potentially hazardous situation that could result from construction of the two driveways. Mitigation Measure No. 4.12.2 (p. 390-391) would require the elimination of the driveway.
- O-2: The commenter suggests that the driveway exiting the Shopping Center on to SR-68 be eliminated forcing all traffic to exist and enter the development from Corral de Tierra Road, where it could be regulated by the existing traffic light at SR-68 and Corral de Tierra Road. See response to comment O-1 above.
- O-3: The commenter states that since the shopping center may generate additional traffic, and present an undue hardship on the residents of the Villas to exit their property, the EIR should address the option of the requiring the Developer to find an alternate exit route for the Villas. The commenter states this alternate exit route could be across the Shopping Center property, or additional land should be purchased at the rear of the Villas to allow an exit on to Corral de Tierra Road. This alternative was not considered in the DEIR. The traffic analysis contained in the DEIR, identifies the project will result in a significant increase in additional turning movements throughout the project frontage, including the frontage on SR-68. However, the DEIR (Mitigation Measure 4.12.2, page 390) recommends the elimination of the western-most driveway on SR-68, and does not recommend the removal of eastern-most driveway. The DEIR does not identify the exiting of traffic from the project site as a potential significant impact or hazard relative to traffic using the driveway at the Villas development; therefore there is no nexus for requiring the recommendation from the commenter.
- O-4: The commenter expresses his desire to prohibit the Shopping Center from including a “fast food” restaurant as part of the development plan. The commenter states that a fast food restaurant would draw more traffic congestion for the intersection. At the time of review of the development plan, specific uses will be considered by the decision maker, and this comment will be provided for consideration.
- O-5: The commenter expresses concerns over the request to remove the B-8 Overlay on the subject property. The commenter feels that this would allow other developers to use this project as a

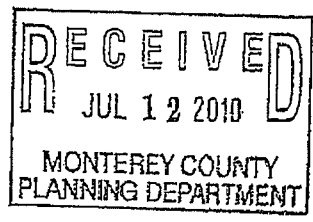
precedent for other developments to petition for the removal of the B-8 zone, therefore rendering the overlay useless. The commenter states that unless the project pumps less or equal to water it recharges, the only sensible alternative is the LEED Silver Reduced Water Consumption/Full Recharge Alternative. Approval of the removal of the B-8 Overlay from the project site will require a specific finding from the Monterey County Board of Supervisors that construction of the proposed project would not adversely affect the constraints (water use) which caused the B-8 district to be applied to the property. Should the Board of Supervisors make this finding, it will be based on information specific to the project site included in the FEIR. Therefore such finding for removal of the B-8 Overlay will not be a precedent for any future proposals to remove the B-8 Overlay.

- O-6: The commenter expresses the belief that the Shopping Center is designed on too grand a scale for the community of only 5,328 homes with 15,029 residents. The commenter states that the existing service station parcel is not included in the DEIR, and if developed or replaced at a later date, would make the overall development a total of 12 acres, not 11 as discussed in the DEIR. The commenter states the Reduced Density/Redesigned Project Alternative (Alternative 3) seems to limit the size more appropriately. The commenter expressed a personal belief about the size of the proposed project which is noted. The adjacent parcel is a separate parcel, and is not included in the proposed project. If and when a service station is re-established in the adjacent parcel, the impacts of that project would have to be evaluated considering traffic and other impacts from the shopping center.

P. COMMENTS FROM GERRI BOLLES

July 11, 2010

Gerri Bolles
The Villas at Corral de Tierra
23799-18 Monterey-Salinas Hwy.
Corral de Tierra, CA 93908



TO:
Mike Novo, County Planning Director
Luis Osorio, County Planner
ALL County Supervisors
ALL County Planning Commissioners

Via email osoriol@co.monterey.ca.us

Comments on the DEIR for the Corral de Tierra Neighborhood Retail Village
Planning Department File #PLN020344

As a resident of 15 years at the Corral de Tierra Villas Homeowners Association, adjoining the proposed Phelps project, I submit the following comments:

The Phelps Application for a rural, village-style shopping center is not what local residents envisioned at his Presentations several years ago. The Phelps proposal is four times larger than the Stone Creek Shopping Center at the Del Rey Oaks intersection.

P-1

The traffic congestion by a project this size would create gridlock for miles in both directions on Highway 68. This intersection as it now stands without the project, is already over impacted as anyone who commutes or drives on this highway can tell you. And not to mention the extra congestion that incoming and outgoing vehicles (delivery trucks included) would generate on Corral de Tierra Road.

P-2

The B-8 Zoning that was placed on the Toro Area was done to protect the area from severe over drafting of the water supply. The 2007 water Study concluded (again) that the Toro Area is in overdraft. Water studies are conducted to provide accurate information on which to base wise land use decisions. North Monterey County is already experiencing severe water overdraft, making many homes unsaleable when banks won't finance a home without adequate water supply.

P-3

Although the redesign of the "Project in Alternate 3" is a better concept than the "Project", it doesn't mitigate significantly the Traffic congestion or Water use. Although Alternative 3 Reduced Density/Redesigned Project Alternative reduces the density of the proposal (it only results in 34 fewer parking spaces than the "Project" of 506 parking spaces), the direct and cumulative impact to traffic levels would be similar to the "Project".

P-4

The "Project Mitigation" for increased traffic for the "Project" refers to payment earmarked for completion of the Caltrans Project Study Report for 2.3 miles of State Route 68 Commuter

↓ P-5

P

Improvements – which may or may not occur for years. Meanwhile, the traffic would be extremely bottlenecked at the intersection of Corral de Tierra Rd and Highway 68 and along the corridor for miles in both directions. This is not acceptable mitigation for local residents or incoming tourists heading toward Monterey.

↑
P-5

Why would our county leaders (Planning Commissioners and ultimately County Supervisors) be willing to approve a project that would be so detrimental to our traffic and water supply?

| P-6

Mr. Phelps needs to redesign his project to a much smaller scale.

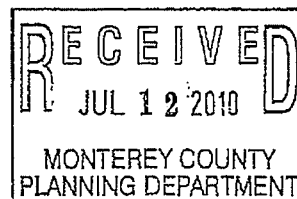
| P-7

Besides traffic and water complaints, noise and lighting (24/7) would be intolerable. Please be sure this project is desirable for all of us.

| P-8

Most sincerely,

Gerri Bolles
23799-18 Monterey Highway
Corral de Tierra, CA 93908



P. RESPONSES TO COMMENTS FROM GERRI BOLLES

- P-1: The commenter states that the current proposal is not what the developer presented to residents several years ago. The commenter states the proposal is four times larger than a shopping center (Stone Creek Village) at the SR-68 and Del Rey Oaks intersection. This is not a comment on the EIR, therefore no response is provided.
- P-2: The commenter states that the proposal would create gridlock in both directions of Highway 68. The commenter states that the SR-68/Corral de Tierra intersection is already over impacted and additional traffic, including delivery trucks, would escalate the traffic issues. The potential impacts from the proposed project on the existing road infrastructure have been identified in the DEIR and mitigation measures are recommended that would require the applicant to construct road infrastructure improvements that would reduce those impacts to less-than-significant levels as required by CEQA. See Mitigation Measures 4.12.2 and 4.12.3.
- P-3: The commenter states the B-8 zoning was placed on the Toro Area to protect from severe over drafting of the aquifer; a 2007 study again concluded that the Toro area is in overdraft. The commenter states that areas in North Monterey County are also experiencing severe overdraft, making homes un-saleable due to lack of adequate water. Comment noted.
- P-4: The commenter states that although the Reduced Density/Redesigned Project Alternative (Alternative 3) reduces the number of parking spaces by 34, therefore reducing the amount of allowable square footage, the direct and cumulate impacts to traffic would remain similar to the full project level. The Reduce Density/Redesigned Project Alternative includes the reduction of 34 parking spaces and a corresponding reduction of 8,600 square feet of area from the proposed Project. The reduction in square footage will result in a reduction in users and therefore traffic will be proportionally reduced. The resulting number of parking spaces under the alternative (474) is consistent with the parking requirements of the Zoning Ordinance for the reduced square footage.
- P-5: The commenter expresses that payment of traffic fees, as mitigation, to fund the Caltrans Project Study Report for 2.3 miles of SR-68 Commuter Improvements will not mitigate the impacts to the intersection (Corral de Tierra/SR-68) adjacent to the development. The traffic impact fees identified in Mitigation Measure 4.12.1 have been adopted by the Board of Supervisors as an appropriate measure to mitigate traffic along the SR-68 corridor. See response to comment EEE-70.7.
- P-6: The commenter asks why the county leaders (Planning Commission / Board of Supervisors) would be willing to approve a project so detrimental to traffic and water. Comment noted.
- P-7: Commenter states that project needs to be designed to a smaller scale. Comment noted.

P-8: Commenter expresses impacts from lighting (24/7) and noise, would be intolerable. The impacts from the proposed project relative to lighting and noise have been properly identified in the DEIR. Adequate mitigation measures for those impacts are included in the DEIR.

Q. COMMENTS FROM RONNA BRANDT

Q

Thu, Jul 15, 2010 8:11 AM

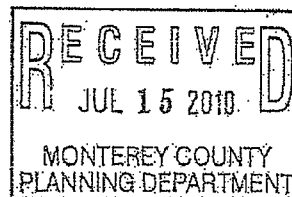
Subject: draft EIR Phelps Family / Corral de Tierra Project
Date: Wednesday, July 14, 2010 5:42 PM
From: Ronna Brandt <bonbon@mbay.net>
To: "osorial@co.monterey.ca.us" <osorial@co.monterey.ca.us>
Cc: "phelpsfamily@corraldetierra.com" <phelpsfamily@corraldetierra.com>
Conversation: draft EIR Phelps Family / Corral de Tierra Project

Dear Mr. Osorial,

I am writing on behalf of the Phelps Family project at the corner of 68 and CDT road. I have lived in Corral de Tierra for 22 years, and for 22 years we have been in serious need of an attractive useful shopping area. The proposed plans are beautiful, practical and much needed. There has been nothing there at that corner but eyesore gas stations and horrible, dirty shacks masquerading as a grocery store! It's way past time that we have an entrance into this lovely area that truly is representative of the needs of the entire community and I sincerely believe this project would fill this need. Thank you for your time and consideration, Sincerely, Ronna Brandt 28012 Mesa de Tierra Rd. Salinas Ca

Q-1

Sent from my iPad



Q. RESPONSES TO COMMENTS FROM RONNA BRANDT

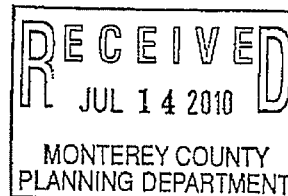
- Q-1: The commenter states that she is in support of the proposed project. She believes that the proposed project will provide goods badly needed in this region and that the proposed project is attractive and practical. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

R. COMMENTS FROM ROD BRINK

R

Osorio, Luis x5177

From: Rod Brink [kq6f@comcast.net]
Sent: Wednesday, July 14, 2010 5:07 PM
To: Osorio, Luis x5177
Subject: Corral de Tierra retail village



Dear Mr. Osoriol -

The majority of Corral de Tierra residents are tired of driving into Salinas or Monterey for groceries and general shopping. It's a waste of time and, much more importantly, a waste of gasoline. The Phelps retail village would solve that problem and would serve to reduce the traffic load on Hwy 68. There are many other advantages to the Phelps plan and they have been covered in detail in the DEIR so there's no need to reiterate them here.

Please be advised that the overwhelming majority of us out here are fervently in favor of the Phelps project. Please give it your kind consideration.

Best regards,
Rod Brink
25950 Paseo de los Robles
Corral de Tierra

R-1

R. RESPONSES TO COMMENTS FROM ROD BRINK

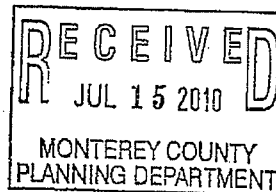
- R-1: The commenter states that he is in support of the proposed project. He believes that the proposed project will provide goods badly needed in this region and in doing so would reduce the traffic along SR-68. He states that the overwhelming majority of residents are in favor of the proposed project. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

S. COMMENTS FROM MARGE BROCKMANN

S

Thu, Jul 15, 2010 8:19 AM

Subject: Fwd: Corral de Tierra
Date: Wednesday, July 14, 2010 9:16 PM
From: Jackxmarge@aol.com
To: <phelpsfamily@corraldetierra.com>
Conversation: Corral de Tierra



From: <Jackxmarge@aol.com>
Date: Thu, 15 Jul 2010 00:05:28 EDT
To: <osorial@co.monterey.ca.us>
Subject: Corral de Tierra

Dear Sir,

I recently learned from a friend in Monterey that they are planning to build a shopping center at the Corral de Tierra Rd and highway 168. I was very excited! Though I don't live in the area myself, My parents, Ed and Elsie Parsons lived at 266 Corral de Tierra road for over 30 years. My grandparents, Dan and Lena Freeman since the 1940's at 260 Corral de Tierra Road. My Dad at one time owned the property on the west side of Corral de Tierra Rd. where the old Shell station used to be. Dad did build a store and leased it out, but his wish was always that they would someday have a store with competitive prices where the locals could shop and would not have to travel into town all the time. I know that my Mom and Dad would be very excited to know that the Phelps family wants to make this a reality. The area needs this and I hope that soon this will come to be. Our best wishes to the Phelps family and their project.

S-1

Marge Brockmann, Fresno, CA

jackxmarge@aol.com

S. RESPONSES TO COMMENTS FROM MARGE BROCKMANN

- S-1: The commenter states that she is in support of the proposed project. She believes that the proposed project will provide goods and services that are needed in this region. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

T. COMMENTS FROM KIM BROSSAU

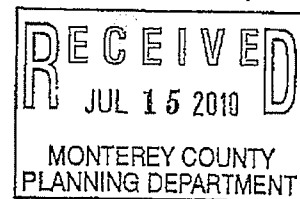
Osorio, Luis x5177

From: kbzeppie@aol.com
Sent: Thursday, July 15, 2010 10:28 AM
To: Osorio, Luis x5177
Subject: Corral Shopping Center

I have lived on the 68 corridor for 12 years now and have never understood why this shopping center has not been built. Years ago we were sent a survey about it. We were all for it but it never happen. I had heard it was not going to be built because of traffic. That's a joke! You can't actually think people from Salinas, Monterey or Seaside are going to drive out here for a grocery store. It sounds crazy but sometimes you forget something at the store it would be nice for those of us that live here not to get stuck in traffic. Even Toro Park has a 7/11, are you saying that makes more traffic?

Thank you,
Kim Brosseau

T-1



T. RESPONSES TO COMMENTS FROM KIM BROSSEAU

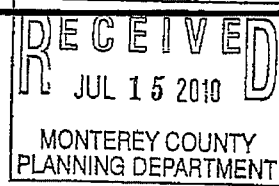
- T-1: The commenter states that she is in support of the proposed project and that the proposed project will not increase the traffic in the area because people from Salinas, Monterey or Seaside will not drive all the way out to the proposed project to go shopping. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

U. COMMENTS FROM MARC BROSSEAU

U

Osorio, Luis x5177

From: marc brousseau [mbrousseau@mac.com]
Sent: Thursday, July 15, 2010 7:21 AM
To: Osorio, Luis x5177
Subject: Corral de Tierra Retail Village



I absolutely support the proposed development at Corral de Tierra. I would love to have a high end grocery store less than a mile from my home rather than having to travel the distance into Salinas or Monterey. The location of this "Village" would reduce traffic on 68 rather than increase it. The retail center would be a destination only for those living in the area or those already traveling on the 68 corridor. It has my vote!

U-1

Marc Brousseau
12337 Marravilla dr
Salinas, Ca 93908

marc brousseau
mbrousseau@mac.com

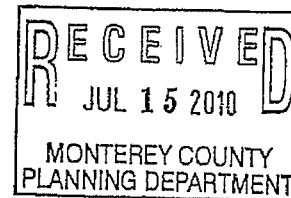
U. RESPONSES TO COMMENTS FROM MARC BROSSEAU

- U-1: The commenter states that he is in support of the proposed project. He believes that the proposed project will reduce the traffic along SR-68 and would be a destination only to those living in the area or already traveling the SR-68 corridor. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

V. COMMENTS FROM PETER BUNDY

Osorio, Luis x5177

From: Pete Bundy [Pete.Bundy@clarkbuildersgroup.com]
Sent: Thursday, July 15, 2010 6:42 AM
To: Osorio, Luis x5177
Subject: FW: Corral De Tierra shopping center



Mr. Osorio,

As a resident of Corral De Tierra since 1982, I would like to express my support for the Phelps Family's Proposed shopping center. I would like to encourage you and your planning staff to give a favorable Review to this wonderful and needed project.
Sincerely,

V-1

Peter Bundy
105 Corral De Tierra Rd

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and exempt from disclosure under applicable law or may constitute as attorney work product. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

07/15/2010

V. RESPONSES TO COMMENTS FROM PETER BUNDY

- V-1: The commenter states that he is in support of the proposed project and would like to see the County of Monterey approve what he thinks is a much needed project. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

**W. COMMENTS FROM FRANK, LAUREL, JESSICA, ADRIENNE, AND
MICHELLE CONTE**

To whom it may concern.

Our family has lived in Corral de Tierra since 1971 and have wanted this shopping center since it was first proposed. We support the project and feel there are few..... that are against it that don't realize the benefits and added safety of area residents and their children not having to travel highway 68 everytime they need a shopping center. We are fortunate to have someone who is willing to make an investment at such a difficult time lets get it done.

W-1

Sincerely
Frank J. Conte
Laurel R. Conte
Jessica P. Conte
Adrienne M. Conte
Michelle S. Conte

W. RESPONSES TO COMMENTS FROM FRANK, LAUREL, JESSICA, ADRIENNE, AND MICHELLE CONTE

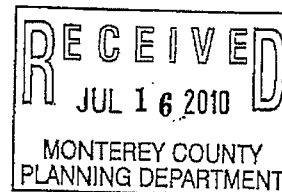
W-1: The commenters state that they are in support of the proposed project. They believe that a majority of the area residents are in support of the proposed project and that those who are against it do not realize that the proposed project is an issue of safety in that the residents and their children will not have to travel the SR-68 corridor every time they need to go shopping. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

X. COMMENTS FROM DANIEL CURRAN

X

Fri, Jul 16, 2010 8:13 AM

Subject: Phelps Family DEIR
Date: Thursday, July 15, 2010 7:39 PM
From: dancurran <dancurran@hughes.net>
To: <osorial@co.monterey.ca.us>
Cc: 'The Phelps Family' <phelpsfamily@corraldetierra.com>
Conversation: Phelps Family DEIR



Dear Mr. Osorio:

I am writing on behalf of the Phelps family and their continuing effort to get a shopping village approved for Highway 68 and Corral de Tierra. My wife and I live on Corral Del Cielo approximately 6 miles from highway 68. We love living there. As one might imagine we have two choices when it comes to accessing services and groceries. One is in Salinas and the other is in Monterey. Both are about 15 to 18 miles from where we live. I've often wondered why there is not a local serving center on that corner where the zoning has existed for years. I have examined the plans (I am an Architect) and I must say I am impressed with the thoroughness of the planning and design for this proposed center. It is long over due and much needed for our little corner of the world. I imagine a really good grocery store, hardware and feed store, a nice restaurant, dry cleaners, hair salon, locally owned and operated pizza parlor, a bank, specialty shops, etc. If you have taken a census of how many people live in the Corral de Tierra area, you know there are a lot of us. We all add to the traffic on 68. I believe the shopping center would alleviate a lot of that.

X-1

While I am enthusiastic about the Phelps proposal and support it, I am concerned that the center does not get filled up with a lot of ugly blight corporate businesses such as garbage fast food and retail outlets. Please do not let this happen. We have enough of them already. One need not look any further than the shopping center at Canyon Del Rey and Highway 68 to see what we don't want. I would like to see the County pass conditions for use permits that make it extremely hard for such businesses to go in. I want to see this center filled up with locally owned, locally served businesses who have a real interest in keeping our area unique and know what a special place it is. Also, please consider the signage program. I hope it will be toned way down with no obnoxious lights or bad advertising. This is the gateway to Steinbeck's "Pastures of Heaven" and deserves to be respected.

Sincerely,

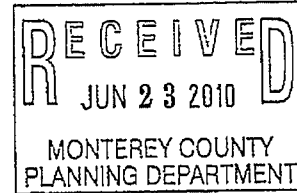
Daniel R. Curran
Corral de Tierra

X. RESPONSES TO COMMENTS FROM DANIEL CURRAN

- X-1: The commenter states support of the proposed project; also that the proposed project has been thoroughly planned and designed and that construction of the shopping center would alleviate traffic on SR-68. The commenter states he does not want fast food and retail outlets included in the project and favors locally-owned and locally-served businesses. The commenter would also like consider a signage program that prohibits extensive lighting and advertising. No fast food or retail outlets are proposed as part of the project; the types of uses will be approved by the Planning Commission and the Board of Supervisors and will be clearly stated in the General Development Plan required. The project will need to comply with all applicable County rules and regulations regarding signage. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

Y. COMMENTS FROM RICHARD DAMPIER

Y



Richard O. Dampier
24 Mesa del Sol
Salinas, CA 93908

June 21, 2010

Taven M. Kinison Brown
Planning Services Manager
Monterey County Resource Management Agency,
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

RE: Project File No: PLN020344, Corral de Tierra Retail Village

To Whom It May Concern:

The above project to be located adjacent to Highway 68 and Corral de Tierra Road is an unnecessary intrusion into a quiet rural area. This project is sold as being environmentally sensitive through such measures as reducing the number of vehicle trips to Salinas or Monterey by having a local shopping center at the above location. Such a statement is a sham.

Y-1

This project creates more negative environmental impacts than it off sets. Such a project creates light pollution from the lights present on store fronts and in parking lots during what is currently a vacant section of land. Such a project creates noise pollution through daily activities of an increased use of this property by patron vehicles, delivery vehicles, and other operating equipment such as HVAC and refrigeration units. The storm water run off from this parking lot will make its way to San Benancio Creek and eventually into the Salinas River.

Y-2

Y-3

Y-4

This type of project, large retail establishments, tends to generate trash and other waste materials that will attract wildlife and pests to the project. Take a look at any shopping center, and one can see the collection of debris from overflowing recycling bins, garbage containers that leak materials into drainage areas, and restaurant establishments that allow food waster products to leak into drainages. While some may decry this as alarmist, take a look around all four sides of an existing retail strip mall and see the debris that collects during routine business activities. Even the former gasoline station and real estate office building currently located on the corner of this proposed site is a small example of how unsightly such a venture can be, with its over grown vegetation and recreational vehicle parking and storage activities.

Y-5

Y-6

Y-7

Y

Proponents will argue that this type of negative impact of retail business can be regulated through management practices; however, experience shows that performance is best at the time when the project first opens. For example, the performance on such issues as site maintenance declines through a lack of enforcement, lack of interest, shifting priorities, or, a reduced maintenance budgets and the like.

Y-8

This project is unnecessary. Shopping is available a short drive to Salinas or Monterey. The addition of a shopping center at Highway 68 and Corral de Tierra is not needed and not desired.

Y-9

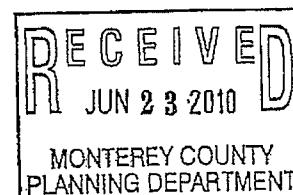
I oppose this project that further develops open land in an environmentally fragile ecosystem. The project will place additional burdens on the limited water supply in the area, increase traffic and noise, and visually mar the area with development.

Y-10

Sincerely,



Richard O. Dampier



Y. RESPONSES TO COMMENTS FROM RICHARD DAMPIER

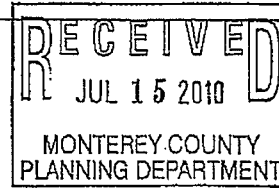
- Y-1: The commenter states the opinion that the project is an unnecessary intrusion into a quiet rural area; regardless of the claim that it would reduce vehicle trips to Salinas or Monterey. Comment Noted.
- Y-2: The commenter feels the project created more negative environmental impacts than it off sets, including light pollution. Comment Noted.
- Y-3: The commenter feels that the project will directly produce noise pollution through daily activities and uses of the property by patron vehicles, delivery vehicles, and other equipment such as HVAC and refrigeration units in stores. Comment Noted.
- Y-4: The commenter feels that storm water run off from the proposed parking areas will make its way to San Benancio Creek and eventually into the Salinas River. The proposed project includes construction of an underground detention facility, which will collect and slowly release run off into an existing storm drain which carries run off to El Toro Creek (DEIR page 67).
- Y-5: The commenter expresses his opinion that projects such as these, large retail establishments tend to generate trash and other waste materials which attract wildlife and pests. This is not a comment on the DEIR and therefore no response is provided.
- Y-6: The commenter states that if one looks around all four sides of an existing retail establishment, and the amount of debris that it collects and is allowed to "leak into drainages" is evident. Comment Noted.
- Y-7: The commenter states that the existing former service station and real estate office located adjacent to the proposed project constantly contain unsightly overgrown vegetation and recreational vehicle storage and storage activities. The adjacent service station property is not a part of the project application. Comment Noted.
- Y-8: The commenter states that the negative environmental impacts resulting from shopping centers can not be regulated through management practices, and tend to decline through time, due to lack of enforcement, lack of interest, shifting priorities, or reduced maintenance budgets. The mitigation measures and conditions of approval that will be attached to the project will include provisions for ongoing monitoring and enforcement which should address the concerns of the commenter.
- Y-9: The commenter states that the proposed development is unnecessary; existing shopping is already available a short drive to either Salinas or Monterey. The commenter states that this development is not needed and not desired. Comment Noted.
- Y-10: The commenter expresses this opposition to the proposed development, claiming it places additional burdens on the limited water supply in the area, increases traffic and noise, and will visually mar the area. Comment noted. However the County has proposed mitigation measures to

address impacts to traffic, noise and aesthetics and project alternatives that would not result in additional water use from that existing at the Site at the time of the imposition of the B-8 District.

Z. COMMENTS FROM LARRY DANIELS

Osorio, Luis x5177

From: Larry Daniels [larryd@danielsandhouse.com]
Sent: Thursday, July 15, 2010 12:13 PM
To: Osorio, Luis x5177
Subject: Phelps Family DEIR



Dear Mr. Osorio,
This letter is to voice my enthusiastic support for the Village proposed by the Phelps family at Corral de Tierra and Hwy 68. My family and I have resided on Corral de Tierra Rd. for almost as long as the Phelps have been trying to gain approval for this project, about 35 years. We should not be forced to wait any longer for the local services the Village will provide for the Toro area residents.
The numbers of Toro-Hwy 68-Corral-San Benancio-Laureles Grade residents more than justify a local Village with essential services, small offices and retail which, for many residents will be a short drive, a pleasant walk or a golf cart or bike ride away from home. I have spent the equivalent of weeks in traffic on Hwy 68 over the years envisioning the day when most of my away-from-home needs could be met in a Village "down at the corner". Please tell me what I can do to help make this project happen.
Thank you,
Larry Daniels
262 Corral de Tierra
Salinas, CA 93908

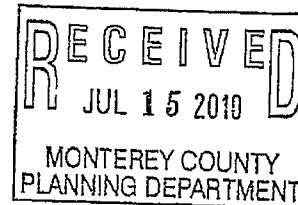
Z-1

Z. RESPONSES TO COMMENTS FROM LARRY DANIELS

- Z-1: The commenter states that he is in support of the proposed project. He states that the area residents would benefit from being able to meet their “away-from-home” needs in a Village ‘down at the corner’. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

AA. COMMENTS FROM JAY DESERPA

R. JAY DeSERPA
25361 Markham Lane
Corral de Tierra, CA 93908
Tel: 831 484-9900 Ext 5
Email: jay@deserpa.com



Luis Osorio
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

Subject: Phelps Project, Hwy 68 @ Corral de Tierra Road

Dear Mr. Osorio:

I am a 4th generation native of Monterey County where I have resided all my 67 years. I have lived in the Toro area for the past 35 years. Corral de Tierra is also home to my kids and grandchildren. My understanding and appreciation of this area is, therefore, not shallow.

My wife and I have lived in Markham Ranch for just over 20 years. In our opinion this idyllic and near perfect community is blemished by two problems. They are:

1. Lack of any community retail / service operations. We are forced to hit Hwy 68 into Salinas or Monterey frequently as twice daily. This has us making the 25 mile round trip for hair & nail appointments, prescription pickup, quick dinners out and other goods and services essential to any community.
2. Unsightly "gateway" to Corral de Tierra caused by run down underutilized corner properties. Improvement to these highly visible corner properties would project a positive image for both our county and our community while enhancing property values.

We are convinced that the proposed Phelps development would provide most of the badly needed services and a respectable gateway to the Corral de Tierra Community. EIR and related studies have proven conclusively that traffic impact is in fact positive and impact on water supply, however minimal, is more than satisfactorily mitigated. Any opposition to this appropriate, timely and well conceived development can only be nihilistic.

We would like to go on record as being 100 per cent in favor of prompt approval of the Phelps project.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Jay DeSerpa". The signature is written in a cursive style with a long horizontal flourish extending to the right.

R. Jay DeSerpa

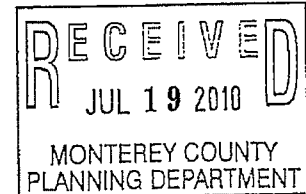
AA. RESPONSES TO COMMENTS FROM JAY DESERPA

AA-1: The commenter states that he is in support of the proposed project. He states that the area residents would benefit from having the services essential to any community provided within the area. The commenter states that improvements to this highly visible corner would improve the currently unsightly 'gateway' to the community and would enhance property values. The commenter states that the EIR and related studies have proven that there would be a positive traffic impact from the proposed project and that impacts to the water supply have been satisfactorily mitigated. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

BB. COMMENTS FROM JUDY DIFRANCO

Osorio, Luis x5177

From: Nanette Leuschel [nleuschel@sbcglobal.net]
Sent: Friday, July 16, 2010 7:49 PM
To: Osorio, Luis x5177
Subject: Fwd: Corral de Tierra Neighborhood Retail Village



Sent from my iPhone

Begin forwarded message:

From: Judy DiFranco <judydifranco@yahoo.com>
Date: July 16, 2010 7:46:26 PM PDT
To: osorial@co.monterey.ca.us
Cc: phelpsfamily@corraldetierra.com
Subject: Corral de Tierra Neighborhood Retail Village

Luis Osorio;

My name is Judy DiFranco and I live at 340 San Benancio Rd. I am sending this email in support of this proposed shopping village.

Living in this area off of highway 68 is a nice experience and I think the one thing that we do not have as a community is a place to buy groceries, relax with a cup of coffee or just meet our community. I am very excited about the possibility of this happening in the future.

I have been following the progress of the Phelps family for a few years and have seen the drawings of this proposed plan. I think it would fit in with it's environment quite nicely.

There have been numerous times that I needed to shop for a grocery item and had to travel to Monterey, only to find out I was stuck in traffic either going to or coming from the store. This is an impact on the traffic on Highway 68, especially at commuting time.

As I know quite a few residences in this area, I can say I have not heard a negative response to this development. In fact we are all waiting with anticipation!

Judy DiFranco

BB-1

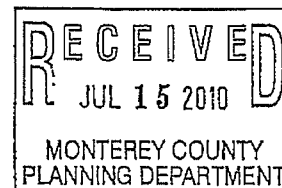
BB. RESPONSES TO COMMENTS FROM JUDY DIFRANCO

BB-1: The commenter states that she is in support of the proposed project. She states that a place for the residents of the area to buy groceries or have a cup of coffee would be nice for the community. The commenter also thinks that the proposed project would cut down on traffic on SR-68. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary. Opinions expressed about the proposed project will be made available to the decision makers for their consideration.

CC. COMMENTS FROM MARTIN DODD

Osorio, Luis x5177

From: Gopumps@aol.com
Sent: Thursday, July 15, 2010 12:33 PM
To: Osorio, Luis x5177
Subject: Villages EIR - Hwy 68 & Corral de Tierra Rd



Luis Osorio
Planning Department
Monterey County
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Dear Mr. Osorio -

I live in the Villas on Hwy 68 adjacent to the proposed Villages Shopping Center. There are three primary concerns I have regarding the project.

1) Traffic on Hwy 68. Currently, without the additional traffic resulting from the center, it is often difficult, and especially difficult at rush hours, to turn onto Hwy 68 from the Villas' driveway. This is a fact for both directions, but turning left towards Monterey is sometimes hazardous. The usual method is to wait until the light at Corral de Tierra halts the traffic from Monterey allowing Villas' residents to pull into center lane to wait for an opening into the flow from Salinas. That method often is not feasible as when traffic from Monterey is halted, cars turning right (toward Salinas) from Corral de Tierra impede the left turn from the Villas into the center lane. That is now. With parking for 500 cars at the proposed shopping center with four (4) driveways on/off 68, the increased traffic will likely make turning left from the Villas onto 68 a practical impossibility, or more likely result in risky turns and accidents.

CC-1

I am 75 years old, and there are many residents of the Villas older than I. If the other seniors share my attributes, both patience and reflexes are lessened.

I request consideration for:

A) keeping the driveway nearest the Villas, but restrict it to delivery and emergency vehicles. All other entrance/exit driveways be onto Corral de Tierra Road. Or,

CC-2

B) the exit driveways from the Center onto 68 be controlled by a light (on Center property) coordinated with the one at Corral de Tierra, which would allow a halting of traffic toward Salinas so that Villas' residents could turn left. Or,

CC-3

C) installation of a traffic light at the Villas driveway controlled by sensors in that driveway and in the left turn lane (on 68) into the Villas' driveway.

CC-4

2) Landscaping. Corral de Tierra and 68 are scenic roads. The Center plan calls for removal of many existing trees, including two oaks. The mitigation included in the EIR calls for trees and landscaping on the two roads (partially blocking view of stores) and trees in the parking area that will provide shade, both reducing building visibility and heat reflection. The EIR calls for fast-maturing trees. That is a relative term. At 75, two or three years could be a lifetime. I suggest that the oaks and other viable mature trees remain, and trees to be planted be already as mature as possible when planted. Other landscaping hopefully will ensure that the Center be

CC-5

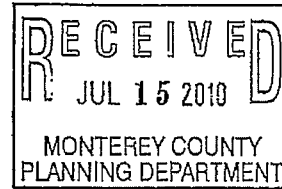
as beautiful as the surrounding area.

3) Size. The Center (500 parking spaces) is too large, creating other problems (water, sewage, et al) in addition to the traffic. Consideration should be given to scaling back the Center by at least 30%. Even with that, my two concerns above would remain.

CC-6

Thank you for your consideration,

Martin Dodd
The Villas #63
23799 Monterey-Salinas Highway
Corral de Tierra, CA 93908
(831) 484-1812.



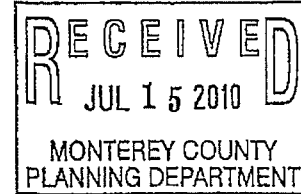
CC. RESPONSES TO COMMENTS FROM MARTIN DODD

- CC-1: The commenter states his concern over being able to exit onto SR-68, from his place of residence located within the Villas on Highway 68 development. The commenter states that additional traffic generated by the shopping center will make it nearly impossible for residents of the Villas to exit their development, and will result in increased risky turning movements and accidents. See Response to O-3
- CC-2: The commenter requests that the proposed driveway nearest the Villas community be limited to delivery and emergency vehicles only, and that all other entrance/exit driveways be onto Corral de Tierra Road only. See Response to O-1 and O-3.
- CC-3: The commenter requests that any exit driveways to SR-68, be regulated by a traffic light (contained on Center property) and be timed with the light at Corral de Tierra, allowing a halting of traffic toward Salinas so that Villas' resident could turn left. See Response to O-1 and O-3.
- CC-4: The commenter requests the installation of a traffic light at the Villas driveway controlled by sensors in that driveway and in the left turn lane into the Villas' driveway. The requirement for installation of a traffic light requires an analysis of the traffic volume in order for a light to be warranted. The analysis of the traffic that is contained in the DEIR concluded that the threshold for requiring a traffic light would not be met.
- CC-5: The commenter notes that many trees are slated for removal, including two mature Oak trees. The commenter requests that the Oaks remain, and other viable mature trees also remain; and that mature trees be replant where possible. The commenter states he hopes other landscaping be as beautiful as the surround area. The project has been designed to retain as many of the protected trees as possible; and the project will be required to replace any removed protected trees at the ratios required by the Zoning Ordinance.
- CC-6: The commenter states that the proposed shopping center is designed too large, creating problems with water, sewage, traffic, etc. The commenter requests the proposal be scaled down by at least 30 percent. Comment Noted. Commenter is referred to propose Alternative Number 3, which consisted of a reduced density project.

DD. COMMENTS FROM MICHAEL AND JULIE DOVE

Osorio, Luis x5177

From: Mnjdove@aol.com
Sent: Thursday, July 15, 2010 1:30 PM
To: Osorio, Luis x5177
Subject: In Favor of Corral de Tierra Shopping Center



Dear Mr. Osorio

This e-mail is to let you know how much we would like to see a shopping development at the corner of Hwy 68 and Corral de Tierra Road. We have lived in the Corral area for 30 years and have been in favor of this project since the beginning. The Phelps family has been keeping all the residents informed of their extraordinary and long attempts to make this development happen.

We are now retired and make almost daily trips into Salinas or Monterey in order to get things done; Grocery shopping, restaurants, laundry, drug stores, etc. Even coffee at Starbucks and meeting friends requires a trip along the Hwy 68 corridor.

It seems from the extensive reading I have done about the Phelps development that they have done everything humanly possible to make this development environmentally friendly and meet all the requirements of the county.

This would be a great addition to our already great area and elevate community spirit as well.

We certainly hope this project is approved.

Thank you,

Michael and Julie Dove
24630 Avenida Principal
Salinas, Ca. 93908
831-905-4301

DD-1

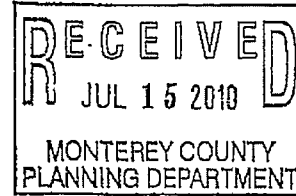
DD. RESPONSES TO COMMENTS FROM MICHAEL AND JULIE DOVE

DD-1: The commenters state that they are in support of the proposed project. They state that the proposed project would be a great addition to the area and that they believe the applicant has done everything possible to make this development environmentally friendly and to meet all the County's requirements. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

EE. COMMENTS FROM BILL AND BAARBARA ELLIOTT

Osorio, Luis x5177

From: barbarajelliott@comcast.net
Sent: Wednesday, July 14, 2010 8:39 PM
To: Osorio, Luis x5177
Cc: phelpsfamily@corraldetierra.com
Subject: phelps family DEIR



We are sending message in support of the Phelps family shopping center on corral de tierra rd. We are personally acquainted with the firm of Hart-Howerton and the excellence of there design work. We have viewed two of their projects and the care and diligence they exhibit is beyond compare. We believe strongly that this project will benefit all of the residents in our area and well as all the people who use 68 for commuting. Please find favorably for this plan. Bill & Barbara Elliott

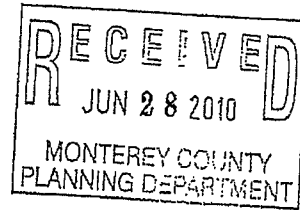
EE-1

EE. RESPONSES TO COMMENTS FROM BILL AND BARBARA ELLIOTT

EE-1: The commenters state that they are in support of the proposed project. They state that they are acquainted with the firm that designed the proposed project and their design work is excellent. The commenters state that the proposed project will benefit all of the residents in the area as well as the people who commute along SR-68. Opinions expressed about the proposed project will be made available to the decision makers for their consideration. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

FF. COMMENTS FROM GAIL ENGLISH

FF



June 25, 2008

TO: Senior Planner Luis Osorio
Monterey County Planning
168 W. Alisal St., 2nd floor
Salinas, CA 93901

FROM: Gail English
25700 Paseo De Los Robles
Salinas, CA 93908

Dear Mr. Osorio,

I am concerned about the development of the property at the intersection of Corral de Tierra and Highway 68. In my opinion the size of this development is way too big. We have a rural setting along highway 68; an open space scenic highway which would be over wrought with traffic, congestion and unwanted development. Highway 68 should be replaced by another route between Monterey and Salinas but with no alternative in sight, we should not allow more development, especially commercial development along this overused corridor.

FF-1

Thanks for considering a local homeowners opinion.

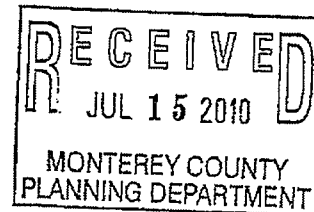
Gail English

FF. RESPONSES TO COMMENTS FROM GAIL ENGLISH

- FF-1: The commenter expresses concerns about the development of the proposed project stating that it is too big and that it would add to the traffic, congestion and unwanted development along a scenic highway. She states that without providing an alternate route between Monterey and Salinas, no more development, particularly commercial, should be approved along this corridor. The DEIR contains mitigations that will reduce the impacts on the designated scenic corridors to less than significant levels (Mitigation Measures 4.1.1 through 4.1.5). Commenter is referred to proposed Alternative Number 3 (Reduced Density Alternative). The project site is designated for commercial development in the County General Plan and is therefore consistent with this designation. Please note that there is an alternative traffic corridor proposed to address traffic on Highway 68, as referred by commenter for the future; however this alternative roadway is not currently designated for funding by TAMC.

GG. COMMENTS FROM KIM FELLOW

July 15, 2010



Luis Osorio
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901
osoriol@co.monterey.ca.us

SUBJECT: DEIR for Corral de Tierra Neighborhood Retail Village (PLN020344)

Dear Mr. Osorio:

I am writing to comment on the Draft EIR addressing the Phelps Family's proposal for a neighborhood retail village. I have lived in the area for 17 years. Our community has waited a long time for this project.

The Draft EIR provides facts that work to counter unfounded fears that some have expressed about any change and about this project in particular. For example, some claim that a shopping village could increase traffic in our "rural" community. The DEIR challenges this assertion. On page 381, the DEIR says: to the extent that customers are local residents formerly shopping in Monterey, Seaside or Salinas, the Project could *reduce traffic in the area.*" That's good news for our community.

It's also good news for the planet. The DEIR finds that the Phelps Family project will shorten vehicle trips made by local residents and result in "an estimated savings of about 3,470 vehicle miles traveled" every single day. Reduced miles traveled means a beneficial reduction in Greenhouse Gas emissions.

I only hope that the county decision makers will read and consider the facts and approve the project. This village will improve the quality of life for our community and reduce our carbon footprint.

Sincerely,

Kim Fellom
Toro Park Resident

GG-1

GG-2

GG. RESPONSES TO COMMENTS FROM KIM FELLOM

- GG-1: The commenter states that the Draft Environmental Impact Report (DEIR) provides facts to dispel unfounded fears that some have expressed about this project and the surrounding areas. The commenter cited a reference on page 381 of DEIR which states that the project will *reduce traffic in the area* by providing services to local residents who normally drive to Salinas or Monterey, with an estimated savings of *3,470 vehicle miles traveled* each day. The commenter claims this is good for traffic and a beneficial reduction in green house gas emissions. Comment Noted.
- GG-2: The commenter states the desire for County decision makers to read and consider the facts and approve the project, as it will improve the quality of life for the community and reduce carbon footprints. Comment Noted.

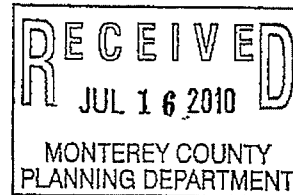
HH. COMMENTS FROM BRIAN FINEGAN

HH

BRIAN FINEGAN
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
SIXTY WEST ALISAL STREET, SUITE 1
POST OFFICE BOX 2058
SALINAS, CALIFORNIA 93902

AREA CODE 831
SALINAS TELEPHONE 757-3641
MONTEREY TELEPHONE 375-9652
FACSIMILE 757-9329
E-MAIL brian@bfinegan.com

July 16, 2010



Luis Osorio, Senior Planner
168 W. Alisal Street, Second Floor
Salinas, California 93901

HAND DELIVERED

Re: Draft EIR for Corral De Tierra Neighborhood Retail Village

Dear Mr. Osorio:

Attached please find comments from our hydrogeological consultants, Lohdorff & Scalmanini Consulting Engineers, on the hydrology section of the DEIR.

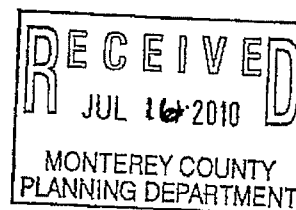
Very truly yours,

A handwritten signature in cursive script that reads "Brian Finegan". Below the signature, the name "Brian Finegan" is printed in a standard font.

Brian Finegan

MEMORANDUM

PREPARED FOR: Brian Finegan
PREPARED BY: Will Halligan
DATE: July 16, 2010
PROJECT NUMBER: 03-1-043



SUBJECT: REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT, CORRAL DE TIERRA NEIGHBORHOOD RETAIL VILLAGE, COUNTY OF MONTEREY, CALIFORNIA

As requested, Luhdorff and Scalmanini Consulting Engineers (LSCE) have reviewed the hydrogeology-related sections of the Draft Environmental Impact Report for the Corral De Tierra Neighborhood Retail Village project (DEIR) that was prepared by LSA. The results of our review are presented below.

- Page 219. The DEIR indicates that the 1995 water demand for the Corral De Tierra subarea was 582 acre feet per year and the range of recharge (referenced to Fugro West, Inc., 1996) was 557 to 836 acre feet per year. Since the most current estimate of water demand is at the low end of the range of recharge estimated for Corral De Tierra, the cause for reported overdraft is not clear and needs further clarification.
- Page 220, last paragraph and page 255. The interpretation of long term trends in groundwater levels conducted by Geosyntec and referenced in the DEIR are problematic in that there is not a consistent methodology that was applied in the trend analysis. The interpretation of trends in long term groundwater elevations appears to be biased as a result, which leads to a conclusion of overdraft in the Corral De Tierra area that may not be entirely supported by the data.
- Pages 219 and 220. The DEIR does not reconcile the conflict between having a sufficient amount of recharge for the Corral De Tierra area (range of 557 to 836 acre feet per year) to meet existing demand (most recently defined by 1995 demand levels of 582 acre feet per year) while also, according to Geosyntec, experiencing long term historical groundwater level declines.
- The DEIR does not adequately address the effect the B-8 zoning overlay has had on the trend in water demand and the total water demand in the Corral De Tierra area since 1992. Is the 1995 estimate of water demand representative of current water demand levels?
- Page 251. The Threshold 4.7.2 needs to be updated to more accurately reflect the

HH-1

HH-2

HH-3

HH-4

↓ HH-5

information provided by the referenced report by Whitson Engineers (October, 2009).

- Page 255. The DEIR states that at buildout (which has not yet occurred), a deficit of approximately 244 and 224 acre feet per year will exist in the Toro Planning Area and Corral de Tierra subarea, respectively, using the lowest value of recharge estimated by Fugro West. In the next sentence, the DEIR states that “as such the El Toro Primary Aquifer System is in a state of overdraft *at the present time* (emphasis added), and this condition is expected to worsen in the future”. The first sentence references what the deficit will be once buildout occurs sometime in the future, yet the second sentence concludes, by using the future buildout deficit numbers, that overdraft is “presently” occurring and is expected to get worse. How can overdraft get worse than the future buildout deficit.
- Page 255 – 257, Tables 4.7.A and 4.7.B. The level of precision that is attached to the values of recharge, runoff, and demand seems unsupported by the amount of uncertainty which may be inherent in quantification of the water balance and use numbers. The DEIR should include the level of uncertainty in the water balance and use numbers and rationale for the level of precision in the water balance and water use numbers that are presented. In addition, the values presented do not appear to represent the most up to date calculations presented by Whitson Engineers in the cited references.
- It appears as if the LEED alternative would provide a net surplus in recharge to groundwater whether or not the detention/recharge facility is revised as compared to what is planned for the Project.

↑ HH-5

HH-6

HH-7

HH-8

HH. RESPONSES TO COMMENTS FROM BRIAN FINEGAN

- HH-1: The commenter references information stated on page 219 of the DEIR, wherein the DEIR states the 1995 water demand for Corral de Tierra was 582 acre feet per, and the range of recharge (Fugro West Inc, 1996) was 557 to 836 acre feet per year. The commenter states that since the reported demand is near the low end range of the recharge estimate, the cause for reported overdraft is not clear. The Fugro Report (1996) noted the accuracy of estimates could not be confirmed without better groundwater level data. Groundwater data from 1960-2007, was compiled and analyzed as part of the Geosyntec Report (2007). The analysis of this data was a key component for the basis of the Geosyntec conclusion. Also see Master Response 5.
- HH-2: The commenter references information stated on pages 220 and 225 of the DEIR, where interpretations of long term trends in ground water levels are discussed. The commenter claims that the interpretations appear to be biased, therefore leading to a conclusion of overdraft that may not be supported by the data. See Master Response 5.
- HH-3: The commenter references information stated on pages 219 and 220, relative to demand and recharge of the Corral de Tierra area. The commenter claims the DEIR fails to reconcile the conflict between having a sufficient amount of recharge (557-836 acre feet per year) to meet existing demand (most recently defined by 1995 demand levels of 582 acre feet per year) while also experiencing long term historical groundwater level declines (according to Geosyntec). See Response to HH-1. Also see Master Response 5.
- HH-4: The commenter states the DEIR does not adequately address the effect the B-8 overlay has had on the trend in water demand and the total water demand since 1992. The commenter asks if the 1995 estimate of water demand is representative of current water demand levels. The conclusions of the DEIR were not based on current water demand for the study area. The DEIR based its conclusions on the El Toro Groundwater Study (Geosyntec, 2007). See Master Response 5.
- HH-5: The commenter states that Threshold 4.7.2 on page 251 needs to be updated to more accurately reflect information provided by Whitson Engineers (October 2009). With respect to stormwater, the text on page 251 is accurate and does not need to be revised. The county has imposed a Mitigation Measure 4.7.5 which requires the 100 year post development runoff rate to be reduced to the 10 year pre-development rate. With respect to the DEIR conclusion that the Proposed Project would deplete groundwater resources, the Whitson (October 2009) Report confirms this conclusion by demonstrating that there would be a net deficit to the groundwater basin. The Whitson Report does demonstrate that the LEED Silver Alternative would result in a net positive benefit. This is addressed in the Alternatives section.
- HH-6: The commenter expresses concerns related to information contained on page 255 of the DEIR, relative to claims that the Toro Area, and Corral de Tierra sub-area specifically are in overdraft. The commenter points out that the DEIR states that the area will experience a deficit of approximately 244 and 224 acre feet per year, respectively, at the time of build-out; however then

concludes, in the next sentence, that the areas are in overdraft at the present time, and is expected to worsen in the future. The commenter asks how overdraft can get worse than the future build-out deficit. In response to the comment, the DEIR shall be corrected to read as follows:

At built out a deficit of approximately 244 and 224 acre feet per year for the Toro planning area and Corral de Tierra sub-area, respectively, was estimated using the lower recharge value (Fugro West, Inc., 1996). As such, the El Toro primary aquifer system is in state of overdraft at the present time, and this condition is expected to continue worsen in the future within portions of the El Toro Groundwater Study area.

HH-7: The commenter expresses concerns with the information contained in the DEIR on pages 255-257, relative to uncertainty in quantification of the water balance and use numbers. The commenter states that the values presented in the water balance and water use numbers do not appear to represent the most up to date calculations presented by Whitson Engineers in the cited references. See Master Response 2.

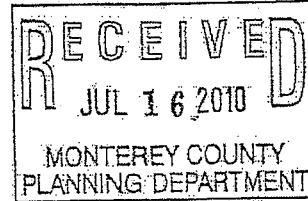
HH-8: The commenter states that the LEED alternative would provide a net surplus in recharge to groundwater whether or not the detention/recharge facility is revised as compared to what is planned for the Project. Comment Noted. County agrees.

II. COMMENTS FROM BRIAN FINEGAN

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July 16, 2010



Luis Osorio, Senior Planner
168 W. Alisal Street, Second Floor
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HAND DELIVERED

Re: Draft EIR for Corral De Tierra Neighborhood Retail Village

Dear Mr. Osorio:

This comment letter is submitted on behalf of Omni Resources, Ltd. and the Phelps Family, the project applicants.

Thank you for the opportunity to provide comments on the Corral de Tierra Neighborhood Retail Village Draft Environmental Impact Report (DEIR). Overall, we found the document to be professionally prepared and comprehensive in addressing the requirements of CEQA. The objective of our comments is to improve an already legally adequate EIR and thereby make it a more useful document for the public and decision-makers.

II-1

GENERAL COMMENT – GROUNDWATER (Section 4.7)

The conclusions and recommendation of the DEIR related to groundwater availability, recharge and overdraft are predicated largely on the GeoSyntec 2007 El Toro Groundwater Study (see, e.g., p. 220 *et seq.* on Groundwater Levels and Trends; p. 255 *et seq.* on Groundwater Supplies), even though the GeoSyntec report in many respects reached different conclusions than other experts (Anderson-Nichols & Co., Inc. [1981]; Staal, Gardner and Dunne, Inc. [1991]; Fugro West, Inc. [1996]; and Kleinfelder, Inc. [2004]).¹ The Applicant contends that where, as here, experts reach differing conclusions, the EIR should summarize the main points of disagreement and then explain the County's reasons, if any, for accepting one set of judgments (GeoSyntec's) instead of the others. (See CEQA Guidelines §15151 and Greenebaum v. City of Los Angeles

II-2

¹ All of these reports are cited in the DEIR bibliography, and presumably are available from the County.

[1984] 153 CA 3d 391).² The following narrative is intended to provide a summary of the expert opinion supporting a different conclusion from that of GeoSyntec.

↑
II-2

Anderson-Nichols (1981).

In the early 1980's, some residents of the Toro Area had expressed concern about declining groundwater levels in response to the drought of the late 1970's. In response to this concern, the County imposed a moratorium on new subdivisions in the Toro Area. At that time, the Toro Area was earmarked for significant residential developments that would increase its population from 2,775 to 15,381 at buildout. In March of 1981, the County of Monterey commissioned a study by Anderson-Nichols & Co., Inc. to perform a thorough hydrogeologic investigation of the Toro area concentrating on an analysis of the quantity and quality of available groundwater resources within the planning area. Anderson-Nichols presented an Interim Report in September of 1981, and a Final Report in October of 1981. The Anderson-Nichols Final Report included the following conclusions:

- "The overall quantity and quality of the existing groundwater supply in the El Toro area are sufficient to meet the demands of both the current population and the population projected for saturated development."
- "The continuation of the existing moratorium on subdivision within the El Toro area is not warranted by existing or projected groundwater conditions. There are no existing problems with the overall groundwater supply which would justify such an area-wide restriction."
- "The best water supply zone, VI,³ is located in a northwest portion of the study area, where large volumes of storage, good recharge capabilities, and potable water are found."
- "Drops in water levels in wells in El Toro can be attributed to the drought of the mid-1970's and to localized conditions and cannot be linked to a generalized overdraft condition."

II-2a

Certain concerned citizens of the Toro Area questioned the conclusions and methodology of the report. After meeting with the concerned citizens and reviewing their concerns, Anderson-Nichols issued an addendum to their report (Response to Written Questions Submitted by Concerned Citizens, November 18, 1981). The addendum re-confirmed the conclusions and methodology of their report. The addendum stated:

"It is important to note that a previous study by Thorup supports the findings and conclusions of our study. Furthermore, the various

² In Greenebaum, the Court of Appeal held that the material in the EIR must be responsive to the position of all parties, particularly where opinion and not facts is in issue (p. 4-13).

³ The zone in which the Ambler Park Water Company wells are located.

results of our analysis (water level changes, storage, recharge, and water quality) are consistent in their support of the conclusion that the water supply is adequate." (p. 9.)

Stall, Gardner & Dunne, Inc. (1991).

The Staal, Gardner & Dunne report (Hydrogeologic Update El Toro Area Monterey County, California, August 1991) was the base study on which the County Board of Supervisors relied in enacting the B-8 overlay zoning in portions of the Toro Area, including the Project site.

As was the case in 1981, the need for the SGD report was derived from a concern by residents within the study area regarding the adequacy of supply to support additional development.

SGD did not perform new independent research. Their report was based solely on hydrogeologic data supplied by the Monterey County Water Resources Agency, and noted that "Significant data gaps still exist." SGD recommended that further data be collected and analyzed which would assist in estimating safe yield for the aquifer systems of the study area. SGD stated that with additional data, the conclusions of their report may be subject to revision.

While generally endorsing the methodologies and conclusions of the Anderson-Nichols report, SGD determined that a more conservative method of determining recharge was appropriate, resulting in a substantially lower estimate of groundwater recharge. SGD also reported that the County had reduced the permissible buildout population of the study area from the 15,381 reported by Anderson-Nichols to 9,780, a 36% reduction (SGD Table 2).

SGD reported a general trend of declining water levels in most subareas. While SGD concluded that all subareas except Calera Canyon presently contain surplus groundwater (more recharge than demand), at buildout the Corral de Tierra and El Toro Creek subareas would also display water supply deficits.

SGD concluded (contrary to Anderson-Nichols and GeoSyntec) that the study area consists of a series of sub-areas rather than a single hydrogeologic unit:

"A significant deficiency in the A-N report is their assumption that the area behaves as one hydrogeologic unit. Implicit in the consideration of the area as one unit is the premise that inflow and outflow of ground water is from a common pool. This, however, is not the case." (p. 24.)

II-2a

SGD recommended that the hydrogeologic boundaries of the subareas be determined and incorporated into a more formal groundwater management system for the study area.

In response to this report, the Board of Supervisors adopted Ordinance No. 03647 placing the B-8 overlay zoning in place over approximately 12,000 acres of the study area.

Fugro West, Inc. (1996).

The Fugro report was intended to supplement and refine the 1991 SGD report. The purpose of the report was "to refine the understanding of the water balance in the area through the use of better data and more rigorous analysis." Fugro's work consisted of three tasks: i) refine the water demand estimates in the study area; ii) reevaluate the initial estimates of groundwater recharge through the use of a moisture/runoff model developed by USGS; and iii) assess the hydrogeologic impacts of developing groundwater in the Watson Creek area for transfer to Calera Canyon.

II-2a

The Fugro report recommended (consistent with the Anderson-Nichols report) revision of the adopted subareas to correct "paper deficits" that result in areas that are hydraulically connected. In furtherance of this general recommendation Fugro made the following recommendations:

- "As a starting point, it is suggested that the subareas north of the trace of the Chupines fault be aggregated into a single unit. This would combine the majority of the subareas of Corral de Tierra, Watson Creek, San Benancio Gulch and El Toro Creek into a single hydrogeologic unit."
- "Following our recommendations for revising the subareas, we recommend that the current B-8 regulation be revised to apply only to the area south of the Chupines fault."⁴

The County took no action in response to the Fugro report.

The Kleinfelder report was prepared for the Monterey County Health Department in connection with the Project application. It is the only Toro Area hydrogeologic report dealing with a specific property and a specific project.

II-2b

Kleinfelder reviewed and analyzed the previous reports (Anderson-Nichols, Staal, Gardner & Dunne, Fugro West, as well as the Yates, Feeney and Rosenberg report (2002) on the Laguna Seca area.

⁴ The Project site is located north of the Chupines fault.

Kleinfelder reported that although groundwater levels in the Highway 68/Corral de Tierra Road area had declined over a 40-year period at a rate of about 0.6 feet per year, groundwater levels had actually risen in the period since 1995.

II-2b

The Kleinfelder report concluded:

"Based on the above findings, in our opinion, the 'B-8' Zoning District restriction should be lifted for the Corral de Tierra Neighborhood Retail Village project."

Komex H2O Science, Inc. (2005).

In January of 2005, at the request of the Monterey County Water Resources Agency, Komex H2O Science, Inc. (Komex) prepared a memorandum entitled: "Suggestions for Refinement of Proposed Criteria for Lifting the B-8 Zoning Classification for the El Toro Area."

Komex explained that there were two primary reasons for the El Toro Area B-8 zoning; the first being a concern about historical conditions. The second reason was a concern over projected conditions at build-out. The Staal Gardner & Dunne (SGD) report in 1991 projected that groundwater-supply deficits totaling hundreds of acre-feet per year would occur at build-out in the El Toro Area;

II-2c

"Monterey County accepted SGD's conclusion that groundwater-supply deficits totaling hundreds of acre-feet per year would occur at build-out in the El Toro Area. This conclusion was based on the plan for build-out envisioned in 1991. Rezoning to B-8 appears to have been effective as a temporary measure to halt groundwater level declines, as updated hydrographs published by Schmidt (2001) show that water-level declines have halted or reversed in most wells within the El Toro Area."

This Komex memorandum is an important part of the B-8 history. It should be included in the list of source documents on p. 247, and made available for public review.

Luhdorff & Scalmanini (2010).

Hydrogeological consultants Luhdorff & Scalmanini Consulting Engineers (LSCE) reviewed the GeoSyntec report on behalf of the Applicant.⁵ Their memorandum report is attached hereto as Exhibit "A-2".

II-2d

Among the key findings of LSCE are the following:

⁵ A statement of the qualifications and experience of Luhdorff & Scalmanini is attached hereto as Exhibit "A-1".

- "The report lacks any description of storage values from aquifer test analyses as well as any determinations of the leaky or confined nature of any primary aquifer units described in the report. This information is necessary to review the aquifer storage volume presented in the report."
- "The groundwater level trend line analysis was misapplied due to inaccurate application of trend lines and resulting interpretation. The analysis and accompanying report table (Table 4-4) and trend lines overlain on groundwater elevation hydrographs presented in Appendix D are misleading and result in inaccurate evaluations of groundwater trends, which presumably led to the report's conclusions of overdraft conditions."
- "The extrapolation of groundwater level changes over the 1960 to 2005 time period from hydrographs with limited historical data...is misleading and leads to inaccurate reporting of total groundwater elevation changes as shown in Table 4-4."
- "Table 6-5 presents 'current' (1995) demand and recharge by subarea; overall, the results show a long term average surplus. The report does not explain how there can be historical declining groundwater elevations under conditions in which there is a surplus in recharge (with the exception of the Calera Canyon subarea)."
- "Based on the review of the report's analysis and interpretations, the conclusion that overdraft exists in the El Toro area is not fully supported by the findings presented in the report...The report's findings of overdraft, primarily on the author's interpretations of long-term historical groundwater elevation declines conflict with estimates of average recharge that are greater than historical demand."

II-2d

Based on the expert opinion of LSCE, it is clear that the GeoSyntec report does not provide reliable substantial evidence to support the EIR's finding of groundwater overdraft (pp. 225, 255 and 262), and the conclusions derived from that finding that the Project cannot be approved (pp. 257 and 265).

In addition to the general comment above, specific comments follow, numbered according to the Chapter to which it corresponds in the DEIR.

CHAPTER 1.0 EXECUTIVE SUMMARY

Page 23, Table 1.B: MM 4.12.4. The Residual Impact is shown as "Less than Significant." P. 2, §1.4, and p. 392, §4.12.9 show the project level impacts on the intersections of SR-68/Corral de Tierra Road and SR-68/Laureles Grade as significant and unavoidable. Please resolve the apparent conflict.

II-3

Page 35, §3.1, Third Paragraph. Note that the convenience market is closed and out of business.

II-4

Page 35, Footnote 1. The Cypress Community Church intersection improvement is currently under construction, along with other improvements to the SR-68/Corral de Tierra intersection.

II-5

CHAPTER 4: EXISTING ENVIRONMENTAL SETTING, ENVIRONMENTAL ANALYSIS, IMPACTS, AND MITIGATION MEASURES.

Page 100, View Simulations: Figures 4.1.7 and 4.1.8. The Project, as proposed, does not have the bright red roofs shown in the simulations. The bright red roofs as depicted distort the visual impact of the project and should be corrected.

II-6

Page 113, MM 4.1.3: Building Aesthetics/Hardscape Elements. Some of the recommended measures are not feasible. E.g., "light colored asphalt" would mean a chip-seal surface, which is not suitable for a commercial parking lot. Dark green striping is not consistent with MUTCD and County standards for commercial parking lots. The cost of interlocking pavers is prohibitive.

II-7

Page 114, Standard Condition 4.1.6: Underground Utility Lines. Existing overhead utilities are not required to be relocated underground. Overhead utilities are an existing condition at the Project site, and will remain. A number of other overhead features exist near the site (e.g., traffic signals). Removal of existing overhead lines and facilities at this major intersection is not warranted.

II-8

Page 157, Western Spadefoot Toad. The Project will not remove any identified aestivation habitat for Western spadefoot. Compare p. 147, second paragraph, noting that the only potential habitat for Western spadefoot is located 500 feet east-northeast of the Project site.

II-9

Page 164, Mitigation Measure 4.3.5: Western Spadefoot Toad. Surveys and mitigation should not be required for Western spadefoot. As noted on p. 147, the breeding habitat for Western spadefoot is temporary pools and drainages, which do not exist on the Project site.

Page 197, Second Bullet: Ft. Ord Contamination. Discussion of groundwater contamination in Former Fort Ord next to Marina should be deleted. This is outside the impact area of the project and is not related to the project site or its environs. The final sentence of this paragraph confirms this.

Page 197, Second Bullet: Unexploded Ordnance. Discussion of unexploded ordnance as an impact appears to be a significant exaggeration given that the Project site is far outside any area of the former Ft. Ord known to contain unexploded ordnance. (See the ESCA and BLM Parcels Map at www.fora.org/esca.htm that delineates the munitions cleanup areas, all of which are miles from the Project site.)

II-10

Page 200, §4.6.6: Second Paragraph, Hazardous Sites. This paragraph indicates that some of the developments listed in Table 4-A are commercial or light industrial sites potentially associated with the transport, use and disposal of hazardous materials. The text states that the DEIR cannot evaluate cumulative impacts associated with these projects because: "No information has been provided regarding the commercial and industrial processes and characteristics of the developments listed in Table 4-A." This comment is intended to provide information regarding these developments so that this possible impact can be dismissed. None of the projects listed in Table 4.A is light industrial.⁶ The only non-residential projects are professional office projects (Ryan Ranch Business Park and Laguna Seca Office Park), and the third is the East Garrison commercial site. None of the three are in the Toro Area. The closest is the Laguna Seca Office Park, located ±5 miles west of the Project site on SR-68. Both Laguna Seca Office Park and Ryan Ranch Business Park are Class A office campuses in which it is highly unlikely that there is any transport, use or disposal of hazardous materials. The East Garrison Project has not been built, but its potential impacts, if any, would be disclosed by the certified EIR for the project (Monterey County Project NO. PLN030204, State Clearinghouse No. 2003081086).

II-11

Page 200, §4.6.8: Standard Condition 4.6.1. This is a condition and not a mitigation measure applicable to the Project or to the reduction in any identified impact of the Project. The mitigation does not have a direct nexus to the topical CEQA threshold.

Page 201, §4.6.8: Standard Condition 4.6.3. This is a condition and not a mitigation measure applicable to the Project or to the reduction in any identified impact of the Project. The mitigation does not have a direct nexus to the topical CEQA threshold. The threshold is whether the Project would interfere with an adopted emergency response plan or evacuation plan. No such plans have been identified that the project would impact and the section so concludes. It is unclear why a standard condition is applied purportedly to reduce an impact that is already less than significant.

II-12

Page 219, First Bullet. This paragraph cites the 1981 Anderson-Nichols report. The report is not listed as a source on p. 203 (although it is listed in the bibliography, Chapter 9.0). It is not identified as available at the County. It is not provided in Appendix I of Volume II of the EIR. It is important to disclose where the public can view this report.

II-13

Page 225, First Full Paragraph. As noted above, the GeoSyntec report is not reliable substantial evidence to support the conclusion that the El Toro

II-14

⁶ Note that Policy 29.3.5(T) in the Toro Area Plan prohibits industrial uses in the Toro area with the exception of public utilities.)

Primary Aquifer System "exceeds the rate of groundwater replenishment" and is in overdraft.

↑ II-14

Page 246, B-8 Zoning District. It is not only "addition and/or expansion of existing commercial uses" that are allowed under the B-8 zoning. Ordinance No. 3704, adopted on September 7, 1993,⁷ modified the B-8 requirements to provide that the B-8 district does not affect "construction or expansion of commercial uses where such construction can be found to not adversely affect the constraints which caused the 'B-8' district to be placed on the property."

Pages 246 – 247, B-8 Zoning District. This discussion of the B-8 Zoning classification for the El Toro Area should detail the history of the district and how it was enacted. Specifically, the section should indicate the rationale for the imposition of the District and the specific references to the Phelps Family property and its position for exemption from this classification identified during the hearings on the B-8 Zoning and throughout its history.⁸ Review of the history will clearly demonstrate that the County's legislative intent was that the B-8 overlay was to be temporary, that the County was to promptly enact procedures for individual properties to be removed from the overlay, and that the Phelps Family property was identified for consideration of early removal.

II-15

Page 248, First Full Paragraph. The first sentence of this paragraph states: "Following review of the GeoSyntec (2007) report, the County of Monterey Board of Supervisors determined that the groundwater storage at this time could not be relied upon and that the B-8 overlay should not be lifted from the Site." In fact, the County Board of Supervisors never held a public hearing on the GeoSyntec report, and never held a public hearing or made a determination that the B-8 overlay should not be lifted from the Project site. On July 31, 2007, the Board of Supervisors received a staff report regarding the GeoSyntec report and provided direction to staff on how to proceed upon the results and options presented in the GeoSyntec report. There was no public comment. In making the motion to receive the report, Supervisor Potter (the maker of the motion) stated that the County cannot simply enact the B-8 overlay and then ignore it; the County must aggressively address resolution of the problem. Minutes of the July 31, 2007 meeting are attached hereto as Exhibit "B". No action with respect to the Toro Area B-8 zoning has been taken by the County in the intervening three years.

II-16

⁷ Volume II – Appendix I.

⁸ See Volume II – Appendix J: Specifically, the Board of Supervisors order of November 24, 1992 adopting the B-8 ordinance, expressly mentioning the Phelps property and expressly directing the staff to develop criteria for individual properties to be taken out of the B-8 zoning. And see also the staff report for the Board of Supervisors meeting of September 7, 1993, pertaining to the amendment to the B-8 zoning, noting that "...there are two parcels located in the Toro area which are owned by the Phelps that would be affected by this amendment."

Page 255, Last Paragraph. This paragraph concludes that the Project would result in a net deficit of 1.30 afy of groundwater recharge and designates this as a significant and unavoidable impact that "would result in a depletion of groundwater resources in an already overdrafted groundwater basin." As noted in the discussion of the Luhdorff & Scalmanini report, this conclusion is not supported by the GeoSyntec report. In any event, the EIR should at least suggest or propose mitigation to avoid or lessen the claimed impact.

II-17

Page 255, Footnote 1. Supply a reference to §6.2 where the alternatives can be reviewed.

II-18

Page 256, Footnote 1. The copy of the Whitson October 14, 2009 report included in Volume II – Appendix I, is missing page 5. A clean copy of the complete report (including the Water Budget Summary) is attached hereto as Exhibit "C".

II-19

Page 257, First Full Paragraph. As noted above, the GeoSyntec report is not reliable substantial evidence to support the conclusion that the subdivision does not have a long term sustainable water supply "because the project is located in an overdrafted groundwater basin and results in a net deficit."

II-20

Page 258, Operations: First Paragraph. According the project civil engineers, the drain rock pit described in this paragraph is only one of several different engineered systems that may be incorporated in the final improvement plans. The selection of the specific design of the system for underground retention/detention will take place as part of the final detailed improvement plans.

II-21

Page 262, Section 4.7.6: Cumulative Impacts. The first sentence of the first paragraph of this section states that past, present and reasonably foreseeable projects within the entire Toro Planning area and the Laguna Seca Subarea were considered when assessing cumulative impacts to hydrology and surface water quality. The EIR fails to identify these "past, present and future projects" in this very important analysis. More importantly, because the impact being analyzed is the impact on the El Toro Primary Aquifer System, the cumulative assessment should include only past, present and reasonably foreseeable projects within the El Toro Primary Aquifer System area (see GeoSyntec, Figure ES-4), not the entire Toro Planning Area,⁹ (which encompasses River Road, Pine Canyon, Serra Village and Toro Park Estates).¹⁰ Also, this section imposes a misplaced emphasis on buildout using outdated 1991 numbers. This approach fails to account for the currently existing condition

II-22

⁹ The entire Toro Planning Area includes approximately 47,360 acres (±74 square miles). Of that, only approximately 20,435 acres is within the El Toro groundwater basin, of which approximately 11,907 acres is covered by the B-8 overlay zoning.

¹⁰ Note that of the projects listed on the Cumulative Projects List (Table 4.A), only one (Harper Canyon) is within the El Toro Primary Aquifer System area, and none are in the B-8 area.

(the B-8 zoning in existence) that precludes any other development other than single-family homes on lots of record.¹¹ The only property having applied for an exclusion from the B-8 zoning is the Phelps property. Deletion of this one project site from the B-8 zone within this subarea has not been shown to have a significant unavoidable impact based upon the evidence provided in the EIR. Basing the impact analysis on erroneous and outdated buildout numbers from 1991 is contrary to CEQA and does not recognize baseline conditions.¹² The courts have ruled that a project's baseline is normally comprised of the existing environmental setting — not what is hypothetically allowed pursuant to existing zoning or permitted plans. Under existing baseline conditions, and even consideration of buildout, with the continued imposition of the B-8 zoning on all but the property site, as is proposed under the project application, the cumulative impacts of buildout are significantly reduced compared to the analysis in the EIR.

II-22

Page 264, MM 4.7.5: Drainage Plan, Second Paragraph. The text states: "The Drainage Plan for the Project shall also include calculations demonstrating the adequacy of the existing culvert along El Toro Creek under SR-68 to pass the Caltrans-specified design flood events, including any additional stormwater discharge volumes originating from the Site after construction. If the capacity of the existing culvert is insufficient to meet Caltrans design criteria, the applicant shall submit plans for upgrading or replacing the culvert and shall upgrade or replace the culvert as part of the Project." The first paragraph of this mitigation measure requires the Project to reduce the runoff rates from the site to be equal or less than that in the existing condition. Therefore the proposed project (and the alternatives as well) will not have any negative impact on drainage flows at the CalTrans culvert. The requirements that the Applicant provide calculations demonstrating the adequacy of the existing culvert, and that the Applicant upgrade the culvert as part of the project, are excessive and inappropriate. The Monterey County Public Works Department and Monterey County Water Resources Agency are the appropriate agencies to review and approve or confirm runoff; adding the additional

II-23

¹¹ The draft of the Toro Area Plan presently under consideration by the County contains the following policy: "T-1.7. Development on properties with residential land use designations located within the Toro Groundwater Basin of the Toro Area Plan along the Highway 68 corridor as illustrated in Figure LU-10 shall be limited to the first single family home on a legal lot of record." The Final EIR for the General Plan finds that new development in the Toro Area will have a less-than-significant impact on groundwater "because Policy T-1.7 will constrain residential subdivision in residentially designated areas within the El Toro Creek subbasin and Policy PS-3.4 will address localized individual well effects on water quality, well interference and localized overdraft." A similar conclusion should be reached in this EIR.

¹² The courts have ruled that a project's baseline is normally comprised of the existing environmental setting — not what is hypothetically allowed pursuant to existing zoning or permitted plans. Under existing baseline conditions (the continued imposition of the B-8 zoning on all but the Project site) the cumulative impacts of buildout are significantly reduced compared to the analysis in the EIR.

requirement for Caltrans review/consideration is onerous and unnecessary in context with the statements above.

↑ II-23

Page 265, MM 4.7.7: Retaining Wall. The Fugro report, cited as the basis for this mitigation measure, does not recommend a retaining wall. The project geotechnical report (Twining Laboratories, Inc., November 17, 2000), cited in the EIR, also makes no recommendation for retaining walls along the eastern edge of the Project site. This mitigation measure should be revised to provide that such retaining walls are required only if detailed site specific soils/geologic studies done for improvement plans demonstrate that the walls be so designed and constructed.

II-24

Page 265, Last Paragraph. As noted above, the GeoSyntec report is not reliable substantial evidence for the conclusion that the Project will have "significant and unavoidable impact to groundwater supplies."

II-25

Page 280, Last Paragraph: Build-out Deficits. The text reports that the SGD report concluded that "at build-out the subject areas were projected to display water supply deficits." The build-out that SGD referred to was a study area population of 9,760, a 140% increase in population over the existing 1991 population. (SGD Report, p. 34, Table 2.).¹³ To avoid the water supply deficits referred to in their report, SGD recommended that the County "review and revise the proposed build-out development for each area to assure that build-out is consistent with estimated groundwater supplies." Shortly thereafter, the County enacted the B-8 zoning overlay for the entire El Toro study area, thereby prohibiting further subdivision. The B-8 moratorium has been in effect continuously since 1992, with the result that the build-out population that SGD anticipated has never occurred. In its 2010 draft General Plan Update, the County proposes to adopt Policy T-1.7 that would limit new residential development in the Toro Groundwater Basin to the first single-family residence on existing lots of record.¹⁴

II-26

Page 353, Section 4.11.1: Fire District. Salinas Rural Fire Protection District is now Monterey County Regional Fire District.

II-27

¹³ The total population of the entire Toro Area is only 10,424 according to the 2000 census, most of which is concentrated along River Road (Las Palmas Ranch, Indian Springs, Pine Canyon Estates) and along Highway 68 (Creekside, Serra Village, Toro Hills and Toro Park Estates) outside of the El Toro groundwater study area. (See p. 346 of the EIR.)

¹⁴ There are only approximately 946 vacant lots of record in the entire Toro Area (p. 347, last paragraph). The number of these lots within the Toro Groundwater Basin would be a significantly smaller number. Historically, only a small number of these lots are developed on an annual basis.

Page 354, CHP Office. The CHP office is no longer located on Potrero Drive. It is now located on Blanco Road between Abbott Street and Blanco Circle.

II-28

Page 374, First Bullet: The Oaks Subdivision. According to a personal communication with the developer, Ray Harrod, Jr., three of the nine homes in this subdivision have been constructed.

II-29

Page 380, Wang Traffic Analysis. The second-to-last paragraph on this page cites the Wang Subdivision Traffic Impact Analysis. This report is not cited in the bibliography (Chapter 9.0), nor is it referenced as a source document on p. 367. Please disclose where it can be reviewed by the public.

II-30

Page 392, Last Paragraph. Please clarify the last paragraph on this page. Although the conclusion ("the Project's cumulative impact on traffic operations under Cumulative conditions would be reduced to a less than significant level") is consistent with Table 1.B (p. 23), it appears to be inconsistent with the text at the bottom of p. 2 (§1.4), and with the earlier text on p. 392 concluding that impacts at SR-68 and Corral de Tierra and SR-68 and Laureles Grade remain significant and unavoidable.

II-31

Page 403, First Paragraph: Population/Dwelling Unit Data. Some more recent population and dwelling unit data is found at p. 346 of this DEIR, and in the Monterey County 2007 General Plan EIR.

II-32

Page 425, MM 4.13.7: CUS Capacity. This measure indicates that the County would not issue permits "if the CUS facility has exceeded 60% of its existing capacity." According to Table 4.13.A, the plant is currently processing an average flow of 220,000 gpd, which is 73% of its 300,000 gpd capacity. Please clarify this matter.

II-33

Page 427 et seq., §4.14: Global Climate Change. Generally speaking, this section of the DEIR should be reinforced by including a quantitative demonstration that the mitigated emissions will meet either AB32 goals or a project-specific threshold.

II-34

Page 438, §4.14.4: Impact Significance Criteria. Although the thresholds of significance are identified and reflect Appendix G of the CEQA guidelines, the Draft EIR does not describe what would constitute a significant impact - i.e. how much GHG would represent a significant impact. The threshold should be identified and quantified given the quantitative nature of the analysis.

Pages 438-440, §4.14.5: Project Impacts. The analysis does not identify any project components that would potentially reduce GHG emissions as compared to the "business as usual" model. It is correct that the proposed project would increase emissions as compared to existing conditions (undeveloped site),

II-35

but components of the project, such as landscaping, and energy efficiency measures (including incorporation of LEED standards) would result in GHG reductions. This section should also reflect the beneficial impacts of the anticipated reduction in vehicle miles traveled as a result of the project (see p. 381).

Page 439, Motor Vehicle Use. The analysis does not discuss any potential project elements that might reduce GHG emissions, particularly in light of the project's potential to reduce traffic trips and per capita VMT on SR-68 (see p. 381). Given the potential for VMT reductions, the proposed project should result in a reduction of GHG emissions as compared to "business as usual." This should be reflected in the analysis, both quantitatively and qualitatively. The analysis, therefore, overstates the projects potential GHG emissions associated with Motor Vehicle Use. The analysis does identify VMT reductions on p. 445, but not within the context of the impact discussion.

II-35

Page 440, Table 4.14.C: Project-Related GHG Emissions. GHG emissions are quantified for the project, but the methodology is not stated in the DEIR text- it is included as a technical appendix in a tabular form. The DEIR discussion in this section should be revised to clearly state methodology. The DEIR should consider revising Table 4.14.C to provide additional information related to GHG estimates.

Page 440, Fourth Paragraph: Significance Conclusion. This statement requires clarification. Any development would increase emissions as compared to a vacant site. In order to fully mitigate impacts as compared to the vacant site, the project with mitigation would have to result in zero GHG emissions, which would be impossible. The "business as usual" model should not be the existing site condition, but rather should reflect an unmitigated project. The analysis should demonstrate how the proposed mitigation measures would achieve the % reductions stipulated in AB 32.

II-36

CHAPTER 6.0: ALTERNATIVES TO THE PROJECT

Page 466, §6.2.3: Reduced Density/Redesigned Project Alternative. It is difficult to distinguish this alternative as described from the mitigated Project; i.e., other than a reduction to 8,600 sf of floor area, most of the components of the Reduced Density/Redesigned Project Alternative are simply the Project as proposed with the recommended Project mitigation measures. Please clarify.

II-37

Page 484, §6.2.5: Summary Comparison of Project Alternatives. This section should be expanded to specifically identify what mitigation measures, if any, would be applicable to each of the alternatives, and the resultant level of significance of each impact with mitigation.

II-38

July 16, 2010

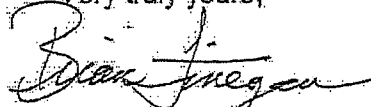
Page 484, §6.3: Environmentally Superior Alternative. It would appear that the true environmentally superior alternative would be a blend of the LEED Silver Alternative and the Reduced Density/Redesigned Project Alternative with no subdivision. Any Reduced Density/Redesigned Project Alternative must be balanced to attain two key project objectives (see p. 41):

- "Create a commercial design of high quality, consistent with the configuration of the Site and compatible with the rural character of the Toro Area" (as opposed to a linear strip mall with all of the parking in front of the buildings- see p. 300); and
- "Develop a center of adequate size and quality to be financially feasible and capable of attracting on a sustained basis high-quality tenants consistent with the needs and desires of Toro Area residents." (i.e., the alternative redesign must not eliminate floor area to the extent that the basic design concept is rendered infeasible.)

II-39

We appreciate your review and consideration of these comments. If you have any questions or concerns, please do not hesitate to contact me.

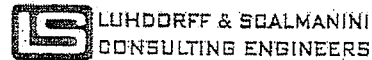
Very truly yours,



Brian Finegan
Attorney for Applicant

Cc: Eric Phelps
Denise Duffy

MEMORANDUM



**Review Of Geosyntec Report On El Toro Groundwater Study,
Monterey County, California**

PREPARED FOR: Brian Finegan

DATE: July 13, 2010

PROJECT NUMBER: 03-1-043

As requested, Luhdorff and Scalmanini Consulting Engineers (LSCE) have reviewed the El Toro Groundwater Study (Report) by Geosyntec, July 2007. The Report was commissioned by the Monterey County Water Resources Agency to investigate groundwater resources of the El Toro area and to provide recommendations for removing, maintaining, or expanding the B-8 zoning overlay that currently exists in selected subareas of the El Toro area. The Report presented several conclusions including the following:

- The primary aquifer system is in overdraft.
- The B-8 zoning could be removed if the County is in favor of long term declines in groundwater elevations and mining of groundwater storage over several decades, especially in those subareas where the primary aquifer has a large saturated thickness.
- Groundwater production potential is poor in the following areas:
 - where there is less than 100 to 200 feet of saturated thickness;
 - where the groundwater is primarily pumped from the Monterey Formation due to poor quantity and quality; and,
 - in areas underlain by granitic or metamorphic basement rocks.
- Significant groundwater production may be possible from the basal sand unit in the Upper Corral de Tierra Valley, however, this conclusion is noted to be based on limited data.
- Groundwater quality is poor throughout the El Toro area, especially in respect to arsenic and total dissolved solids concentrations.

Along with the conclusions, the following recommendations were presented:

- Remove the existing subarea boundaries (e.g. Corral de Tierra, San Benancio Gulch, etc.) as they are based on watershed boundaries and are not representative of the groundwater



aquifer.

- Establish a formal collaborative groundwater management program for the Laguna Seca and El Toro Planning Areas since they are hydrogeologically contiguous.
- Expand the groundwater monitoring program in the El Toro area, including the installation of dedicated monitoring wells and the expanded use of inactive production wells.
- Evaluate the potential for wastewater reclamation in the Corral de Tierra subarea to reduce the amount of wastewater outflow to the Salinas Valley.
- Evaluate the potential for retaining surface water runoff and enhancing aquifer recharge, including surface water impoundments.
- Evaluate the feasibility of increasing groundwater production and storage in the Corral de Tierra subarea and exporting it to Calera Canyon and Watson Creek subareas.
- Evaluate potential risks of groundwater subsidence near Highway 68 resulting from declines in groundwater levels.

II-40.1

This memorandum presents the results of the LSCE review of the Report, with particular focus on the interpretations or presentation of data that were used to arrive at the conclusions and recommendations presented above. The review presented herein does not contain any independent analysis or interpretation of data presented in the Report for the purposes of deriving different conclusions of groundwater conditions on the El Toro area.

Review Results

- The Report interchangeably uses both Calera Creek and Calera Canyon for the same subarea of the El Toro area.
- The Report states that subsurface outflow in the range of 200 to 500 acre feet per year occurs from the El Toro area west to Laguna Seca, that Laguna Seca is hydraulically connected to the El Toro area, and that there are declining groundwater levels in the Laguna Seca area. The Report fails to address these issues in detail along with the potential impact on the Corral de Tierra subarea from historical development in the Laguna Seca area. Although many geologic cross sections were prepared as part of the Report, they do not include an east-west geologic cross section to illustrate the hydraulic connection. Additional investigation on the potential impacts to the El Toro area (and the Corral de Tierra subarea in particular) from the Laguna Seca area are necessary, including historical pumping trends, future demand, and groundwater management activities, particularly since the Laguna Seca area is now in an adjudicated basin.
- The Report mentions that portions of the northern area of the El Toro area are in Salinas Valley Zone 2C, yet did not elaborate on the relevance of that detail to the El Toro area.

II-40.1.1

II-40.2

II-40.3

- Geologic cross sections A-A' and B-B' should show well logs that were used as control points for the geologic units, similar to the other cross sections presented in the Report. Cross section D-D' is not labeled consistent with the base map. There is no geologic control (i.e. well logs) in many areas to support the reported thickness of the primary aquifer units and underlying units; yet solid lines are shown, supposedly delineating observed contacts. Estimates of aquifer transmissivity and potential yield estimates of aquifer units may be impacted by these occurrences. II-40.4
- A total primary aquifer system isopach map would have been helpful to fully visualize available aquifer system thickness. This isopach map along with the saturated thickness isopach map presented in Section 4 would be useful for water resource management options in the El Toro area. II-40.5
- The Report lacks any description of storage values from aquifer test analyses as well as any determinations of the leaky or confined nature of any of the primary aquifer units described in the Report. This information is necessary to review the aquifer storage volume presented in the Report. II-40.6
- The transmissivity values calculated using the Logan approximation (based on Theis) equation did not correct for potential well inefficiency. This omission resulted in the reporting of lower than actual T values presented in Table 4-1 and lower groundwater yield potential from the primary aquifer. II-40.7
- The description in the Report regarding the evaluation and treatment of rainfall data was partial and incomplete. Data from four rainfall gages located within the El Toro area were used to produce a composite period of rainfall data. Precipitation data from periods of overlap between the four stations were averaged. In addition, rainfall data from the Salinas Airport Station was used to extend the period of record from 1995 to 2006; however a "correction" factor of 1.24 was applied the data from that station. There was no explanation in the Report for how the 1.24 correction factor applied to the Salinas Airport Station gage was derived. Three of the four precipitation stations located in the El Toro area (Corral de Tierra gage, Calera Creek gage, and Toro Park gage) have very little overlapping data; in addition to very short periods of record (5 years for the Corral de Tierra and Toro Park gages and 11 years for Calera Creek). In addition, these three gages have little or no overlapping data with the Los Laureles gage (4 to 5 years overlap with the Calera Creek and Toro Park gages, respectively). There was no explanation or discussion of the variability of precipitation data among the stations when there were periods of overlap and what impact the averaging process may or may not have on the interpretation of the cumulative departure from the mean rainfall curve. II-40.8

- The groundwater level trend line analysis was misapplied due to inaccurate application of trend lines and resulting interpretation. The analysis and accompanying report table (Table 4-4) and trend lines overlain on groundwater elevation hydrographs presented in Appendix D are misleading and result in inaccurate evaluations of groundwater trends, which presumably led to the Report's conclusions of overdraft conditions.
 - The trend lines appeared to be arbitrarily located on many hydrographs which led to an interpretation of negative sloping hydrographs. More representative trend lines (shown in blue in attached figures derived from the Geosyntec report) would have led some hydrographs to have relatively flat or positive slopes rather than negative slopes. Wells with identification numbers of 150, 20, and 148 are some notable examples. In addition, some hydrographs had several different trends which did not support being addressed as having one general trend as reported. These wells generally had groundwater elevation trends (shown in blue in attached figures derived from the Geosyntec report) which were similar to trends in precipitation as noted on the cumulative departure from the mean data that was plotted on the hydrographs. Some examples of hydrographs with multiple trends included wells with identification numbers 114 and 127. Wells with limited data should not have been used in the Report to demonstrate long term trends of groundwater declines. Some examples of hydrographs that illustrate very short periods of record include well numbers 37, 145, 162, and 171. The data shown on these hydrographs often followed the trend reflected in the cumulative departure from the mean precipitation data. The trend lines should attempt to follow spring water level data if possible and avoid groundwater levels collected in the fall and those influenced by pumping.
 - The extrapolation of groundwater level changes over the 1960 to 2005 time period from hydrographs with limited historical data (as shown in well hydrographs 37, 145, 162, and 171) is misleading and leads to inaccurate reporting of total groundwater elevation changes as shown in Table 4-4.
- The Report's summary of potential pitfalls in using graphs showing cumulative departure from the mean of precipitation (graph) by referring to a study by Weber and Stewart is misapplied as the Report did not attempt to calculate cumulative storage changes using these graphs (which was the focus of the study conducted by Weber and Stewart) or a attempt to develop a water budget from which to compare changes in storage between water budget estimates and those derived from the graph. What is helpful in using cumulative departure from the mean graphs of precipitation is in the selection of a representative study period over which to evaluate groundwater elevation trends when

II-40.9

II-40.10

applying appropriate criteria, which the Report's authors did not consider. A representative study period is essential in adequately characterizing groundwater elevation trends and potential impacts on groundwater storage. Interpretation of trends from hydrographs without considering the hydrologic period (along with other factors itemized below) can provide biased results which are not representative of basin conditions. When selecting a representative study period from the graph to evaluate trends in groundwater elevations, the following criteria should be considered:

- Inclusion of both wet and dry periods,
- Availability of data,
- Proximity to present time,
- Reflection of cultural and water management conditions in the basin (cultural and water management conditions should reflect current/projected conditions and not change during the selected study period),
- Minimizing change in storage in the unsaturated zone (starting and ending points should be preceded by a dry year), and
- Equivalence to long-term mean water supply (line connecting beginning and ending points on the graph is horizontal).

II-40.10

If these criteria are not used in the selection of a representative study period in evaluating trends in groundwater elevations, then analysis and interpretation of groundwater elevation trends may not be representative of basin conditions and erroneous conclusions can be reached.

- As mentioned above, a water budget or balance of the El Toro area was not presented in the Report, consequently, the Section 6 heading: "Water Balance" and Figure 6-1 are misleading. The title for Table 6-2 is misleading as it does not contain estimated annual water use; rather, it presents water use factors by selected land use categories. The total areas served by the selected land use categories are not presented; therefore, any calculation of total water use, return flow, and pumping by land use category is not possible, nor are they presented in the Report. The omission of these data prevents any comparison between recharge and other water budget components estimates and calculated change in storage.

II-40.11

- Table 6-5 presents "current" (1995) demand and recharge by subarea; overall, the results

II-40.12

show a long term average surplus. The Report does not explain how there can be historical declining groundwater elevations under conditions in which there is a surplus in recharge (with the exception of the Calera Canyon subarea).

- a Classification of groundwater production potential in four qualitative terms (good, poor, possible, and negligible) does not provide useful information on quantitative production potential for various end users ranging from water companies to individual ranchettes. The Report includes aquifer testing results, aquifer parameter data analyses, and saturated aquifer thickness information, therefore, a more complete approach to groundwater production potential should have been included that would allow different well owners to make qualitative interpretations on groundwater potential based on individual demand.

II-40.12

Conclusions

Based on the review of the Report's analysis and interpretations, the conclusion that overdraft exists in the El Toro area is not fully supported by the findings presented in the Report, nor is there enough information to support the absence of overdraft. No discussion was presented that provided a nexus between the trend line analysis that estimated approximately 80 percent of the hydrographs had trends of declining groundwater elevations and "current" (1995) demand estimates which are less than long term average recharge ranges in all subareas except for Calera Canyon (where the primary aquifer system is thin or non-existent). The Report's findings of overdraft, primarily on the author's interpretations of long-term historical groundwater elevation declines conflict with estimates of average recharge that are greater than historical demand.

The other conclusions presented in the Report appear to be substantiated by the investigation conducted by Geosyntec with the exception of the B-8 zoning discussion. Review of the adequacy of the interpretation and analysis of data in the Report above, especially the analysis of trends and the lack of a representative study period, calls into question the conclusion that long term declines in groundwater elevations and mining of groundwater storage over several decades would occur if the B-8 zoning were removed entirely or in selected areas.

II-40.13

The recommendations presented by Geosyntec are adequate based on current groundwater management and monitoring in place in the El Toro area with the exception of the two recommendations regarding exporting of groundwater from Corral de Tierra to other parts of the El Toro area and potential risks of subsidence along Highway 68. After concluding that the El Toro area is in overdraft, Geosyntec recommends pumping more groundwater from Corral de Tierra (according to the author's trend line analysis, 75 percent of the Corral de Tierra hydrographs show groundwater elevations in decline) and exporting it to other subareas of the El Toro area, such as Watson Creek and Calera Canyon, while at the same time recommending that potential risks of subsidence should be evaluated primarily in the same area that the increase in

11-40.13

pumping would generally occur. However, based on a review of the geologic cross-sections prepared by Geosyntec (primarily cross section D-D'), there are not any laterally extensive clay layers present in the Highway 68 area from which subsidence could occur, should they become permanently dewatered as a result of a decrease in groundwater storage.

↑
11-40.13

II. RESPONSES TO COMMENTS FROM BRIAN FINEGAN

- II-1: Applicant is thanking County for opportunity to provide comments. Comment noted.
- II-2: Commenter states that the DEIR should summarize where experts reach different conclusions and that each conclusion should be summarized. Commenter gives summary of expert reports prepared to address ground water conditions in the study area. Commenter concludes with the opinion that the Geosyntec report does not provide reliable substantial evidence to support the EIR's finding of groundwater overdraft and the conclusion that the project cannot be approved.
- II-2a: For a response to the comments relative to the Geosyntec report and the conclusions of prior reports see Master Response 5.
- II-2b: Staff reviewed the Kleinfelder Report (2004) and although it found short term rebound in ground water levels the subsequent Geosyntec Report was a more comprehensive evaluation of long term groundwater trends which have continued to decline.
- II-2c: Commenter identified the Komex H₂O, Inc. (2005) report as an important part of the B-8 history. Komex was retained by the EIR consultant for the project and provided a preliminary review of the site and suggestions for how to determine whether the B-8 could be removed on a site by site basis. The County elected to contract Geosyntec for this task.
- II-2d: Commenter identifies the Luhdorff & Scalmanini (2010) memorandum. The Luhdorff & Scalmanini information was submitted as an attachment to the commenter's letter. The Luhdorff & Scalmanini comments were received three years after the completion of the Geosyntec Report. The Luhdorff & Scalmanini memo is a critique of Geosyntec that is not designed to argue that there is no overdraft in the study area: it is intended to present that it is not conclusive whether the study area is in overdraft. See Master Response 5 for a discussion of why Geosyntec is relied upon to justify that the study area is in overdraft. For a response to the specific comments provided by Luhdorff & Scalmanini submitted as an attachment, see response to II-40.
- II-3: Comment that the Project's cumulative increase in traffic on the regional network and the recommended mitigation measure for this impact, included on Table 1.B on page 23 of the DEIR, show that the residual (after implementation of Mitigation No. 4.12.2) impact would be less than significant and that this is not consistent with statements on page No. 2 and 392 of the DEIR which show the project level impacts on the intersections of SR-68/Corral de Tierra Road and SR-68/Laureles Grade as significant and unavoidable. This comment is correct and the table needs to be modified. As stated in section 4.12.9 of the DEIR the traffic impact from the project to the SR-68/San Benancio intersection would be a Less than Significant Impact, however the impact to the SR-68/Laureles Grade and SR-68/Corral de Tierra intersections would be Significant Unavoidable impacts. Table 1.B is modified in the errata.
- II-4: The commenter notes that the existing convenience market located across the Project Site to the west, mentioned on the third paragraph on page 35 of the DEIR, is closed and out of business. This comment is noted.

- II-5: The commenter states that The Cypress Community Church intersection improvement mentioned in the footnote on page 35 of the DEIR is currently under construction along with other improvements to the SR-68/Corral de Tierra intersection. All improvements built to date on this intersection are related to the new access to the Cypress Community Church and the west-east approach to the intersection on SR-68. Another project currently under review by the County Department of Public Works would further improve the intersection.
- II-6: Commenter states that the Project as proposed does not have the bright red roofs shown in the view simulations of the proposed Project, Figures 4.1.7 and 4.1.8 of the DEIR, and that this color distorts the visual impacts of the Project. Comment noted. The colors and materials of the roof will be required to blend with the rural character of the area.
- II-7: In reference to recommended Mitigation Measure 4.1.3 (p. 113), the commenter states that some of the recommended measures (i.e. "light colored asphalt") are not feasible. This Mitigation Measure contains elements conceived as a whole to reduce the visual impacts of the entire development. The final materials and colors of the items mentioned by the commenter will be subject to review by the Planning and Public Works Departments.
- II-8: Referring to recommended Condition of Approval No. 4.1.6 in the DEIR, the commenter states that removal of existing on-site and off-site overhead utility lines is not warranted. The language of the referred to Condition of Approval will be changed as follows:
- “Standard Condition 4.1.6: Underground Utility Lines.** Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that plan specifications include notes specifying that all new utilities shall be placed underground.”
- II-9: The commenter states that “The Project will not remove any identified aestivation habitat” (original emphasis) for the Western Spadefoot Toad noting that the only potential habitat for this species is located 500 feet east-north-east of the Project site. The commenter further suggests that therefore surveys and mitigation should not be required for this species. The commenter is incorrect that the only potential habitat for this species is located 500 feet east-north-east of the Project site. The DEIR (p.147) states that “California annual grassland on the Site provides suitable upland habitat” for this species and that “Consequently, there is low potential for western spadefoot to occur on the Site.” The DEIR (p. 157) states that “The Project would remove potential aestivation habitat for Western spadefoot, and that “This would be considered a significant impact pursuant to CEQA.” Therefore, mitigation is recommended on page 164 of the DEIR. The text on page 157 will be corrected in the errata to clarify that California annual grassland is potential aestivation habitat for this species and to make the text on this page correspond to that on page 147. In addition, to address the California Department of Fish and Game’s comment regarding surveying for and the potential take of CRLF and WST, Mitigation Measure 4.3.5 CRLF and WST on pages 164 and 165 of the DEIR has been revised as stated in the errata to the FEIR.
- II-10: The commenter suggests that the discussion on page 197 of the DEIR related to groundwater contamination in the Former Fort Ord next to the City of Marina should be deleted because it is not related to the project site and its environs. The area of Fort Ord closest to the Project site is not known to have sources of contamination for groundwater. The source of water for the project is

not located in Fort Ord. The discussion (p. 917, third paragraph) concludes that ‘there is no known soil or groundwater contamination associate with Fort Ord in the vicinity of the Site; and the contamination plumes are not located or expected to migrate near the Site.’ The discussion regarding unexploded ordnance in the area of Fort Ord is included as a general reference as the boundary of the former military base is located across the subject site on State Route 68.

- II-11: The commenter refers to the discussion in Section 4.6.6 of the DEIR (p. 200), where the DEIR states that the cumulative impacts of the projects listed in Table 4.A (Cumulative Project List) of the DEIR cannot be assessed with respect to hazardous materials. Although the County appreciates the information provided by the applicant which does suggest that it is unlikely that many of the commercial and light industrial uses in the Highway 68 corridor are likely to be involved with the transport or use of hazardous waste which would result in a cumulative impact, the County still believes that it does not have sufficient information to assess the impact at this time.
- II-12: The commenter states that recommended Conditions. No. 4.6.1 and 4.6.3 in the DEIR are conditions and not mitigation measures for any identified impact of the project. The County agrees with this statement. The Conditions have been provided in the DEIR in order to inform the public with respect to how the county will address these issues should the project be permitted.
- II-13: The commenter states that the 1981 Anderson-Nichols Report cited on page 219 of the DEIR is not identified as available at the County, that it is not provided in the Technical Appendices (Volume II) of the DEIR and that its location where the public could review it should be disclosed. A copy of the 1981 Anderson-Nichols Report is available for review at the Monterey County Planning Department along with the rest of documents referenced in Chapter 9.0 of the DEIR.
- II-14: The commenter states that the Geosyntec report is not reliable evidence to support the conclusion that the El Toro Primary Aquifer System “exceeds the rate of groundwater replenishment” and is in overdraft. See response to Master Response 5.
- II-15: The commenter states that under Ordinance No. 3704, adopted on September 7, 1993, and which modified the original B-8 regulations, the B-8 District does not affect “construction or expansion of commercial uses where such construction can be found to not adversely affect the constraints which caused the ‘B-8’ district to be placed on the property.” The commenter also suggests that there should be a more detailed discussion regarding the history of the B-8 zoning classification for the El Toro Area and that the County’s legislative intent was that the B-8 overlay was to be temporary and that the Phelps family property “was identified for early removal.”

The commenter is correct in that Ordinance No. 3704 modified the provisions of Ordinance No. 03647 to provide that the B-8 Overlay District does not affect “construction or expansion of commercial uses where such construction or expansion can be found to not adversely affect the constraints which caused the B-8 to be applied to the property.” The DEIR (p.280, last sentence, second paragraph) states that at the time of the adoption of Ordinance No.03647, “the B-8 did not restrict development of the first single family dwelling on a lot of record, or the addition or expansion of existing commercial uses provided it could be shown that such addition or expansion did not adversely affect the constraints which caused the B-8 to be applied to the property.” The DEIR (last sentence, paragraph 4, p.280) correctly states that the Board of Supervisors “...adopted the current version of the B-8 that permits new commercial development where the project does

not affect the constraints that caused the B-8 to be applied to the Site;" this statement is consistent with the language of the amendment of Ordinance No. 03647 included under Ordinance No. 3704. The discussion related to the B-8 Zoning District on page 246 of the DEIR erroneously quotes the original B-8 regulations adopted under Ordinance No. 03647 and as contained in Chapter 21.42.030 H.1 of the Zoning Ordinance; the discussion should have quoted the related regulations as amended under Ordinance No. 3704 and as discussed herein, and to be consistent with the discussion on page 280 of the DEIR. The text has been corrected and noted in FEIR errata..

Regarding the suggestion that the DEIR includes the history and rationale of the adoption of the B-8 regulations, Section 4.8.2 of the DEIR (p.280) includes narrative summarizing the history of the adoption of the B-8 Overlay District applicable to the Site and other areas of the Toro Area Plan. In addition, the Minutes of the Board of Supervisors meeting on their consideration and approval of the original B-8 District regulations, attached to Exhibit 1 in Appendix J, reflect that the final motion made to adopt the original ordinance (Ordinance No. 03547) included direction to staff to "develop criteria for analyzing individual parcels." It is not clear in the documentation attached under Appendix J that the Phelps Family property was identified for consideration of early removal from the B-8 district as stated by the commenter.

- II-16: Commenter disagrees that the Board of Supervisors accepted the findings of the Geosyntec Report. The information on page 248 of the DEIR is correct. The County disagrees. The Board of Supervisors directed staff to consider extending the B-8 to other portions of the study area and to explore the recommendations in the Geosyntec Report for addressing conditions in the El Toro Area.
- II-17: The commenter refers to the conclusion of the last paragraph on page 255 of the DEIR that the Project would result in a net deficit of 1.30 afy of groundwater recharge and designates this as a significant and unavoidable impact that "would result in a depletion of groundwater in an already overdrafted groundwater basin." The commenter states that this conclusion is not supported by the Geosyntec report and that the EIR should at least suggest or propose mitigation for the impact. It is the County's practice to consider any net increase in demand in an overdrafted area as a significant impact. Mitigation for this project would be to design a project that results in a net benefit to the ground water basin.
- II-18: The commenter requests that a reference be made on Footnote No.1 on page 255 of the DEIR to Section 6.2 of the DEIR where the proposed alternatives to the project can be reviewed. The County-proposed alternatives are contained in Chapter 6.0 of the DEIR. Chapter 6.0 is included and properly labeled in the Table of Contents of the DEIR as "Alternatives to the Project." The addition of the recommended reference to the footnote on p.255 of the DEIR is not necessary.
- II-19: The commenter states that page 5 is missing from the Whitson October 14, 2009 report in Appendix I of Volume II of the DEIR. The commenter refers to the October 14, 2009, "Revised Evaluation of Potential for Increased Groundwater Recharge" cited in a footnote on page 256 of the DEIR and contained as Item No. 1 in Appendix I – Hydrology, of Volume II of the DEIR. The commenter is correct in that page 5 of this report is missing from the copy included in Volume II. A complete copy the Whitson October 14, 2009 report has been added to Appendix K of the Final EIR.

- II-20: Referring to the first language on page 257 of the DEIR, the commenter again refers to the Geosyntec report stating that it is not reliable substantial evidence to support the conclusion that deny the subdivision. See Master Response 5.
- II-21: The commenter indicates that the proposed drain design is a representation of an engineering solution. This is correct.
- II-22: Commenter questions what other projects were included in the analysis of cumulative impacts to hydrology and surface water quality. The County included demand from existing land use, plus projected land use, based upon its 2010 General Plan EIR analysis to conclude that there would be a cumulative impact. This is based upon the fact that the project itself resulted in a net negative impact to the groundwater.
- II-23: The commenter questions why a mitigation measure requiring an upgrade to the Cal Trans culvert under SR-68 is needed when the site will be required to limit run off to that which exists. Although the commenter is correct, the engineering reports submitted by the Applicant's Engineer Whitson, reflect this potential requirement (See Page 69- Figure 3.8). Accordingly, we are proposing to modify Mitigation Measure 4.7.5 to delete the 2nd paragraph and include the following:
- “Should the drainage plans submitted by the Applicant demonstrate that there may be a need to provide additional drainage diversion to the existing culvert under SR-68 the plans shall include calculations demonstrating the adequacy of the existing culvert. If not adequate the plans shall include specifications for the modification of the culvert. The plans shall be submitted for review and approval by the Water Resources Agency and Cal Trans.”
- II-24: Commenter states that the Mitigation Measure 4.7.7 should be revised. The Fugro Report referred to by the commenter as recommending the retaining walls required in Mitigation Measure No. 4.7.7 is not cited in the mitigation. The mitigation measure is drafted to require a wall if there is evidence that it is necessary therefore the mitigation measure will not be revised.
- II-25: Commenter states that the Geosyntec Report is inadequate. See Master Response 5.
- II-26: The commenter notes that the growth projected in the SGD Report has not materialized and that potentially the impacts in the B-8 District have been overestimated. The SGD Report is mentioned in the referred paragraph of the DEIR as part of the background information presented on the history of the adoption of the B-8 district by the Board of Supervisors. The commenter is correct in that the population growth projections included in the SGD Report have not occurred due in part to the imposition of the B-8 District in parts of the Toro Planning Area. The build-out scenario presented in the SGD Report has not materialized and therefore the impacts of that population growth in the groundwater resources could be less.. However, the Geosyntec Report indicates that groundwater levels have continued to decline under existing B-8 restrictions and that further growth would result in a significant impact.
- II-27: The commenter clarifies that the Salinas Rural Fire District referred to in the discussion under Section 4.11.1 of the EIR (p.353) is now the Monterey County Regional Fire District. Comment noted. This will be corrected in the FEIR Errata.

- II-28: The commenter notes that the CHP office is no longer located on Potrero Drive (P. 354). Comment noted. This will be corrected in the FEIR Errata.
- II-29: The commenter notes that only three of the 9 homes in the Oaks subdivision have been built. (page 374). The commenter is correct. This will be corrected in the FEIR Errata.
- II-30: The commenter requests information on the availability of the Traffic Report for the Wang Subdivision mentioned on page 380. This report is available for review at the Resource Management Agency – Planning Department (County Planning Department File No. 010422).
- II-31: Commenter notes inconsistencies with respect to conclusions regarding traffic impacts in Section 1.4 and Table 1.B Section 1.4 is correct. Table 1B should be revised to reflect that for Impact 4.12.1, the direct impact of traffic at Corral de Tierra and Highway 68 is significant and unavoidable. The chart will be revised accordingly.
- II-32: Commenter suggests that the County use updated population estimates for the text on page 403 consistent with the information on page 346. Although the commenter is accurate that there is more accurate population data, the County does not have an updated demand number, which is the issue discussed on page 403. Accordingly, the County will not be revising the text. It is accurate based on the citation provided.
- II-33: The commenter suggests that Mitigation Measure 4.13.7 should be revised. The County agrees. The Mitigation Measure has been revised as follows:

Capacity of Wastewater Treatment Facility. “Prior to approval of any building permits, the applicant shall verify that there is sufficient capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the Project. If the Project would cause the CUS facility ~~has exceeded 60% of its existing capacity or the Project would cause the facility to exceed its permitted capacity,~~ then the County of Monterey ~~would~~ shall not issue a building permit until such time as the CUS wastewater treatment facility has attained a revised permit from the Regional Water Quality Control Board.” The revision to the language of this mitigation measure will also be reflected in the FEIR errata.

- II-34: Commenter suggests that the County provide a quantitative discussion of how the mitigation measures for climate change will meet AB 32 thresholds. The County had not adopted a threshold for GHGs at the time of the preparation of the DEIR and the recently adopted General Plan provides target reductions to 2020, but not specific thresholds for individual projects. Accordingly, based upon information received from a number of jurisdictions and the recommendations from the ARB detailed in the DEIR, the County has been imposing more stringent conditions on projects with respect to air quality, operation and traffic than are in current ordinances. These are reflected in the DEIR in Table 4.14.D. The VMT reduction that will be achieved by the project is consistent with the reduction target adopted by AMBAG in August 2010- 0% increase in VMT/resident by 2020.
- II-35: Commenter suggests that the DEIR describe a specific quantitative threshold for GHGs. The commenter also indicates that the estimates of VMT reductions are inaccurate. The County used

the Cal Trans accepted methodology for determining the traffic that could be avoided by the proposed project based upon the local serving functions of the Center. Mitigation Measures 4.14.3 does provide additional mitigation that will result in reduced vehicle trips beyond what is associated with the operation of the Project. See also response to II-34.

- II-36: Commenter suggests that the methodology is not stated in the DEIR text but is in an appendix and should be in the text. The County believes that it is appropriate to provide the methodology in the appendix. The commenter also states that the significance conclusions of comparing the project GHG emissions to a vacant site should be revised. The County does not believe that AB 32 requires a no increase in emissions threshold as the significance threshold. Climate change goals are far more complex and are based upon estimates of growth that are likely to occur. The goal is to reduce the increase in emissions that would occur without any changes to project design and policies.
- II-37: The commenter states that it is difficult to distinguish the Reduced Density/Redesigned Project Alternative from the mitigated project and that most of the components of this alternative are also proposed as mitigations for the proposed project.

The mitigation measures recommended throughout the DEIR would reduce identified impacts to less than significant levels as required under CEQA. Mitigation measures recommended for the identified visual and traffic impacts would require some physical modifications to the Project. Alternative 3 was conceived to reduce the proposed Project's impacts to a higher degree than the mitigations identified for the project as required by CEQA; this Alternative includes changes to the site plan to address impacts on the designated scenic corridors on State Route 68 and Corral de Tierra Road, reduce potential access and egress conflicts on State Route 68 and Corral de Tierra Road and to enhance the Project's accessibility to public transportation in compliance with policies of the Toro Area Plan.

The Alternative includes changes to the configuration of parking areas, changes to the main access/egress driveway on Corral de Tierra Road, reduction of 8,600 square feet from the total building area proposed, reduction of 34 parking spaces and other measures identified in Section 6.2.3 of the DEIR and which clearly differentiate the Alternative from the mitigated project. Seeing together, these project changes and reduced impacts, would substantially lessen a number of the proposed Project's environmental impacts consistent with the provisions of Sections 15126.6 (b) and 15126.6 (f) of the CEQA Guidelines, and result in a project that is more balanced vis-à-vis the applicable regulations and development policies.

- II-38: The commenter suggests that Section 6.2.5 of the DEIR (Summary Comparison of Project Alternatives) should be expanded to identify mitigation measures that would be applicable to each of the alternatives and the resulting level of significance from the application of the mitigation. All mitigation measures recommended for the proposed project would be applicable to the alternatives to the extent that they do not conflict with the project design changes included in the alternatives. Although the County may decide to approve one of the alternatives and concurrently impose all the mitigation measures that were suggested for the Proposed Project, the County does not believe that the alternatives should include the imposition of the mitigation measures. This would make it too difficult for the public to distinguish one alternative from another.

- II-39: The commenter suggests that the environmentally superior alternative would be a blend of the LEED Alternative and the Reduced Density/Redesigned Project Alternative with no subdivision; also, that any reduced size/redesigned project alternative must be balance to attain the key project objectives to “create a commercial design of high quality, consistent with the configuration of the Site and compatible with the rural character of the Toro Area,” and to “develop a center of adequate size and quality to be financially feasible and capable of attracting on a sustained basis high-quality tenants consistent with the needs and desires of Toro Area residents.” The commenter also states that alternative redesign must not eliminate floor area to the extent that the basic design concept is rendered infeasible. The Reduced Density/Redesigned Project Alternative (Alternative 3) includes some of the components of the LEED Alternative (Alternative 2). Staff believes that, even though it would reduce the size of the project by 8,600 square feet and eliminate 34 of the proposed parking spaces, the Reduced Density/Redesigned Project Alternative would still meet the objectives of the Project and would be consistent with the provisions of Chapter 15126.6 of the CEQA Guidelines. More specifically, this alternative would be consistent with the provisions of Chapter 15126.6 (b) of the Guidelines which requires consideration of alternatives that “are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly” (emphasis added).
- II-40: RESPONSE TO EXHIBIT A-2 TO FINEGAN’S LETTER (LUHDORFF/SCALMANINI JULY 13, 2010 MEMORANDUM) RELATIVE TO THE GEOSYNTEC 2007 REPORT.
- II-40.a The commenter summarizes his understanding of the Geosyntec (2007) study area. Comment noted.
- II-40.b The commenter suggests that the Geosyntec Report did not clearly address historical development in the Laguna Seca area. GeoSyntec 2007 evaluated Laguna Seca Subarea Phase III Hydrogeologic Update 2002 as a key source of information leading to the conclusions and recommendation in this report. No further response is required.
- II-40.c The commenter raised questions about the relationship of the study area to Zone 2C. The County updated the GeoSyntec Report in August of 2010 with respect to the connectivity of the El Toro Groundwater Basin. A new exhibit is included in the update which indicates the demarcation between those portions of the study area that are in Zone 2C and those that are not as an indication of the areas that have available water supply. The exhibit is provided in the FEIR Appendix K. See also Master Response 5
- II-40.d Commenter questions the labeling of geologic cross sections A-A’ versus B-B’ and provides comments on the thickness of the primary aquifer units and underlying units. With respect to cross section D-D’ the labeling is reversed. Remainder of comment reflects opinion of the commenter.
- II-40.e Commenter suggests that a isopach map would have been a helpful tool. Comment noted.
- II-40.f Commenter suggests the value of showing storage values from the aquifer test analyses. Commenter is referred to Appendix C which shows monitoring data, type-curves fitted

to the drawdown data, and estimates of aquifer properties based upon the type-curve solutions.

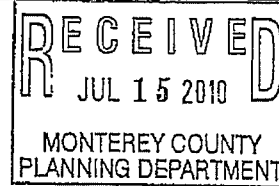
- II-40.g Commenter suggests that there was an omission in the transmissivity values calculated using the Logan approximation. Commenter is referred to Section 4.2.1 of the Geosyntec report.
- II-40.h Commenter suggests several deficiencies in the evaluation and treatment of rainfall data. Rainfall data and correction factors were derived from Monterey County Water Resource Agency analysis of long term mean annual rainfall data for the County.
- II-40.i Commenter suggests that there was a misapplication of trend lines and the resulting interpretation. The County disagrees. The commenter has not provided us with any specific rationale or data for the approach that he has proposed. The Geosyntec report evaluated long term trends which covered periods of varying hydrologic conditions, resulting in short term variation in the long term data trends. All available data was evaluated and its relevance was weighted in developing the findings of the Geosyntec report.
- II-40.j Commenter suggests a different approach regarding pitfalls in the use of graphs re departure from mean precipitation. For a discussion of the historic precipitation record used in the report see section 4.3 of the Geosyntec Report. Geosyntec supports its methodology in analyzing water level elevation trends in Section 4.4.
- II-40.k Commenter indicates that a water budget or balance of the El Toro areas was not presented. Comment noted.
- II-40.l Commenter raises questions about the long term historic trends in groundwater elevations. Commenter also comments on the qualitative description of groundwater production potential. With respect to the comments on historic trends, the commenter is referred to Master Response 5. With regard to groundwater production potential classification: Comment noted.
- II-40.m Commenter asserts that the GeoSyntec Report conclusion that overdraft exists in the El Toro area is not fully supported by the findings presented, nor is there information re the absence of overdraft. With regard to these "Conclusions", the comment is referred to Master Response 5.

JJ. COMMENTS FROM STEVE FREMGEN

JJ

Osorio, Luis x5177

From: Steve Fremgen [ferraritec@aol.com]
Sent: Wednesday, July 14, 2010 10:26 PM
To: Osorio, Luis x5177
Subject: Phelps Family Project at Corral de Tierra



Dear Mr. Osorio,
I have been a resident of Corral de Tierra for over 12 years. Ever since I heard about the Phelps proposal for a community shopping center I have been in favor of such a development. It would be a great asset to the residents in the area to not have to drive 10 miles to get groceries or other basic needs. The drawings of the proposed center are architecturally pleasing and appropriate for the setting. After reading the EIR report for the project I was pleasantly surprised to find that the impact on the water supply is positive! I see no reason for the county to withhold this community shopping center from us any longer and encourage you to recommend it's immediate approval.

JJ-1

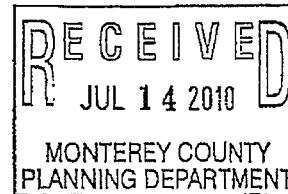
Steve Fremgen

JJ. RESPONSES TO COMMENTS FROM STEVE FREMGEN

- JJ-1: The commenter states that he is in support of the proposed project. He states that the proposed project would be a great asset to the residents in the area in that they would not have to drive 10 miles to get groceries and other basic needs. The commenter also stated that the proposed project is architecturally pleasing and appropriate for the setting. Comment Noted.

KK. COMMENTS FROM BRENT HOEFT

7/14/2010



Luis Osorio, Project Planner
 Monterey County Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, CA 93901-2487
osorial@co.monterey.ca.us

SUBJECT: DEIR for Corral de Tierra Neighborhood Retail Village (PLN020344)

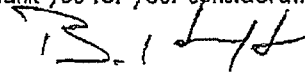
Dear Mr. Osorio:

I am writing in support of the Phelps family project and to comment on the DEIR.

I noticed that the DEIR concludes that the "Reduced Density Alternative" is the Environmentally Superior Alternative (ESA). I challenge that choice. Instead, I would argue that a combination of Alternative 2, the LEED Silver Alternative, and the "No Subdivision Alternative" should be the ESA. The resulting project would not only be better for the environment, but also better for our community than the Reduced Density Alternative. Here is why:

- The Reduced Density Alternative reduces impacts on air quality, noise, traffic and transportation and global climate change, but the DEIR found that the proposed project did not have significant impacts in any of these categories either.
- Alternatively, if you combine Alternative 2, the LEED Silver Alternative, with the "No Subdivision" project, you would have a project that reduces the impact on groundwater from significant and unavoidable to less than significant and a project that would be consistent with county code.
- The Reduced Density Alternative would likely produce a smaller center that could not provide a sufficient scope of goods and services to reduce traffic on Highway 68, and would be unlikely to produce sufficient revenue to create the high-quality design of the Phelps family village. We could get a less expensive strip mall type of development that would be both ugly and unlikely to attract high-quality tenants that our community really wants.

Thank you for your consideration.


 Brent Hoeft

KK-1

KK. RESPONSES TO COMMENTS FROM BRENT HOEFT

KK-1: The commenter states support for the Project, however disagrees with the DEIR's conclusion that the "Reduced Density Alternative" is the Environmentally Superior Alternative (ESA). The commenter suggests that Alternative 2 (LEED Silver Alternative) combined with the "No Subdivision Alternative" should have been considered the ESA, citing the following:

- 1) The Reduced Density Alternative reduces impacts on air quality, noise, traffic and transportation and global climate change, but the DEIR found the Project did not significantly impact any of these categories either;
- 2) The combination of Alternative 2 (LEED Silver) and "No Subdivision" would produce a project that reduces impacts on groundwater and be consistent with County Code; and
- 3) The Reduced Density Alternative would not supply the needed scope of goods and/or services to reduce traffic on SR-68, and would not produce sufficient revenue to support the proposed design, nor attract high-quality tenants that the community really wants.

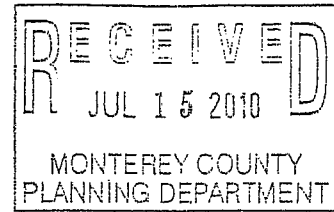
The County is required to look at a range of alternative which would reduce impacts identified for the proposed project. The "no subdivision" alternative without a reduction in the scope of the project would not be considered a distinct alternative under CEQA. In addition, per CEQA, it is acceptable for an alternative to reduce the size and scope of a project, even though it might not fully achieve all the objectives of an applicant. However, it is possible that the decision maker for this project would accept the commenter's recommendation. The DEIR will not be revised to include the recommendation.

LL. COMMENTS FROM BRENT AND AMANDA HOEFT

LL

Osorio, Luis x5177

From: Brent Hoeft [Brent@tricord.net]
Sent: Thursday, July 15, 2010 8:58 AM
To: Osorio, Luis x5177
Subject: Corral de Tierra Neighborhood Retail Village
Mr. Osorio,



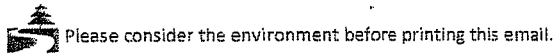
As a home owner in the Serra Village/Toro subdivision, my wife and I would appreciate the opportunity to attend all public meetings regarding this project.

For any correspondence, my address is: Brent & Amanda Hoeft
20231 Portola Drive
Salinas, CA 93908

LL-1

Thanks again for your time.

Brent Hoeft | Sales Manager
TriCord Tradeshow Services
738 Neeson Rd. Marina, CA 93933
p: 831.883.8600 | f: 831.883.8686 | c: 831.320.5797
www.tricord.net



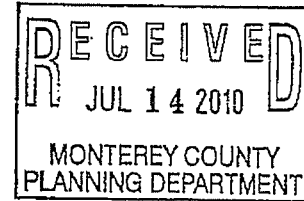
LL. RESPONSES TO COMMENTS FROM BRENT AND AMANDA HOEFT

LL-1: As requested, the commenter shall receive notices pertaining to all public meetings regarding the proposed project when they are available.

MM. COMMENTS FROM JOHN AND BONNIE KEITHLY

Osorio, Luis x5177

From: JOHN KEITHLY [jandbkeithly@sbcglobal.net]
Sent: Wednesday, July 14, 2010 4:39 PM
To: Osorio, Luis x5177
Cc: phelpsfamily@corraldetierra.com
Subject: Corral de Tierra Neighborhood Retail Village



Dear Sir:

I am writing in support of the proposed development of the Phelps family property, at the corner of Highway 68 and Corral de Tierra Road. A neighborhood shopping center is sorely needed in our community, especially now that the mini market by the gas station has closed.

With the price of gas these days, and the amount of traffic on Highway 68, a small grocery store and other businesses would be so welcome. The central, easily accessible location is a natural for a small retail center. It would also enhance our sense of community, as a gathering place, and give our area a better sense of identity. Carmel Valley has several such centers, which demonstrate how a well planned project can benefit a community without detracting from the rural atmosphere. Why don't we? The land has been zoned commercial for decades. From the plans and information I have read, the Phelps family is proposing an attractive, well thought out center. They have responsibly addressed water and safe access issues as well.

MM-1

As twelve year residents of this beautiful area, we urge approval of this much needed project.

Sincerely, John and Bonnie Keithly
13265 Corte Lindo
Corral de Tierra, Ca 93908

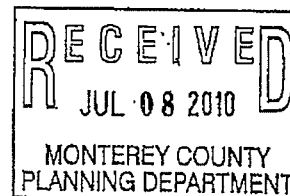
**MM. RESPONSES TO COMMENTS FROM JOHN AND BONNIE
KEITHLY**

MM-1: The commenter state that they are in support of the proposed project. They state that a neighborhood shopping center is sorely needed in the community. The commenter state that with the high price of gas and the traffic along SR-68, the proposed project would be welcome and would enhance the area's sense of community. The commenter urges the County to approve the project. Comment Noted.

NN. COMMENTS FROM STEFAN AND YVONNE KONDESKI

Osorio, Luis x5177

From: Stefan Konderski [stiwkot@sbcglobal.net]
Sent: Thursday, July 08, 2010 4:13 PM
To: Osorio, Luis x5177
Subject: Fw: The planned development of the shopping center - PLN020344



July 8, 2010

Stefan and Yvonne Konderski
23799 - 41 Monterey-Salinas Hwy
Corral de Tierra, CA 93908

Luis Osorio
Planning Department
Monterey County
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

VIA Mail and email osorial@co.monterey.ca.us

RE: The planned development of Corral de Tierra Neighborhood Retail Village (PLN020344)

Dear Mr. Osorio:

My wife and I have lived at Corral de Tierra Villas Homeowners Association, a development of 63 condo-type homes since 1998. Our complex is adjacent to the planned project shopping center on its east side. This is one of the most scenic and serene residential locations in Monterey County with a golf course, fishing pond, swimming pool/spa, tennis/basketball court, a clubhouse, and a large green common area surrounding our homes. The entrance to and exit from our development is off SR 68 only about two hundred yards from the intersection of SR 68 and Corral de Tierra Road. Due to this proximity, we would be most directly affected by the planned shopping center.

1. Traffic Although the EIR addresses the traffic impact of the project at the intersections of SR-68 and Laureles Grade and SR-68 and Corral de Tierra Rd., nowhere does the EIR address the impact on the residents of 63 homes at The Villas Homeowners Association development. Everyday we struggle to exit our residences onto SR-68 due to heavy eastbound traffic coming from the Monterey direction and that turning east from Corral de Tierra Rd. The Mitigation Measure 4.12.2 of the EIR calls for a 60 foot deep driveway off SR68 leading to/from the shopping center on its easternmost side, i.e. directly adjacent to our property. The consequence of that driveway location will be that there will be unregulated increased traffic from the shopping center turning east (toward Salinas) substantially increasing our current problems in exiting the complex and increasing our residents' risk of accidents and/or delays in getting to their destinations, including in emergency situations. In addition, that factor may very likely devalue our property and discourage potential buyers from moving into our complex.

As the only feasible solution, on behalf of the residents of the Corral de Tierra Villas, we submit that the driveway leading to/from the planned shopping center off SR-68 be eliminated. If all traffic to/from the shopping center were to enter and exit from Corral

NN-1

07/08/2010

2. **Water** Due to the reasons the B-8 zoning had been approved for the location of the proposed new development, we submit that the only reasonable option, as recommended by EIR, is the LEED Silver Reduced Water Consumption/Full Recharge Alternative that will avoid further depletion of the aquifer.

NN-2

3. **Size of the shopping center.** Due to the general rural character of the surrounding area, the lifestyle of its residents, and the increased traffic concerns, we further submit that you approve the project on the condition that the developer reduces its size according to the Reduced Density/Redesigned Project Alternative, as recommended by EIR.

NN-3

We do hope that you will take our concerns and recommendations into consideration in making your decision about the planned development of the shopping center at our vicinity.

Respectfully,

Stefan Konderski
 Stefan Konderski
 Resident and member of the Board of Directors
Yvonne Konderski
 Yvonne Konderski, resident
 Corral de Tierra Villas
 23799-41 Monterey-Salinas Hwy
 Corral de Tierra, CA 93908
 (831) 484-6461
stiwkot@sbcglobal.net

NN. RESPONSES TO COMMENTS FROM STEFAN AND YVONNE KONDERSKI

- NN-1: The commenter states that DEIR does not address traffic impacts to Corral de Tierra Villas Homeowners Association (63 homes / 207 residents) adjacent to the project proposal site. The commenter states that entering and exiting this residential development is tough now, and feels the Mitigation Measures applied to project relative to traffic do not do enough to diminish any additional traffic impacts to their entry/exit driveway. The commenter suggests that the driveway exiting the Shopping Center on to SR-68 be eliminated forcing all traffic to exist and enter the development from Corral de Tierra Road, where it could be regulated by the existing traffic light at SR-68 and Corral de Tierra Road. See Response to Comments O-1 and O-2
- NN-2: The commenter expresses concerns over the request to remove the B-8 Overlay on the subject property. The commenter feels that this would allow other developers to use this project as a precedent for other development to petition for the removal of the B-8 zone, therefore rendering the overlay useless. The commenter states that unless the project pumps less or equal to water it recharges, then the only sensible alternative is the LEED Silver Reduce Water Consumption/Full Recharge Alternative. See Response to Comment O-5
- NN-3: The commenter expresses the belief that the Shopping Center is designed on too grand a scale for the community of only 5,328 homes with 15,029 residents. The commenter states that the existing service station parcel is not included in the DEIR, and if developed or replaced at a later date, would make the overall development a total of 12 acres, not 11 as discussed in the DEIR. The commenter states the Reduced Density/Redesigned Project Alternative (Alternative 3) seems to limit the size more appropriately. See Response to Comment O-6.

OO. COMMENTS FROM THE FAMILY OF JIM LEINENKUGEL

Osorio, Luis x5177

From: JAMES LEINENKUGEL [lindenball@sbcglobal.net]
Sent: Wednesday, July 14, 2010 5:09 PM
To: Osorio, Luis x5177
Subject: Draft DEIR Proposed Corral de Tierra Retail Village

Having lived in Corral de Tierra this past 13 years I am writing you to support the Phelps family request to build the Corral de Tierra Village.

The project has been in the works for years but the current proposal and concept is excellent. Instead of a large vacant lot we will have a number of attractive buildings providing much needed services to this area.

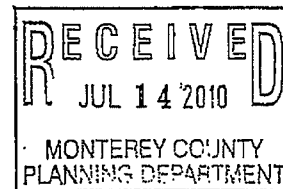
For our family it will reduce the number of trips to town by at least two per week saving us about 4 gallons of gas per week.

We understand that any water problems have been properly addressed and that water is not a problem for this project to go forward.

We sincerely hope that you and your commission will give the green light to finally make this project a reality.

Sincerely,

Jim Leinenkugel on behalf of the whole family
25661 Creekview Court
Corral de Tierra 93908
Tel 831 484 0655



00-1

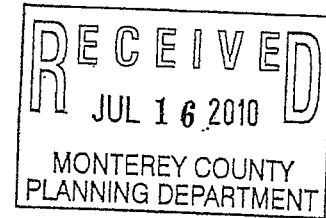
OO. RESPONSES TO COMMENTS FROM THE FAMILY OF JIM LEINENKUGEL

OO-1: The commenters state that they are in support of the proposed project because it is excellent and preferable over the existing large vacant lot and because it will provide much needed services to the area and reduce the weekly number vehicle trips to town. The commenters also state that is it their understanding that the water problems have been addressed. The commenter expresses their hope that the County will approve the project. Comment Noted.

PP. COMMENTS FROM MICK AND SHELLEY MCGEE

PP

Mick and Shelley McGee
409 Corral de Tierra Road
Salinas, CA 93908
831-484-6521



July 16, 2010

Luis Osorio
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

SUBJECT: Letter of Recommendation - DEIR for Corral de Tierra Neighborhood Retail Village

Dear Mr. Osorio,

We are completely in favor with and support the development of the Corral de Tierra Neighborhood Retail Village. We are satisfied that the Phelps family, with architects Hart Howerton, has designed a first-class rural shopping village and social enclave and has completed their due diligence to mitigate environmental impacts concerning this project. Their plans remind us of what other towns (Alamo, Walnut Creek, Los Gatos, San Luis Obispo) have done to combine functionality with pleasing and environmentally sensitive features.

We have lived in the Corral de Tierra area for 14 years. Quick approval and development of this property provides tremendous advantages for families and visitors along the Highway 68 corridor. Having a one-stop business center with a grocery store, professional services and a social gathering spot will certainly help to reduce travel trips and mitigate traffic conditions thereby helping to improve Monterey County air quality.

We thank the Phelps family for their patience and efforts to transform this zoned commercial development area into a vibrant and useful community business establishment and gathering place for residents and visitors alike. We cannot wait for this project to be approved and completed. This project will provide a peaceful and useful business and social area for everyone -- residents and visitors -- to enjoy.

Sincerely,

Dr. Mick McGee
Assistant Professor
Agono School of Business
GOLDEN GATE UNIVERSITY
mmcgee@ggu.edu or siriusgold@comcast.net
415-442-6607 (Office)

Shelley K McGee
Visiting Nurses Association of Monterey County
shelley_mcgee@yahoo.com

PP-1

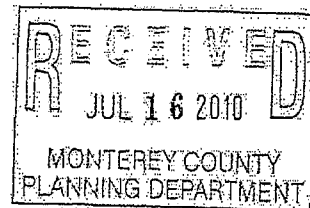
PP. RESPONSES TO COMMENTS FROM MICK AND SHELLEY MCGEE

PP-1: The commenter state that they are in support of the proposed project. They state that they think that the architects have designed a first-class shopping village. The commenter state that the proposed project will help to reduce travel trips and mitigate traffic conditions along the SR-68 corridor and thereby help to improve Monterey County air quality. The commenter expresses their gratitude to the Phelps family for their efforts at developing the proposed project. Comment Noted.

QQ. COMMENTS FROM GEORGE AND NANCY MCINNIS

QQ

George E. McInnis
Nancy McInnis
55 Corral de Tierra Rd.
Salinas, CA 93908



July 15, 2010

Mr. Luis Osorio, Senior Planner
County of Monterey, Resource Management Agency-Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

RE: Corral De Tierra Retail Village

Dear Sir:

We are homeowners and residents of Corral De Tierra and live directly behind the project site at the address of 55 Corral De Tierra. Our entrance is at the southern portion of the project site and is parallel to the entrance for the "Meadows Subdivision".

We have lived on the site since 1965. We moved into the country because we loved the rural atmosphere and the abundant wildlife in the area. Over the years we raised chickens and annually participated in the 4-H. All of our children raised lambs and participated in the King City fair. Many of our neighbors did the same and all loved the area. The front field on Corral De Tierra had been planted with lupine and poppies by the Camp Fire young women's group. At the proposed delivery entrance to the project, over 50 vultures lived and nested. Every morning they would fly over and then dry their wings on the hill. In our backyard, there were hundreds of quail in the field and creek. On the property, there reside horned owls, coyote, deer, quail, squirrel, fox and numerous birds including hawks, jays, vultures and pigeon.

As a point of historical reference, the site on Corral De Tierra was originally owned by Mr. Grassi and sat between Mr. Grassi's property and Dr. Reeves (where the Villas are now located). Mr. Grassi is the person who sold the property where the golf course and country club sit. The Hargis family purchased the current site in the 30's and moved from Salinas. The only other neighbors beside Grassi and Reeves at the time it was owned by Mrs. Hargis were Mr. Patee and Mr. Markham who raised prize bulls that occasionally would take over the road. The site and our residence were visited often by John Steinbeck's sister who was a friend of Mrs. Hargis. Before World War II, Mr. Hargis acted as a contractor in developing Ft. Ord and our home was visited by Generals Stillwell, McArthur, Marshall and Colonel Eisenhower. During World War II, soldiers stationed at Ft. Ord stayed on the property and the front field was planted to melons and Hubbard Squash and farmed by an elderly gentleman. The adobe in our guesthouse came from the San Juan Bautista Mission.

Great care should be taken with this land.

Mr. Luis Osorio, Senior Planner
July 15, 2010
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We have six neighbors, all of whom will be impacted by the project and the proposed supply truck delivery road that will use our entrance way. Our reading of the draft report indicates that the road will be widened for the large trucks. It will include the removal of several old and beautiful trees (two cedars planted in the 30's) and will create a noise factor as they will be moving close to our homes. The project report indicates that there are several alternatives to the placement of this road, but the report does not ever address the impact on the residences directly behind the delivery site. By recommending the closure of certain entrances on SR68 and the northern section of Corral De Tierra, the report significantly burdens the residential entrance and causes environmental destruction and unacceptable noise levels. There will be delivery trucks at all times of day and night unless restricted or diverted to other entrances. They will also cause increased traffic up Corral De Tierra Road. The noise of the delivery trucks could be contained by coming off SR68 where all the noise is already. We don't need a new noise corridor.

QQ-1

Is the EIR to be concerned with the direct impact on the site's neighbors as well as commuters passing along SR 68?

QQ-2

At page 403 of the draft report, the analyst indicates that there is a small well on the property site and indicates the well development as around 1950. My understanding from Mrs. Hargis, who previously owned the property, is that the well was placed there around 1936 and has been operating ever since. It is subject to a water agreement that provides water to all the homes behind the project site and has done so for several years. It is currently used and needs to be preserved for the current users who are entitled to the water and the underlying system that delivers water to the residents. Please note this important fact for any revisions to the draft report. As a point of historical knowledge, the site area along Corral De Tierra was not originally zoned for commercial but for multi residential.

QQ-3

Will the proposed project be required to honor the current water agreement and protect the well from contamination during build-out and subsequent construction?

QQ-4

We want to address the "Project" and then Alternatives 2 and 3.

The draft report in discussing the water drawdown states that the site is in the area that has the highest permeability rate (Page 204). Yet it also states that the site will be 85% impermeable after construction. Then, on page 302, the report indicates there will only be 26% lot coverage. Evidently, the 508 car spaces are not considered development but do in fact impact on the recharge of the ground water in that area. In that regard any retention/detention system and recharging facility should ensure that it is recharging the areas which have lost permeability such as our well site. The EIR indicates that the project will not place its retention/detention system in an area that will benefit the area for our well and therefore we may expect drawdown but no recharge (Page 251.) In that regard, the long term decline for this well has been 33 feet in 45 years at a rate of decline of -0.7 ft/yr and -1.6 ft/yr since 1999. This is without any development on the site (Page 225.) It has a current recharge of 0.9AFY. That is why any retention/detention system must include the paved over portion of the development at the site of our well.

QQ-5



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Page 3

May we assume that any water retention/detention system will be designed to protect our well since we are losing the most recharge from the construction on the site?

↑ QQ-5

Another bothersome point in considering this subdivision is the fact that after the Geosyntec report of 2007 the Board of Supervisors determined that the B-8 overlay should not be lifted from the site and directed the staff to return with recommendations regarding expansion of the B-8 overlay and options for remediating the problem.

QQ-6

Has this been done?

The EIR seems to indicate that the last report relied upon for growth projections in the Toro Area were in 1996 (Fugro West, Inc 1996). Their projections indicated a water deficit of 582-781 AFY. Geosyntec (1977) in analyzing deficits suggested the deficit at 1,000 AFY (Page 219-225.) This indicates that the actual build-out since 1996 may be much larger.

QQ-7

What is being done, if anything, to more accurately measure the current overdraft in the Toro Area, as well as determine the build-out that has occurred since 1996?

After reading the EIR and considering all aspects of the project we have to object to the proposal. This has nothing personal to do with the developers but the project. The cumulative effect of all the considerations on a risk/benefit analysis indicates the project is not beneficial to the residents of Corral De Tierra over the long term. As we stated, we have lived behind the site for over 45 years. It is quiet at night and the stars shine in the darkened sky. Most everyone I am familiar with work each day and drive past several commercial sites either on their way to work in Monterey or in Salinas. In Monterey, there is the Del Rey Oaks development as well as the new Safeway, Trader Joe's and Whole Foods. If one were to go to Sand City, the commercial opportunities are numerous. If one travels to Salinas, they pass Toro Park and, at Blanco, have the benefit of Nob Hill including the pharmacy, Star Market, pizza parlor, hardware store, etc. as well as SaveMart. Most of the residents travel one way or the other each day. Providing another complex will not keep workers off the road and away from work.

QQ-8

Beyond the convenience aspect, there are the long term consequences of another project that will take a rural area and introduce all the superficial and plastic elements of our society. Our neighbors did not move into the Toro Area to have more of the city elements. They moved to enjoy the rural area, the wildlife, the views and way of life. Why must we follow them with more of the same old stuff? The project will bring excessive noise, congested traffic, delivery trucks, night lights, hundreds of cars and destroy the rural atmosphere of the area. The Monterey Herald stated the project is larger than a super WalMart. The benefit is the convenience of shopping without having to drive a short distance to the larger commercial centers. The detriment is the destruction of a beautiful rural area. In fact, the tallest buildings in the area will most probably be the commercial structures.

QQ-9

The EIR indicates that it will cause unacceptable overdraft of water which would possibly deplete shallower wells in adjoining areas and cause them to run dry or drop the water

↓ QQ-10

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table below current existing well screening systems. Such a result is not fair to the numerous families who live in the area. I am sure they would not desire a shopping center if they knew that their wells may run dry.

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QQ-10

It would cause unacceptable traffic levels (Page 380), unacceptable noise levels and degrade the rural look of the area as well as destroy a critical viewshed. It would require modification of the county's setback requirements as well as exceptions to normal county policy for development in critical viewsheds (Page 301.) As was stated in the EIR, the project does not qualify for subdivision status (Page 301) nor does it qualify to have the B-8 overlay reduced (Page 305.)

↑
QQ-11

TO WHAT PURPOSE?

The obligation of the county is not just to developers but to all who live in the county. It is not sufficient to approve a development because it might bring in needed tax revenue or contributions to Highway 68 improvements. This is true especially if it means the destruction of an area known for its beautiful rural landscape and the depletion of the water table. One recalls all the articles relating the numerous water problems in the Prunedale area. The problem here is the scope of the project. It is the scope that requires all the exceptions to normal policy and general planning. It is the size that creates the water and noise problems as well as traffic congestion. It may also have the unintended consequences of stopping residential growth in the area because of shortage of water.

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QQ-12

When one considers the substantial impact this project will have on the area and the residents, it is inconceivable that no public hearings have been held to allow residents to become familiar with the plan and have input into the types of commercial activities they deem appropriate. I have seen the 2002 report about the desire of people wanting a shopping center. It is out of date and probably flawed. There were no meetings to our knowledge and if people knew of the "WalMart" size and the overdraft of water, I suspect they would have said it was not worth the detriment. The scope of the project, its objectives and proposed uses as well as any mitigation measures should be open to the public and not just decided between the Planning Department and the developer. We would hope the developer would schedule meetings to allow input.

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QQ-13

Alternative 2 and 3

The LEED Silver Reduced Water Consumption/Full Recharge Alternative does appear to have some effect as it relates to water. However, the silver classification is the lowest and it will not stop the overdraft that is continuing. When one considers that percolation can take from 20-60 years, the water overdraft problem remains as well as the other adverse effects of the project. We have not read the entire report and therefore need to know if this system has been used before and whether or not it has been successful. We do not believe it has ever been used in Monterey County. However, we need to know what steps are taken in the LEED Silver system to drain the parking areas of oil and other toxic materials. It would appear that vigilant maintenance of the retention/detention system is the key to any success. Have there been

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QQ-14
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instances in other LEED projects of failure of the system? One should not look upon the LEED alternative as a solution riding in on the proverbial "white horse" without full investigation to see if it really is feasible. In conversations with the head of the LEED program in San Jose, the biggest problem was maintenance and the time of recharge. Finally, the precipitation average per year seems awfully high. Our 45 years of experience in the area does not lead us to expect that amount of rainfall. What investigation was done to verify the precipitation rate?

↑ QQ-14

QQ-15

None of the alternatives successfully mitigate the adverse effects in our estimation. The level of traffic and the noise generated by the structures and their attendant customers' cars and delivery trucks is a recipe for a rural disaster.

QQ-16

Please include this letter with the report and the FEIR.

Very truly yours,


Nancy McLinnis


George E. McLinnis

QQ. RESPONSES TO COMMENTS FROM GEORGE AND NANCY MCINNIS

- QQ-1: The commenter expresses concern relative to the placement and development of the delivery truck entrance for the Project, citing the removal of mature trees (Cedars), additional noise, and traffic generation. The commenter states that all delivery truck traffic should be contained to limit noise generation, by requiring all truck traffic to come off SR-68. The truck access and on-site truck circulation patterns for the project have been designed to provide circulation and delivery areas along the eastern boundary of the property and to connect those circulation areas to Corral de Tierra Road in a manner that does not impede the remainder of vehicle circulation on site. This circulation pattern takes into account the location of the Site at a busy intersection and the fact that providing truck access off SR-68 would create unacceptable hazards. The Cedar trees referenced are not a protected tree species in the Toro Area.
- QQ-2: The commenter questions if the DEIR is concerned with direct impacts on the adjacent neighbors as well as commuter passing along SR-68. The impacts from the project relative to the neighboring properties, i.e. noise, lighting, traffic, as well as the impacts on commuters have been properly identified in the DEIR. Adequate mitigation measures are recommended in the DEIR. Those mitigations would reduce the impacts to less-than-significant levels consistent with CEQA.
- QQ-3: The commenter states that the existing Hargis well on the project site was installed in 1936, not 1950 as dictated in the DEIR and that well serves all homes located behind the site and should be preserved to ensure that adequate water is provided to those homes which rely on the well. Also, that the project site was originally zoned for multi residential not commercial uses. The Hargis Well was drilled in 1953 and has been part of the Corral de Tierra Water System No. 4 since 1968. This Water System is permitted by the Bureau of Environmental Health as a nine-connection system and currently has seven active connections. The connections are owned separately and each of the parties owns a share of the water system and well. The well and water system provide water to residential units located off the project site and will not provide water for the proposed project. The well and related distribution lines are located within a well and pipeline easement affecting one of the parcels encompassing the project site (Assessor's Parcel Number 161-581-001-000). The well and pipeline easement will be maintained should the project be approved. The project site is currently zoned as "LC" (Light Commercial).
- QQ-4: The commenter asks if proposed project will be required to honor the current water system agreements and protect the well from contamination during build-out and subsequent construction. The well and water system provide water to residential units located off the project site and will not provide water for the proposed project. The well and related distribution lines are located within a well and pipeline easement affecting one of the parcels encompassing the project site (Assessor's Parcel Number 161-581-001-000). The well and pipeline easement will be

maintained should the project be approved. The well would be protected with appropriate measures during the construction of the project.

- QQ-5: The commenter expresses concerns relative to ground water recharge and permeability of the site relative to the Hargis well on the project site. The commenter states that the 508 parking spaces and paved areas will directly impact the current recharge rate of 0.9 acre feet per year relative to the Hargis well, and therefore any retention/detention system must include in the design the paved over portion of the development. The proposed project includes the collection of storm water as a way to achieve a positive water balance. The collection system has been designed to collect all storm water generated by the project.
- QQ-6: The commenter states that after the Geosyntec Report of 2007, the Board of Supervisors determined that the B-8 overlay should not be lifted and directed Staff to return with a recommendation for possible expansion and remediation of the problem. The El Toro Groundwater Study (Geosyntec Report, 2007) was presented to the Monterey County Board of Supervisors. The Board of Supervisors accepted the report, and directed staff to move forward with an evaluation of the recommendations. The El Toro Groundwater Study is the accepted analysis by the County, building on the work of prior consultants, relative to the condition of the groundwater resources within the study area. Also see Master Response 5.
- QQ-7: The commenter states that two reports, Fugro West 1996 and Geosyntec 1977, provide conflicting data on the estimated state of overdraft in the Toro Area (NOTE: The Geosyntec Report is dated 2007). The commenter asks what, if anything, is being done to more accurately determine the current overdraft in the Toro Area and to determine the build-out that has occurred since 1996. The comment regarding the conflicting data in the referred reports is noted. County records indicate that 28 new single-family dwellings have been built in the area covered by the B-8 District since 1999.
- QQ-8: The commenter objects to the overall project proposal, claiming that residents of Corral de Tierra will not benefit from the shopping center, as most people living in the area either drive to Monterey or Salinas daily, and in doing so pass many existing shopping centers offering the same services. Comment Noted.
- QQ-9: The commenter states that the residents of Corral de Tierra moved out of the cities to enjoy the rural way of life, not to be followed by commercial development. The commenter states that the benefit of the project, convenience of shopping without driving a distance, is outweighed by the destruction of a beautiful rural area. The commenter points out that the tallest buildings in the area will be those of the commercial structures. Comment Noted.
- QQ-10: The commenter expresses concerns relative to indications from the DEIR that the Project will cause unacceptable overdraft which could deplete shallower wells in adjoining areas. The commenter states the previous scenario is unfair to the adjacent residents. Comment Noted.
- QQ-11: The commenter states that the project will result in unacceptable noise levels, degrade the rural character of the area, and destroy critical viewshed. The commenter states the Project requires modification to County policies for development in critical viewshed and setback requirements, and the project does not qualify for subdivision status or removal of the B-8 overlay. The major

source of noise affecting the existing noise environment at the project Site is vehicular traffic on SR-68 and Corral de Tierra Road. The DEIR (p.331) states that “the closest sensitive receptors to the Site are the multi-family residential land uses of the Villas residential condominium community to the east and the single-family residential land uses to the south of the Site” and that “The construction and operation of the Project could affect these surrounding land uses.” Chapter 4.9 of the DEIR (Chapter 4.9.5, p. 336-341) includes analysis of the noise impacts of the project per the CEQA-required thresholds and per the County Code-related ordinance. The DEIR analyzes impacts from what would be the loudest project-related stationary noise sources on page 388. On page 340 the DEIR concludes that truck delivery activities (Loading/unloading) during nighttime hours “could constitute a significant periodic increase in ambient noise levels above the levels existing without the project.” The DEIR recommends implementation of mitigation measure Nos. 4.9.2a or 4.9.2b to mitigate that noise. In addition, the DEIR recommends a number of conditions of project approval (p.342) to reduce potential construction period noise impacts to less-than significant levels.

The comments regarding the degradation of the rural character of the area and the destruction of the critical viewshed are noted. The County regulations pertaining to protection of areas of visual sensitivity, including the critical viewshed, [See Policy 26.1.6.1 (T) of the Toro Area Plan] do not prohibit development in the critical viewshed. Under this Policy development in areas of visual sensitivity can be approved subject to specific finding by the Board of Supervisors that the development “will not adversely affect the natural scenic beauty of the area.” The DEIR (Chapter 4.1) contains an extensive analysis of the Project’s potential impacts on the designated scenic corridors visual resources. The analysis concludes that the project would result in significant impacts requiring mitigation measures. Adequate mitigation measures are recommended in the same Chapter of the DEIR to reduce those impacts to less than significant levels.

Several building setback provisions from both the Zoning Ordinance and the Toro Area Plan apply to the Project. The Zoning Ordinance building setback requirements and the Project’s consistency with them are discussed in Chapter 4.8 (p.304-305); per this discussion, two seemingly competing sections of the Ordinance apply to the Project: those applicable per the site’s principal “Light Commercial” Zoning Designation and those applicable under the Site’s combined “B-8” zoning designation. The analysis (p.305) concludes that General Development Plans (GDP) required under the “Light Commercial designation “are intended to allow flexibility in applying development standards for commercial and industrial projects depending on surrounding conditions,” and that “Therefore, the Project is allowed to establish setbacks through the GDP and is consistent with required setbacks.” (Emphasis original).

The provisions of the Toro Area Plan are discussed under the Project’s consistency analysis with Policy 40.2.4 (T) of that Plan (p. 299-301). Those provisions require a 100-foot building setback for parcels located adjacent to County and State scenic routes such as the Project Site. The analysis (p.301) states that “The strict application of the 100-foot setback requirement to the Site, in addition to the restrictions arising from the designation of the majority of the Site as critical viewshed, would significantly limit the size, shape and location of buildings, could unreasonably reduce the buildability of the Site under the allowances of the zoning district (50% lot coverage), an potentially result in the development of a typical strip mall that completely loads parking in the front of the Site.” The analysis concludes that if a project is approved, the finding required for approval of the project under Policy 26.1.6.1 (T) of the Toro Area Plan, as discussed above, must

include a statement that “the buildings proposed within the 100 foot setback would be consistent with the intent of the designation of the critical viewshed on the Site.” Such finding, should it be made, would not modify the setback requirements for the Property. The commenter is correct in that the Project Site can not be subdivided under the provisions of the B-8 District.

QQ-12: The commenter states that the County has an obligation to all who live the county, not just to developers. The commenter states it is not sufficient to approve the project to bring in needed tax revenue or contributions to SR-68 improvements. The commenter references the highly published water related issues in North Monterey County. The commenter states the scope of the project is too large, and it’s the size of the project that creates water, noise and traffic problems. Comment Noted.

QQ-13: The commenter expresses frustration with the lack of public hearings throughout the project design stage. The commenter feels that the scope of the project, its objectives, and proposed uses as well as mitigation measures should be open to the public and not decided between the developer and County. Comment Noted. The purpose of circulating the Draft Environmental Impact Report was to gather public opinion and information relative to the complete scope of the project. The Project has also been reviewed twice by the Toro Land Use Advisory Committee. Neither the proposed uses nor the mitigation measures have been decided between the developer and the County. The final design and scale of the Project, as well as the final mitigation measures, would be decided after review by the Planning Commission and potentially the Board of Supervisors.

QQ-14: The commenter questions the effectiveness and reliability of the overall system, and the ability to drain parking areas of oil and other toxic materials. The commenter questions if a system like this has ever been used in Monterey County before and if it worked. The commenter is referred to Master Response 3.

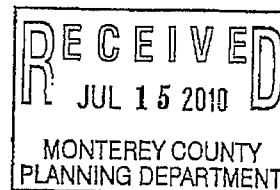
QQ-15: The commenter questions the rainfall assumption used in the EIR, and asks what investigations were done to verify the stated precipitation numbers. See Master Response 2.

QQ-16: The commenter states that none of the alternatives successfully mitigate the adverse effects of the Project. The commenter feels the project will generate high levels of noise and traffic. Comment Noted.

RR. COMMENTS FROM TAMARA MCLEVIS

Osorio, Luis x5177

From: Tamara McLevis [tamara.mclevis@comcast.net]
Sent: Wednesday, July 14, 2010 7:49 PM
To: Osorio, Luis x5177
Cc: info@corraldetierra.com
Subject: Letter of support for Corral de Tierra



Luis Osorio
Monterey County

I am writing this letter regarding my support of the building of a neighborhood shopping center in the Corral de Tierra neighborhood off Hwy 68.

I have been a resident of 25945 Deer Run Lane since 1999. I have taken part in surveys regarding the development of a local shopping center for the residents of this area and have always given my full support.

Having a localized shopping area would greatly decrease driving for the residents of this area. Any service needed requires driving the 8 - 10 miles on Hwy 68 either west to Monterey or east to Salinas. The benefit and reduction of traffic would be profound to the Hwy 68 corridor.

In addition to the relief given to the Hwy 68 traffic, it would also create a place for the residents of this area to gather for a social cup of coffee in the morning, an ice cream for the family after dinner or to simply pick up eggs from a corner market without needing to make a 20 minute drive each way.

It would create a similar situation as Mid-Valley shopping in Carmel Valley off the Carmel Valley Rd corridor.

I give my 100% support and plan to attend every hearing possible.

Thank you for your time.

Sincerely,
Tamara McLevis

Sent from my iPhone

RR-1

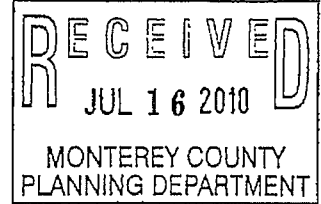
RR. RESPONSES TO COMMENTS FROM TAMARA MCLEVIS

RR-1: The commenter states that she is in full support of the proposed project and that the construction of a shopping center at this location would reduce traffic on SR-68 and it would create a place for the residents to gather and to purchase some of their basic needs, such as groceries. Comment Noted.

SS. COMMENTS FROM DEE MYERS

Osorio, Luis x5177

From: deemys@aol.com
Sent: Friday, July 16, 2010 3:27 PM
To: Osorio, Luis x5177
Subject: Shopping center at Corral de Tierra & Highway 68
To whom it may concern:



The size and scope of the Phelps's project for a large shopping center with 500 parking spaces is objectionable for several reasons:

1. Highway 68 has a very high rating for traffic overload. As proposed, there will be driveways feeding onto 68 and Corral de Tierra. Right now, at business times, the traffic is often bumper to bumper for many miles. A shopping center would only increase not decrease the traffic as claimed by the developer.

SS-1

2. Highway 68 is designated as a scenic highway, and any new commercial development is a degradation of the word "scenic.

SS-2

3. The developers claim that the residents of this area want this development. The surveys they sent out were years ago, twice as I remember. They were sent before the traffic congestion on the highway, and furthermore the residents do not need or want commercial development. We are only a bit over two miles from the 7-Eleven and a few more miles to 3 big groceries, two or more pharmacies on the south edge of Salinas, and less than 8 miles from the convenience store at Canyon del Rey and two miles from the Safeway on Canyon del Rey and Fremont. I have lived in this area since 1967--43 years and since this proposal was publicized I have not talked to a single person in favor of this intrusion into the rural designation of the entire Toro area.

SS-3

In short, we live out in the country because it is out in the country. At one time the idea of a senior care facility was suggested to us by the developer. Something like that would not need 500 parking spaces. In this time of business turmoil, I cannot imagine anyone wanting to establish a business on this beautiful but impacted highway.

I realize that the Phelps family has a right to use their property, but they need to have a project that would truly enhance the scenic beauty of the area and its residents.

Sincerely,

Dee Myers
12 Mesa del Sol
Salinas, CA 93908
484-1860

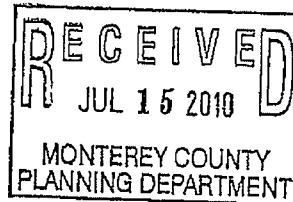
SS. RESPONSES TO COMMENTS FROM DEE MYERS

- SS-1: The commenter claims that the development of the shopping center and associated driveways feeding onto SR-68 and Corral de Tierra will increase, and not decrease, traffic load, and vehicular traffic as claimed by the developer. The DEIR correctly identifies the Proposed Project's impacts on road infrastructure. The DEIR also identifies that total traffic within the area could be reduced because a percentage of potential customers of the proposed project are local residents formerly shopping in Monterey, Seaside, and/or Salinas.
- SS-2: The commenter states that Highway 68 is designated as "Scenic", and any new commercial development is a degradation of the word "scenic". The County agrees. The commenter is referred to the analysis of the Project's potential impacts on the designated critical viewshed and County and State scenic corridors in Chapter 4.1 (Aesthetic Resources) of the DEIR.
- SS-3: The commenter states that residents of the Corral de Tierra area live there because it is the country feel that they desire. The commenter makes reference to the existing convenience stores and shopping centers, ranging from 2-8 miles in either direction, and feels this development is an intrusion into the rural feel of the area. Comment Noted.

TT. COMMENTS FROM TIM AND ELVA PATTERSON

Osorio, Luis x5177

From: elva & tim Patterson [patterson@orchidsandwine.com]
Sent: Wednesday, July 14, 2010 9:26 PM
To: Osorio, Luis x5177
Cc: phelpsfamily@corraldetierra.com
Subject: DEIR for Corral de Tierra Neighborhood Retail Village



Dear Mr. Orsoriol,

My wife and I have been residents of Corral de Tierra for just over 12 years now. We wish to convey our full endorsement of the plan the Phelps' have for the retail village at Corral de Tierra and Hwy 68. We can visualize and appreciate the need for the complex they have in mind. For my wife and I, the grocery store alone will save numerous trips to Salinas during the week. I wish we could say that we go to town to buy food only once or twice a week. Unfortunately, that is not the case.

We understand that there are a number of NIMB's (Not In My Backyard) opposing the project. We, for one, are in full support. We look forward to a grocery store and restaurants in the area. We enjoy Toro Café, but after that, our only choices are in town. A development at the mouth of Corral de Tierra does not impact the sense of country and community that Corral de Tierra and San Benancio shares.

We hope that you will vote favorably for this project. Thank you.

Tim and Elva Patterson
1348 Paseo Terrano
Corral de Tierra
484-5558

SS-1

07/15/2010

TT. RESPONSES TO COMMENTS FROM TIM AND ELVA PATTERSON

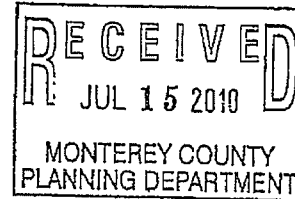
TT-1: The commenters state that they are in full support of the proposed project and that the construction of a shopping center at this location would save them from numerous trips into Salinas for groceries and other basic needs. The commenters state that they do not think that the proposed development would have a negative impact on the sense of community that Corral de Tierra and San Benancio shares. Comment Noted.

UU. COMMENTS FROM GARY AND CAROLYN PYBAS

UU

Thu, Jul 15, 2010 11:07 AM

Subject: FW: Phelps Family Project
Date: Thursday, July 15, 2010 11:04 AM
From: Eric Phelps <ephelps@redshift.com>
To: 'Nanette Leuschel' <nleuschel@sbcglobal.net>
Conversation: Phelps Family Project
Category: Work



From: LTWKS@aol.com [mailto:LTWKS@aol.com]
Sent: Wednesday, July 14, 2010 5:59 PM
To: osorial@co.monterey.ca.us
Cc: ephelps@redshift.com
Subject: Phelps Family Project

Dear Luis,

We are totally in favor of this project. We have lived in the Corral De Tierra / San Benancio area for over 40 years and have been waiting for a neighborhood shopping center we could patronize. We spend way too much of our time driving back and forth to Salinas or Monterey for groceries and to dine at restaurants. This would be a large savings to us because it uses approximately 1 gallon of gas each way to either Salinas or Monterey in addition to the wear and tear on all of our cars. The Phelps family has addressed all of the concerns raised by others to our satisfaction and in most cases going overboard to please the neighbors, planning department and a myriad of other agencies.

UU-1

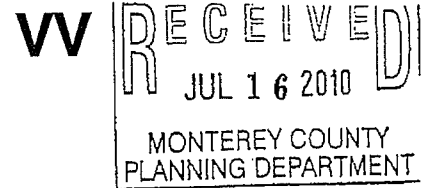
Please let them build this project. It will benefit all of us who live in the area.

Gary and Carolyn Pybas
26403 Lucie Lane
Salinas, Ca. 93908
Ph. 831-484-0218
Fax 831-484-0318
Cell 831-596-3667

UU. RESPONSES TO COMMENTS FROM GARY AND CAROLYN PYBAS

UU-1: The commenter states that they are in full support of the proposed project and that the construction of a shopping center at this location would save them from numerous trips into Salinas for groceries and to dine in restaurants. The proposed development would also save wear and tear on their cars and on gas. The commenter states that the applicant has addressed all concerns and urges the County to let the applicants develop the proposed project. Comment noted.

VV. COMMENTS FROM MR. AND MRS. DAVID RAYE



July 14, 2010

TO: County of Monterey Director of Planning Department and Planning Commissioners

FROM: Mr. and Mrs. David E. Raye, 42-A Harper Cyn. Rd., Salinas, Ca.

RE: Corral de Tierra Neighborhood Retail Village Project (File# PLNO 20344, etc. Parcel# 161-571003-000 & 161-581-001)

Dear Director and Staff,

We have been residents of this area for 36 years, and we are opposed to the proposed Corral de Tierra Retail Village (corner of Hwy. 68 and Corral de Tierra Rd.). This development will have many negative impacts on the rural character and resources of this rural area:

- 1) Most residents moved away from towns in order to live in the country away from this very type of development. There already exist two nearby shopping areas at the Toro Park Shopping Center and Stone Creek at Del Rey Oaks.
- 2) The wells of many residents have dried up over the last 10 years, and according to a major well drilling company, the water table has significantly dropped over this area. This project would further deplete this dwindling water supply.
- 3) The inevitable increases in noise, traffic, and air quality impacts are erroneously determined to be "less than significant" in the EIR. These errors need to be re-evaluated. The significant increase in air pollution generated by delivery and garbage trucks, autos, refrigeration and generator units, and restaurant cooking exhaust will cause a significant decline in air quality and more respiratory problems for local residents. Air pollution from this project will flow into, and become trapped in, the box canyons of Corral de Tierra, San Benancio and Harper Canyon.
- 4) Impacts on the wildlife corridor and wildlife in the area are ignored by the EIR. Wildlife such as deer, fox, bobcat, cougar, and many small mammals migrate through this area. Stating that there will be no negative impacts on these animals is erroneous. Paving 500 parking spaces and introducing bright light standards will interfere with all nocturnal and avian species that are residing on these 11 acres. Road kill in the last year have included many deer, a mother bobcat and two cubs, a fox, a woodchuck, and several raccoons and opossums.
- 5) The EIR states that the project will not have a negative aesthetic impact on the area, but this is incorrect. The design is inappropriate for this rural area. It resembles a resort in a more urban setting, rather than a neighborhood shopping center in a rural area.
- 6) Will there be handicapped access or elevators for the many elderly residents of the area?
- 7) There is an excessive amount (500) of parking spaces planned. A maximum of 150, as in Stone Creek Center, would be more appropriate for this area.

VV-1

VV-2

VV-3

- 8) Introduction of commercial lighting will disturb residents of nearby homes as well as wildlife. The lights in the light standards should be downward facing to minimize negative impacts on neighbors and wildlife.
- 9) All construction should be kept to a one story limit. The two story sections are totally unacceptable and unnecessary in a center of this nature.

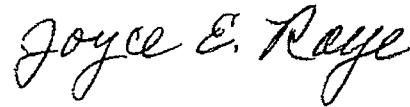
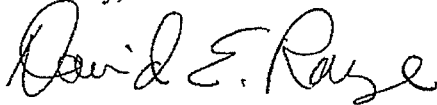
VV-4

VV-5

It is for the above reasons that we find this entire plan to be poorly designed, too large, and inappropriate for this quiet, rural area that the residents of this county have worked hard over decades to maintain in a rural state. "It's the country, not a city, and every neighbor we talk to believes it should be kept that way."

VV-6

Yours truly,



Mr. and Mrs. David E. Raye

VV. RESPONSES TO COMMENTS FROM MR. AND MRS. DAVID RAYE

- VV-1: The commenter states that the project will have many negative impacts on the rural character and resources of the area and that two shopping centers already exist in the nearby area (Toro Park and Stone Creek). The commenter states that according to a "major well drilling company", the water table is dropping; that impacts to noise, traffic, and air quality are erroneously determined to be "less than significant" in the DEIR. The commenter expresses concerns over the paving of 500 parking spaces and the introduction of bright lights impacting all nocturnal and avian species in the area. The commenter questions the appropriateness of the project design for the area. The potential impacts from the proposed Project on the rural character of the area must be balanced with the designation of the property for commercial development under the Toro Area Plan and under its "Light Commercial" zoning designation. Chapter 4.1 of the DEIR (Aesthetic Resources) contains a complete analysis of the Project's potential impacts on visual character of the Site and the impacts on the designated scenic State and County corridors. That analysis concludes that the proposed Project would result in potentially significant impacts on visual resources. The DEIR recommends Mitigation Measures to reduce those impacts to a level of less than significant. With reference to the water table the commenter is referred to Master Response 5 above. Some project impacts have been determined to be significant for which Mitigation Measures are recommended to reduce them to less than significant levels.
- VV-2: The commenter asks if handicap access and/or elevators will be provided for the many elderly residents in the area. If the project is approved, it would have to comply with existing handicap accessibility requirements contained in the building code; these requirements include parking spaces and accessibility from parking areas to buildings for handicapped persons. An elevator is proposed as part of the proposed project to provide access to the second story on Retail Building No. 6.
- VV-3: The commenter states there is an excessive amount of parking spaces (500) planned for the development; suggesting that a limiting the shopping center to 150 spaces (similar to Stone Creek) would be more appropriate. The number of proposed parking spaces corresponds to the proposed amount of square footage under the parking requirements of the Zoning Ordinance (One space per 250 square feet). The final number of spaces, should a project be approved, would be determined by the total area (square footage) of the approved project.
- VV-4: The commenter states that the commercial lighting will be disruptive to residents and wildlife in the area; suggesting that light standards should be downward facing to minimize negative impacts. The lighting impacts from the proposed project have been properly identified in the DEIR. Recommended Mitigation Measure No. 4.1.5 in the DEIR (p.114) contains appropriate measures to mitigate the identified impacts from lighting and to make the project consistent with related policies of the General Plan.

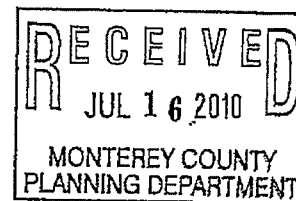
- VV-5: The commenter states that all construction should be limited to one-story, and that the two-story sections are unacceptable and unnecessary. Comment noted.
- VV-6: The commenter expresses the opinion that the project is “poorly designed, too large, and inappropriate” for the area. Comment noted.

WW. COMMENTS FROM THE RICHARD ROTTER FAMILY

Osorio, Luis x5177

From: Maureen Rotter [mdrotter@sbcglobal.net]
Sent: Thursday, July 15, 2010 7:51 PM
To: Osorio, Luis x5177
Subject: Phelps Family DEIR

Luis Osorio
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487



Subject: DEIR for Corral de Tierra Neighborhood Retail Village

I write this letter to you not as a "Johnny Come Lately" or "Not in my neighborhood", but as a life long resident of the area. My Great-grandfather came here in 1846, my Grandfather was born here in 1886, my mother was born here in 1910 and is still alive and well a raised her family.

I have never met any of the Phelps family. They have my complete support for their project because they have spent their own money and endless time and energy to develop a project that will benefit and be enjoyed by all their neighbors. They are not the type of developers who build and leave. Their commitment is to be commended.

The traffic issue should not have an impact, as the 68 traffic is used for the commuters and the residence of Corral de Tierra area. Those who live here have to use it just to get to and from work to the Salinas or Monterey area. We who will use the development are already here. The water issue seems to have been worked out to make the development water safe.

My wife and I live directly behind the proposed development in the Meadows Community and we support this a a great improvement and use of this land.

Sincerely,

The Richard Rotter Family
14500 Mountain Quail Rd.
Corral de Tierra, CA 93908

WW-1

07/16/2010

WW. RESPONSES TO COMMENTS FROM THE RICHARD ROTTER FAMILY

WW-1: The commenter state that as life long residents of the area, they are in full support of the proposed project. The commenter state that they believe the proposed project will benefit and be enjoyed by all the neighbors. The commenter also believe that traffic on SR-68 will not be an issue since the people who will use the proposed project are already using the SR-68 corridor to get to and from work in Monterey or Salinas. Comment Noted.

XX. COMMENTS FROM CORNELIS AND REAGAN SCHOONE

Osorio, Luis x5177

From: Reagan Sweitzer [imreagan@yahoo.com]
Sent: Thursday, July 15, 2010 6:36 AM
To: Osorio, Luis x5177
Subject: Draft EIR Comment: Corral de Tierra Village (Hwy 68/Corral de Tierra, Salinas)

Dear Mr. Osorio:

We have recently purchased a home in the area of Corral de Tierra (aprox. 3.9 miles from the proposed development). Although we loved the home, we hesitated for months over purchasing due to one reason: The lack of local amenities and services and the thought of being in the car for long periods everyday. We went ahead with the purchase but unfortunately our instinct was correct.

The closest supermarket (Del Rey Oaks) is 10 miles one-way and takes about 20 minutes without traffic. The closest service of any sort (7-11) available is 8 miles (aprox 15 minutes driving). There are hundreds of homes in our area and well over 10,000 people in the area facing the same problem.

While we seek to be as economical as possible with travelling, we still find ourselves making direct trips to the market, dry cleaners, pharmacy, florist, gift shop, coffee shops etc. 4-6 times per week. We will travel on Hwy 68 aprox. 100 miles per week (~5200 miles p/year) for basic amenities/services. With the proposed development, it would reduce driving by at least half, saving aprox. 2600 miles of travelling).

We find the need for a local village to be somewhat obvious and crucial but we would not be in favor of a superfluous village center consisting of typical mega stores and architecture. Having lived the last 20 years in Santa Barbara, CA and the Netherlands, we have seen that areas can be developed yet the building needs to be sensitive to the area for it to work.

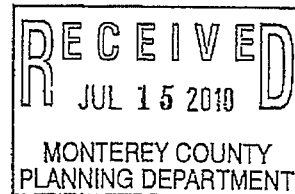
The drawings we have seen of the proposed center have a soft, rural look. The overall size appears to be small enough to blend yet large enough to actually be a small village/meeting place with amenities and a relaxed atmosphere. In addition to the building design, we see that the project has gone to great lengths to reduce environmental impact. The alternative water plan which would have LEED certification appears to have significant influence on water consumption and the re-use of water. Such a project proposition additionally shows a strong message to other developers in the county and state.

The amount of thought, time and energy that has gone into this project planning is beyond most projects we have been witness to (Even for projects in the Netherlands, which as a socialist country is known to be difficult). From the planning we have reviewed within the Draft EIR, we feel that the project is a necessary step for the area and that the environmental impact has been considered to great lengths. We hope to see this project move through steadily as we would very much like to look forward to living in our beautiful home rather than our car.

Thank you for your consideration.

Sincerely,

Cornelis and Reagan Schoone



XX-1

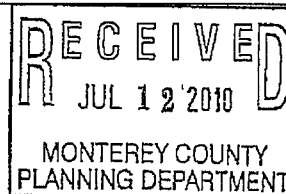
XX. RESPONSES TO COMMENTS FROM CORNELIS AND REAGAN SCHOONE

XX-1: The commenter state that they are in full support of the proposed project. The commenters state that the area lacks local amenities and services and that development of the proposed project would at least cut the amount they drive the SR-68 corridor in half (50 miles per week rather than 100 miles per week). The commenter are in support of both the size and the design of the proposed project and believe that the alternative water plan which would require the proposed project to be LEED certified would improve water consumption rates and set a good example for other developers. Comment Noted.

YY. COMMENTS FROM DAVID SENDER

Osorio, Luis x5177

From: david sender [dsenddis@sbcglobal.net]
Sent: Saturday, July 10, 2010 4:21 PM
To: Osorio, Luis x5177
Subject: Drraft EIR



Dear Mr Osorio,

As per our conversation on July 9,2010 regarding the proposed Corral De Tierra Neighborhood Retail Village and the Draft EIR. My property at 49 Corral De Tierra Rd. is greatly impacted by this project because of its close proximity. The enormity and scope is totally beyond logic and presents more questions than there are answers.

How will the county address the issues of water,traffic,noise,lighting, access and parking? Water is the one issue which has an enormous impact and the project does not address the issue in a realistic way. The solution proposed will not replace the water usage of such a large project based upon true facts.

YY-1

I am part of a water system which states the water can only be used for domestic use therefore our well located on the proposed parcel can not be used commercially. What happens if the well fails or has to be moved to another location the this parcel? How can we access another site if there are buildings and hard surfaces covering the property?

YY-2

There is also a proposed driveway realignment which is depicted in figure 3.4. As part of my Recorded Water Agreement, the road referred to in the EIR is for the purpose of ingress and egress to my property and the one above . Also an easement is recorded 15 feet wide for road and utility. In the easement are olive trees which are being destroyed to make an access road behind the center used for heavy commercial traffic. How can the county allow the invasion into my only access to my home and property?

YY-3

The section on noise levels is totally erroneous and mistakes that the loading dock of the grocery is not in direct line of sight. My property does view the back of the project directly and will be exposed to excessive noise and unsightly commercial traffic and lighting. Loading docks are by nature noisy and the hill mentioned will not insulate my property from neither noise or lighting proposed by the project. How does the county plan to protect my interests and property from the excessive nature of this project.?

YY-4

The enormous footprint of the proposed Village does not fit the rural environment of this community. The size of this project belongs in a large city not rural Corral De Tierra. How is the county going to protect the residents from over ambitious developers?

YY-5

I need answers to the questions posed. These are not my only concerns but I want this letter to be included in the EIR.

David S. Sender
49 Corral De Tierra Rd
Salinas, Ca 93908
email dsenddis@sbcglobal.net



07/12/2010

YY. RESPONSES TO COMMENTS FROM DAVID SENDER

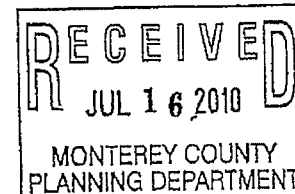
- YY-1: The commenter asks how issues such as water, traffic, noise, lighting, access and parking will be addressed by the County. The commenter states the project does not address water in a realistic way, stating that the solution proposed will not replace the water used by such a large project. The proposed Project's impacts on water have been identified as potentially significant and unavoidable. The County has proposed alternatives that modify the project in a manner that would mitigate this impact to a level that is less than significant. Potentially significant impacts have been identified from traffic, noise and lighting and appropriate mitigation measures recommended in the respective Chapters of the DEIR. Recommended mitigation measure No. 4.12.2 would address potential hazards to vehicle circulation on Corral de Tierra Road and SR-68.
- YY-2: The commenter states their involvement in a water system, which has its well located on the proposed project site and restrictions which state the water can only be used for domestic use, not used commercially. The commenter asks what happens if the well fails or has to be moved to another location on the project parcel and how the members of water system would access another site if there are buildings and hard surfaces covering the property. The commenter appears to be referring to the existing water well on the Project Site. This well is not proposed as the water source for the proposed project. Existing easements and access rights to the water well will be maintained.
- YY-3: The commenter states that Figure 3.4 depicts the proposed driveway realignment. The commenter states that a "Recorded Water Agreement" refers to a road discussed in the DEIR that is to be used for ingress and egress to his property and the one above, and involves a recorded 15 foot wide road and utility easement. The commenter states the existing olive trees in the easement are being destroyed to make an access road behind the project to be used for heavy commercial traffic. The commenter asks how the County can allow such an invasion into the only access to his home and property. The existing driveway on the southern boundary of the property, which provides access to a number of properties in the back of the project Site, will not be used for access or egress to the project site so it would not be affected by the Project. According to the Vesting Tentative Map submitted as part of overall project plans, the referred trees are not located within the referred driveway easement. In addition, Olive trees are not a protected trees species in the County.
- YY-4: The commenter states that the noise section of the DEIR mistakenly claims that the loading dock of the grocery store is not in direct line of sight, as it can be seen from his property, from where the back of the project can be seeing directly and will be exposed to excessive noise and unsightly commercial traffic and lighting. The commenter states the hill referenced in the DEIR will not insulate his property from either noise or lighting proposed by the project. The commenter asks how the County plans to protect his interests and property from the excessive nature of this project. The commenter is referred to the responses to Items EEE-32 and EEE-33 below.
- YY-5: The commenter states the enormous footprint of the proposed Village does not fit the nature of the rural environment, and belongs in a large city not a rural community. The commenter asks how the

County will protect the residents from over ambitious developers. Comment noted.

ZZ. COMMENTS FROM MYRON SERES

Osorio, Luis x5177

From: Unclemy@aol.com
Sent: Thursday, July 15, 2010 9:09 PM
To: Osorio, Luis x5177
Subject: Corral de Tierra Neighborhood Retail Village Shopping Center



Myron R. Seres
13452 Paseo Terrano
Corral de Tierra, CA 93908
July 14, 2010

Corral de Tierra Neighborhood Retail Village Shopping Center
Draft Environmental Impact Report
Monterey County Planning
Senior Planner, Luis Osorio

Dear Sir,

Here is a definition of "LEAP FROG DEVELOPMENT"

Leapfrog development

Leapfrog development where drivers view long stretches of vacant land between developments. This definition has received some popular support. In Arizona, Citizens for Growth Management attempted to get an initiative on the statewide ballot in 1998 that adopted this definition: Urban sprawl means urban development that occurs in a rural or fringe area, and that typically manifests itself in one or more of the following patterns: A) Leapfrog development, B) Ribbon or strip development, C) Development separated from continuous urban development by vacant, low density, or rural land, and D) Development that invades lands important to environmental and natural resource protection.

The proposed Corral de Tierra Neighborhood Retail Village Shopping Center is Leap Frog Development. Do you agree? If not, why not? Corral de Tierra Neighborhood retail Village Shopping Center is urban sprawl. Do you agree? If not, why not?

ZZ-1

Please analyze the shopping center as leap frog development and/or urban sprawl and print this letter in the Final EIR along with your response.

Thank you,

Myron R. Seres

07/16/2010

ZZ. RESPONSES TO COMMENTS FROM MYRON SERES

ZZ-1: The commenter provides a definition of “Leapfrog Development”, and then states that the Corral de Tierra Neighborhood Retail Village Shopping Center is leapfrog development and a good example of urban sprawl. Comment Noted. The Land Use Plan of the Toro Area Plan designates the project site as Commercial. The project site is zoned as “Light Commercial” under the County’s Zoning Ordinance.

**AAA. COMMENTS FROM THE LAW OFFICE OF MICHAEL STAMP
WRITTEN BY MOLLY ERICKSON**

LAW OFFICES OF
MICHAEL W. STAMP

Facsimile
(831) 373-0242

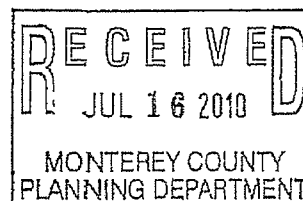
479 Pacific Street, Suite 1
Monterey, California 93940

Telephone
(831) 373-1214

July 16, 2010

Via Facsimile and Email

Mike Novo
Planning Director
County of Monterey
168 West Alisal Street, 2d Floor
Salinas, CA 93901



Subject: Omni Resources Shopping Center, PLN020344
Comments on the Draft Environmental Impact Report

Dear Mr. Novo:

This Office represents The Highway 68 Coalition. We make the following comments on the Draft Environmental Impact Report for the proposed Omni Resources Shopping Center (PLN020344).

Please define exactly what parcels make up the Project site. The DEIR is confusing. The DEIR states that the former service station site is not part of the Project site. In another place, the DEIR suggests that the former service station site is part of this project.

AAA-1

The former service station site is the approximately square site at the immediate southeast corner of Highway 68 and Corral de Tierra. That site is shown as a square cut-out in the upper left (northwest) corner of the project site.

The DEIR is inadequate because it is based on outdated information. As one example, the DEIR admits that the most recent estimates of water demand for the El Toro Groundwater Basin are in the 1996 Fugro report. That report was prepared in 1996, and was based on water demand from years before 1996. In other words, now, in 2010, the County is relying on water demand figures from some 20 years ago. That is unreliable information, and calls into question the reliability of the EIR analysis.

AAA-2

The El Toro Groundwater Basin has experience steady and significant growth and development over the past 20 years, which has cause changes to the area water demand and water supply.. Because the EIR fails to investigate, disclose or consider the current water situation in its analysis, the EIR analysis is inadequate.

The EIR should determine the total production of all wells in the Toro Area Groundwater Basin. The determination should be based on diligent investigation and reliable facts. If you do not have this information, please explain why not, and please identify in detail your efforts to obtain this information.

Mike Novo, Planning Director
July 16, 2010
Page 2

According to the DEIR (p. 394), the Ambler Park Water system produces nearly 300 AF. What year is that production? How many connections does the Ambler Park system have?

AAA-3

The total water well production information is important because it shows the total amount of demand on the basin. This, in turn, is important because it shows the amount of overdraft on the basin. Do you agree? If not, please explain why not, in detail, and identify the data you rely on for the response, and who provided the data.

Does the EIR preparer believe that the El Toro Groundwater Basin is in overdraft?

AAA-4

The DEIR's water analysis is confusing. Is it the DEIR's position that certain areas of the groundwater basin are in overdraft, and other areas are not in overdraft? How did the EIR take these various conditions into consideration in the EIR analysis?

AAA-5

The mitigation measure requiring installation of a transit stop on Highway 68 is meaningless because there is no bus route that would accommodate the demand created by the proposed project. According to Monterey Salinas Transit (MST), there are only three routes currently operated by MST along Highway 68. All three operate only in the early morning and early evening, the typical commuter hours. Essentially, other than between two windows of time, one between 6 a.m. and 9 a.m., and the other in the late afternoon, there are no transit buses on Highway 68. Between 6 a.m. and 9 a.m., there are at most three or four buses total. Between 5 p.m. and 7 p.m., there are at most three or four buses. That transit service and those times would not provide reasonable transportation for shopping center workers or customers. Under the circumstances, please respond in detail as to how placing a bus stop would mitigate impacts of traffic, and please show your calculations and identify all the documents on which you rely.

AAA-6

The EIR should consider a mitigation of prohibiting ingress/egress directly from the shopping center to Highway 68.

AAA-7

The EIR assertion that the "Project's cumulative impact on groundwater supplies would be significant and unavoidable" (p. 19) is correct.

AAA-8

The EIR should acknowledge that the Project's individual impact on groundwater supplies would be significant and unavoidable. (See p. 19.) Please respond in detail.

AAA-9

To mitigate for the significant water supply impacts, the EIR should consider a mitigation that requires ultra-low flow fixtures, waterless urinals, and a prohibition on exterior landscaping, and a prohibition on high-water-use land uses.

AAA-10

Mike Novo, Planning Director

July 16, 2010

Page 3

The existing Toro area water supply is in overdraft. Therefore, any additional demand on the overdrafted supply is a significant impact. Do you agree? If not, please explain why not, in detail, and identify the data you rely on for the response, and who provided the data.

AAA-11

The EIR's claim that the Project's significant and unavoidable impact on groundwater supplies cannot be mitigated because "no feasible mitigation measure are available to address the identified impacts" is incorrect. The County has never effectively limited a project to the amount of water estimated in its EIR analysis. If you disagree, please provide the project(s) on which you rely, and explain in detail how the County has monitored and enforced a water limit consumption cap in a meaningful way.

AAA-12

The EIR should consider the use of an effective, enforceable and publicly accountable water demand limit or water cap for the project to prevent unanalyzed impacts.

The EIR's estimate of water demand is unreliable. Did the County use the applicant's water use estimates? If so, what review did the County perform on the accuracy of the estimates? If not, why not? What changes by the EIR preparer or any peer reviewer were made to the applicant's water use estimates, if any?

The County has known for years that its EIR estimates are not accurate predictions of water use. In 2003, senior representatives of the County Planning Department, the County Water Resources Agency, the County Counsel, and MPWMD met to discuss the ongoing problems of the County's failure to track actual water use, and projects' water demand that far exceeded that amount estimated and analyzed in those projects' EIRs. The projects discussed included Pasadera, Monterra Ranch, and Laguna Seca Golf Course uses.

The County EIR analysis of September Ranch was discussed at that October 2003 meeting. The County's recirculated EIR for September Ranch was later overturned by the Superior Court due to its inadequate water demand analysis, and the EIR's selective and legally inadequate use of water information purported to be from other projects.

AAA-13

At the October 2003 meeting, specific recommendations were made regarding future EIRs. The recommendations included these:

- Obtaining the most current water data and requiring EIR preparer to consider that data when preparing their reports.
- Restricting water use to the amount analyzed in the EIR

Those recommendations were not followed here. Why not?

Mike Novo, Planning Director
 July 16, 2010
 Page 4

Why did the County not investigate the claims made by the Omni project applicant and his representatives regarding water use, water savings, and water supply?

The County has attempted to place a water limit or cap for the September Ranch project, but failed to require an enforceable limit or cap. In 2009, the Superior Court overturned the County's second EIR on the September Ranch project due to its failure to adequately analyze the water impacts, because the EIR failed to place a cap or limit on the subdivision's water use.

The EIR failed to reasonably investigate the MPWMD water use factors for land uses that could occupy the proposed project. Applicable MPWMD water use factors are described below:

MPWMD estimates (from MPWMD website, July 2010)
 (bold added for emphasis)

GROUP I - Low to Moderate Use Square feet x 0.00007 = Acre Feet (AF)

Auto Uses, Retail, Warehouse, Dental/Medical/Veterinary Clinics,
 Fast Photo, Church, Nail Salon, Family Grocery, Office, School,
 Bank, Gym

GROUP II - High Use Square feet x 0.0002 = Acre Feet (AF)

Bakery, Pizza, Coffee House, **Supermarket/Convenience Store**
 Dry Cleaner, **Deli, Sandwich Shop**

GROUP III - Miscellaneous Uses No x (appropriate factor) = Acre Feet (AF)

Public Toilets 0.058 AF/toilet
 Beauty Shop/Dog Grooming 0.0567 AF/station
 Public Urinals 0.036 AF/urinal
 Child Care 0.0072 AF/child
Restaurant (24-Hour & Fast Food): 0.038 AF/seat
Restaurant (General/Bar): 0.020 AF/seat
 Gas Station 0.0913 AF/pump
 Laundromat 0.200 AF/machine
 Meeting Hall 0.00053 AF/sf
 Spa 0.050 AF/spa
 Plant Nursery (total land) 0.00009 AF/sf
 Irrigated areas – not adjacent to building: MAWA1

Use of these more accurate MPWMD figures would result in much higher water demand than the applicant's estimate. Why were these MPWMD water use factors not

AAA-13

AAA-14

Mike Novo, Planning Director
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used? Who made the determination not to use them? The EIR should compare the difference between using the MCWD factors and the MPWMD factors.

The Monterey County Water Resources Agency wanted the applicant to use MPWMD water use factors, instead of MCWD factors, correct?

If the project receives County approval, there is nothing to prevent the project from having uses with high-water-demand occupy the entire project. In that case, the water demand would greatly exceed the amount analyzed in the DEIR.

The DEIR uses a Commercial/Retail/Office water use factor of 0.00005 AFY. This factor was applied to the supermarket which has a much higher water use factor, according to MPWMD.

The EIR term "grocery" appears to come directly from the applicant. It is not accurate. The EIR should describe the use as a supermarket, which is a much more accurate term for a 40,000-sf store. If you disagree, please explain what the difference is between a grocery and a supermarket, and whether the County would condition the project approval to limit the project to one or the other. This is significant because if the County will not limit the project to "groceries" only, then the developer could easily put a supermarket into the 40,000 sf space.

The EIR's use of the term "grocery" for the proposed 40,000-sf supermarket is misleading, and is an attempt to avoid the MPWMD factor applied to supermarkets, which is the factor that should be used here.

The Commercial/Retail/Office water use factor of 0.00005 AFY is from Marina Coast Water District, which is not nearly as accurate as the MPWMD factor. The MPWMD factor for a supermarket is 0.0002 AFY, which is significantly higher than the MCWD factor. Why was the MCWD factor used? What steps did the EIR preparer take to investigate and disclose which of the factors were more reliable?

The MPWMD factor for supermarkets should be used in the estimated project water demand. If you disagree, please explain why not, in detail, and identify the data you rely on for the response, and who provided the data.

The DEIR uses a factor of 0.0002 AFY/square foot for the 17,023 sf of "restaurant/deli/food services" uses. The DEIR claims that this factor is "typically applied to individual deli and restaurant uses from Monterey Peninsula Water Management District." That claim is not correct.

The MPWMD uses "per seat" factors for restaurant uses. MPWMD uses a factor of 0.038 AF/seat for Restaurant (24-Hour & Fast Food), and a factor of 0.020 AF/seat for "Restaurant (General/Bar)" uses. Applying these factors to the proposed project,

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the projected water demand would be far greater than that estimated in the DEIR water balance analyses (e.g., Table 4.7.A, Table 6.B). Please respond. If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, and the authority and other support for your analysis and response.

AAA-14

Who prepared Table 4.7.A, the primary water balance analysis for the project? Did the County make any changes to it?

AAA-15

Who prepared Table 6.B, the water balance analysis for Alternative 2? Did the County make any changes to it?

Table 3.A and Table 3.B are confusing, and Figure 3.3 is very difficult to read. Please merge the two tables, and show which Buildings are proposed to be located on which lots.

AAA-16

Please revise Figure 3.3 with clear designations of which building number is which. Even looking at the online version, and blowing up the map, it is impossible to tell which building is which number, as listed on Table 3.B.

The EIR fails to investigate whether the applicant's water use estimates are reasonable, and whether, if at all, the actual water use could be limited to the estimated demand in the EIR. The County has never yet required enforceable water use limits on any project it has approved. It only required reporting of water use in one subdivision, but fails to analyze the data when it is submitted, in order to determine actual use on a per-lot basis. Also, the County has admitted losing the reports submitted by the developer.

The Stone Creek Shopping center is approximately one quarter the size of the proposed project. Did the EIR investigate and analyze the actual water usage of the Stone Creek Shopping Center, and the controls placed on that usage? If not, why not? If so, please disclose all steps in the investigation, the data found, the analysis as to how the Stone Creek information compares to the project, and the EIR preparer's conclusions.

AAA-17

The EIR fails to ensure that the actual project water demand would not exceed the EIR estimate. The actual demand could be 20 or 30 AFY. Do you agree?

There is nothing that would prevent actual water demand from reaching 20 or 30 AFY. Do you agree?

In other words, the potential adverse impacts to the water supply are much greater than the EIR attempts to describe, even if the EIR analysis were adequate, which it is not. Do you agree that if the water use is over the amount estimated by the

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applicant and used in the EIR, that the potential adverse impacts could be much more severe than the EIR describes? If you do not agree, please explain why not, in detail, and identify the data you rely on for the response, and who provided the data.

The Whitson "Revised Evaluation of Potential for Increased Groundwater Recharge" is noncommittal to any particular recharge result. The Whitson report was prepared by the applicant's consultant. The report uses heavily qualified language. Consistent with its vague title, the report is a mere "evaluation of potential", without making any affirmative statements on which the public or the EIR preparer can rely. The report admits that its calculation merely "summarizes the potential increase in groundwater recharge that may be achieved by increasing the percolation of on-site stormwater (p. 1)." Whitson suggests that the system would allow for an overflow to storm drain, which means that not all stormwater would be retained onsite. Whitson then merely "estimate[s] that the precipitation that would contribute to groundwater resource . . . could be increased to 75% . . ." Whitson provides no guarantees about results.¹ He merely "believe[s]" that the scheme "ultimately can contribute to groundwater recharge . . ." assuming conditions are perfect, and also assuming average rainfall.

That is not a firm conclusion. It is not an affirmative, unqualified, guaranteed fact, using terms like "may," "can," "estimate," and "potential." Instead, Whitson's statement is a heavily qualified, cautious, conditional statement of a result that might happen if numerous factors all are exactly as hypothesized.

The DEIR represents that conclusion – and the water balance that would result – as a statement of fact. The DEIR affirmatively states that the Project would have a positive water balance of 1.30 AF, and does not disclose that that amount is uncertain, or on what it is based, or whether the positive water balance might be higher. By twisting the language of the report, the EIR misleads the public and the decision makers as to the potential impacts of the project.

The DEIR should clarify exactly how many conditions must be met in order for this result to be achieved.

The EIR's repetition of an untrue statement about the "water balance," without reasonable investigation of the range of results from the proposed "recapture" scheme, is irresponsible. The claimed "increased recharge" relies on numerous unreasonable assumptions, including perfect engineering, perfect operations, and average rainfall every year. The claim fails to take into account reasonable margin of error in

¹ For the LEED alternative development scenario, Whitson uses the same heavily qualified language.

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engineering, or imperfect operations, or below-average rainfall. It entirely ignores the possible effects of drought years and of multi-year drought cycles.

The EIR's projected water balance is dependent on two "sensitive factors": (1) "the quantity of average rainfall" and (2) the capture of drainage. If rainfall is below average – as it is more often than not, according to rainfall records – the balance will be negative. If there is as little as a 5% reduction in drainage factor, the water balance will be negative.

The EIR should admit that the certainty of any specific amount of recharge, such as the amount claimed here, can never be measured or confirmed. If you do not agree, please explain why not, in detail, and identify the data you rely on for the response, and who provided the data.

If something cannot be measured or confirmed, then it should not be used as a mitigation for an environmental impact. Please respond. If you do not agree, please explain why not, in detail, and identify the data you rely on for the response, and who provided the data.

The EIR's hydrogeological discussion is based on information and analysis provided by the applicant. However, the applicant's information is not reliable, and the EIR preparer did not investigate the claims. Please identify all persons who provided expert peer review of any aspect of the applicant's claims with regard to water supply, water demand, and water recharge.

The various Whitson reports are stamped by a K.M. Whitson, whose stamp indicates he is a civil engineer. We cannot find the required project-specific hydrogeologic investigation listed in the EIR. The County typically requires such focused reports, and requires them to be prepared by the appropriate registered professional. Please respond.

Is the County relying on the 2004 Kleinfelder report as the project-specific hydrogeological report? That report is not listed in the DEIR list of technical appendices (DEIR, Vol. II). Was the Kleinfelder report relied upon for the project review, and if so, in what specific ways? Was the Kleinfelder report, or any aspect of it, rejected by any County department, and if so, in what specific ways? Please respond in detail.

The EIR claims that the project site has an existing well that is "presumably used for irrigation" (p. 403). What kind of irrigation does the EIR preparer think is happening on the empty field that makes up the Project site? On what land is the presumed irrigation taking place? Did the EIR investigate this presumption that the well was used for irrigation? How much water is the existing well producing? Is that a reasonable amount for irrigation? With regard to this presumption regarding irrigation, please describe the specific steps taken, documents researched, and persons questioned.

AAA-17

AAA-18

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The EIR identifies the well on the project site "is shown as well 115 on Figure 4.13.5" (p. 403). There is no well 115 on Figure 4.13.5, which is the B-8 Zoning Overlay area. Please explain.

There is a well 115 shown at the project site on EIR Figure 4.13.1. Please explain whose well that is, the purpose for which it is used, and its production.

According to public records, one well on the project site is the Hargis well, which is a small mutual system that is permitted by the County of Monterey. The well providing the sole supply of domestic water to several properties adjacent to the project site. One of the properties is owned by Mr. Phelps, the applicant for the proposed project. Instead of being used for irrigation, as the DEIR assumed without support (e.g., p. 403), the well pumps a large amount of water for domestic purposes, as acknowledged by the applicant's consultant. Please explain how this information changes the EIR analysis.

The applicant's consultant, engineer Gary Wiegand of Utility Services, stated that the Hargis well supplied some seven residences. (Utility Services (Wiegand) letter to Eric Phelps, Omni Resources, dated August 15, 2008, submitted to County Planning Department on February 20, 2009.) Mr. Wiegand did not identify the houses, which may or may not include the house owned by Mr. Phelps, the applicant here. Mr. Wiegand stated that there were three houses and four rentals. After equating four rentals to a single house, Mr. Wiegand considered that the Hargis system supplies the equivalent of four houses, at over 7.08 AFY based on the PG&E bills for the Hargis well. (*Ibid.*; see also October 12, 2009 letter from Utility Services (Wiegand) to Mr. Phelps.)

A December 31, 2009, letter from the applicant's attorney to the County identified residences served by the Hargis system as 53 Corral de Tierra Road (Phelps), 55 Corral de Tierra Road (Vorkoeper), 55 Corral de Tierra Road (McInnis), and 49 Corral de Tierra Road (Senders).

An individual with personal knowledge has asserted that there are nine service connections on the Hargis Mutual Well system.

The EIR failed to investigate or disclose the project's potential impacts on that well, and on the users of the system supplied by that well. The EIR also failed to investigate the hydrogeological source of the water supply for that well.

On what factual support did the DEIR make the assertion that the onsite "well is not currently being used" (p. 403)? What or who was the source of that assertion?

The information regarding the well is significant because it is a separate and independent reason why the DEIR's claimed "water balance" is not accurate. The

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"water balance" assumes the onsite water production is zero, which is incorrect, because the actual production is significant. The impacts of project demand on top of the existing demand was not considered.

The water balance states that pre-project water use is zero. Elsewhere, the DEIR refers to "close to zero consumption of water on the site" (p. 255). Elsewhere, the DEIR acknowledges that there is an active production well on the site (e.g., Figure 3.4 and p. 403). The DEIR's discussion of this is confusing, misleading and irresponsible. Please clarify.

AAA-18

The baseline water conditions for the project site is water demand of over 6 AFY, which is the production of the existing well. All calculations should be revised to reflect actual production of that well as baseline conditions.

The current onsite well production of over 6 AFY means that there is a net deficit to the basin of over 6 AFY.

Why does the DEIR analysis include the offsite hillside in its predevelopment water calculations? For example, page 255, refers to 15.3-acre watershed area, without citation. Exactly what acreage, located where, makes up those 15.3 acres?

AAA-19

When the actual production of well 115 on the project site is considered, the water balance is negative, even assuming the applicant's water balance scheme is accurate, which it is not, and even assuming the Alternative 2, the LEED design. The EIR should have considered this information. If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, and the authority and other support for your analysis and response.

Water demand from the Hargis well (well 115) on the project site is over 6 AFY, according to the applicant's representatives. That well supplies approximately 8-residences with domestic water supply. Is the well proposed to be retained? If so, how will the well be accessed for operations and maintenance? If the Hargis well will not be retained, what is proposed as a replacement water supply for the eight residences that currently rely on it?

AAA-18

Has the applicant produced well pumping records or water quality records from the onsite well? The amount of well pumping is a critical element in the water balance. The project site is already producing a significant amount of water, which the water balance fails to take into account. Instead, the water balance chart suggests that onsite water production is zero.

All consideration of offsite water recharge should not be considered. Consideration of offsite contribution should not be part of a "water balance" analysis.

AAA-19

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Isn't there a well at the former service station site? There is a well shown at the site on Figure 4.13.1, at the top center of the upper map, above well 115. The map is fuzzy and almost illegible. The well appears to be called well 54 or 94. If not, what is that site's water supply? What is the production of the well? How would the County prevent water from that site from being used to supply water to the project site? We understand that the former service station site is in the same ownership as the project site.

AAA-20

Would exterior or interior water features be allowed in the project? If so, where was the water demand considered and calculated? If not, there should be a mitigation prohibiting them.

AAA-21

To mitigate for water impacts, water-intensive uses should be prohibited, including water features, laundromats, swimming pools, dry cleaners, and spas.

Please clarify the acreage of the two parcels that make up the project site. The EIR relies on Whitson Engineers October 14, 2009 "revised Evaluation of Potential for Increased Groundwater Recharge," which estimated that the project site is 11.0 acres. This difference may be significant in the calculation of recharge. Please explain. The EIR should use accurate figures in its calculations.

AAA-22

Please identify which figures in the EIR were presented by the applicant, and, for each of those, please describe how, if at all, the EIR preparer investigated the accuracy of each factual assertion.

AAA-23

The site adjacent to the project site, the former gas station that is now a real estate office, is described as being a parcel of 0.63 acres. However, the EIR relies on Whitson Engineers October 14, 2009 "Revised Evaluation of Potential for Increased Groundwater Recharge," which estimated that the adjacent service station site is 0.7 acres. This difference may be significant in the calculation of recharge. Please explain.

The adjacent service station site should not be used in calculations of recharge. The adjacent site is not part of this project. All of the EIR maps expressly exclude the service station parcel from the description of the project site. The adjacent site cannot be relied upon as part of or as mitigation for this project. If you disagree, please identify the specific authorities you rely upon for your position.

AAA-24

The adjacent service station site has an onsite well, which appears to be identified as well #94 on Figure 4.13.1. The EIR fails to consider that well properly in its analysis and calculations of the recharge scheme.

The service station site is proposed for future development as a 24-hour minimart and gas station. This is a known fact that the DEIR failed to consider in its analysis, which raises serious concerns of piecemealing the CEQA review.

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The Whitson October 14, 2009 "Revised Evaluation" expressly excludes the adjacent hillside site from the recharge scheme (p. 4 ["runoff from the adjacent 3.6-acre hillside would not enter the site retention system"]). However, the EIR calculations for the water recharge scheme expressly include the adjacent hillside site, which increases the purported "recharge." (EIR, p. 256, Table 4.7.B.) Please explain.

AAA-25

The adjacent hillside site should not be used in calculations of recharge. The adjacent site is not part of this project, as shown on the EIR maps, and is a separate parcel. It is zoned residential. The hillside is not proposed to be merged with this project, or dedicated in perpetuity to it. For those reasons, the adjacent site cannot be relied upon as part of or as mitigation for this project.

The Whitson October 14, 2009 "Revised Evaluation" expressly assumes a 15" rainfall for the water recharge scheme calculations. (See., e.g., p. 2). However, the EIR assumed a rainfall of 15.5". Please explain why there is a difference in the amount of rainfall used. Who made the decision to use a higher rainfall than that used by the applicant? Please identify all data that supports the use of 15.5" rainfall.

The 15" rainfall assumption used in the Whitson report came from the Laguna Seca Subarea Phase III Hydrogeologic Update, prepared in 2002 (Whitson, p. 1). In that 2002 Update, the rainfall is shown approximated in large imprecise swaths on a map.

In fact, actual rainfall data for the project location is shown in reliable reports to be far less than 15" in recent years. Recent annual rainfall amounts for the project location have been 8.86", 12.28", and 13.63". Please respond.

AAA-26

Under the circumstances, the 15" rainfall assumption is not reasonable. For that reason alone, the applicant's recharge scheme calculations on which the EIR relied are not reasonable or reliable.

The DEIR repeatedly makes unqualified statements about the estimated recharge, such as "the project would result" in a specific quantified impact on the groundwater basin (e.g., p. 255). In fact, the heavily qualified Whitson report, the uncertainty of the rainfall, the inability to measure the actual recharge, mean that the EIR cannot make any unqualified statements as to any quantified impact, correct? If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, when they provided it, and the authority and other support for your analysis and response.

The DEIR states that "the Project would result in a net deficit of 1.30 afy. Thus, it can be concluded that the Project would result in a depletion of groundwater resources in an already overdrafted groundwater basin" (p. 255, bold added for emphasis). Why does the DEIR use the term "can" – in the DEIR phrase "it can be concluded"? Is there

AAA-27

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any other possible conclusion that the DEIR makes, or that can be made, as to the impacts identified by the EIR? Is it not more accurate to say that it "is concluded", instead of "can be concluded"? What are the potential impacts of other conclusions, and other results with regard to the project's impacts on groundwater resources?

↑
AAA-27

The Geosyntec 2007 study concluded that "current and increasing rates of pumping could be sustained for decades in areas with large saturated thickness of the El Toro Primary Aquifer System because of the large amount of groundwater in storage." (P. 255.) The EIR does not interpret or apply this sentence. Does the EIR interpret this conclusion to be that the El Toro Groundwater could be mined – in other words, pumped unsustainably – for years?

AAA-28

The applicant's recharge scheme, as shown in the Whitson October 2009 report, relies on a 15" rainfall, without any consideration for rainfall below that amount. A drought year, or multi-year drought events, are foreseeable and expected in the project area. For that reason, the applicant's recharge calculations are unreliable. Do you agree? If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, when they provided it, and the authority and other support for your analysis and response.

AAA-29

The calculations in the Whitson report are confusing and incomprehensible. The EIR relies on the Whitson calculations.

AAA-30

Please explain the formula, assumptions, data and calculations used to arrive at the Table 4.7.A and Table 4.7.B. Also please identify the source of the formula, assumptions, data and calculations, and who peer reviewed it. That information is not in the DEIR.

AAA-31

In its project review, did the County or MCWRA make any changes to the Whitson October 14, 2009 estimate of potential recharge? If so, what were the changes?

AAA-32

Did the EIR failed to disclose, investigate, or independently calculate the claimed "recharge" in a drought year? What are those calculations? What are all the assumptions that went into that calculation?

AAA-33

The EIR failed to disclose, investigate, or independently calculate the claimed "recharge" in a multi-year cycle of drought years. What are those calculations? What are all the assumptions that went into those calculations? Unless the assumptions are disclosed to the public for public scrutiny and comment, we cannot comment meaningfully on the calculations.

↓

The EIR failed to disclose, investigate or analyze all the assumptions that went into the recharge calculations. Please do so.

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Did the EIR investigate actual rainfall in the area in the past ten years? If not, why not? If so, what did the EIR preparer find out, and why did the EIR preparer reject the more recent data?

↑
AAA-33

The Monterey County Water Resources Agency told the applicant that the hillside should not be used in recharge calculations. Did the EIR preparer know that? Why did the EIR use the hillside in recharge calculations?

AAA-34

The EIR fails to adequately identify, investigate and disclose the project's inconsistencies with adopted County plans and codes. The EIR discussion of land use is seriously flawed and avoids the mandatory independent analysis under CEQA. The EIR fails to disclose that the proposed project is inconsistent with many key policies.

Separately, the project does not comply with County Code requirements. The EIR fails to adequately investigate and disclose these inconsistencies. As one example, the Whitson investigation is inadequate under section 19.03.015 of the County Code. The investigation fails to meet the County's mandatory requirements. For example, it fails to identify the long-term safe yield of the aquifer, and fails to present the author's conclusions as to the adequacy of the long term water supply of the project and the project's effects on the area's groundwater. Please respond in detail.

AAA-35

We cannot find the EIR's analysis of the project's consistency with specific sections of the County subdivision ordinance. Please describe in detail the application's compliance and the EIR analysis of section 19.03.15.L.1.B, subsections 1 through 3.

The 2002 "can and will serve" letter from Cal Am water is meaningless. The letter fails to address the water supplies for the project, which are acknowledged to be overdrafted. The letter provides no support for a conclusion that there are adequate water supplies for this project. The Cal Am letter does not include any analysis of the overdrafted aquifer from which the District pumps. This is consistent with Cal Am's actions as a for-profit water purveyor/distributor. Cal Am is not a water resource manager.

AAA-36

The reports on water supplies in the El Toro Groundwater Basin are filled with confusion and inconsistencies, notable in the area of claims about supply. The amount of water in the ground is very different from the sustainable supply, or the amount that can be taken without mining the groundwater supply. The DEIR's discussion of this issue is confusing. Please clarify whether this EIR, at any time, refer or rely on mined water – in other words, water demand that exceeds natural recharge – as supply, either for this project or for anywhere in the basin?

AAA-37

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The DEIR agrees that the El Toro area is in overdraft, but by how many acre feet is it in overdraft in 2010? It is not clear from the EIR discussion. What is the current 2010 demand on the area? It is not reasonable to rely on the outdated information in prior reports. The current demand is what is relevant. That information should be obtainable from the various water suppliers, water systems, well reporting requirements, and similar sources. Please state all steps taken to gather this information, and what information was gathered, and what information you did not obtain and why. If you have not gathered this information, please explain why not.

AAA-38

Do you believe that it makes a difference that this project is in a sub-area of the groundwater basin that is believed not to be in overdraft? It is not clear from the EIR discussion. If so, please explain why you believe that it is acceptable to place additional water demand on the water-short groundwater basin.

AAA-39

Whitson Engineers, who prepared the applicant's proposed recharge scheme, failed to recommend any performance standards for the recharge scheme. The proposal apparently is to have seven independent property owners – some of whom may be corporations, partnerships, or other business organizations without a designated person in charge. The EIR fails to discuss how or who would be responsible for maintaining the underground "recharge" system, or how the seven independent property owners would be held accountable for its perfect maintenance and operations. What if any one of the property owners fails to maintain its above-ground collection gutters? What impacts would that have to the recharge? The EIR fails to take this likely and foreseeable event into consideration, or to consider the potential impacts.

AAA-40

The EIR fails to investigate or discuss the apparent problem of the proposed underground recharge scheme subterranean crossing of property lines. The facility is proposed to be located on Lots 1 and 2, according to the Figure 3.3.

The EIR fails to disclose or investigate how the recharge "facility" would actually work, and whether it was guaranteed to meet the applicant's claims. The facility is proposed for only 0.5 acre, in a corner of the property. There is no evidence that such a facility would have any success.

The EIR claims that the recharge facility would be "stormtech chambers." Is this a reference to the product of a company called Stormtech?

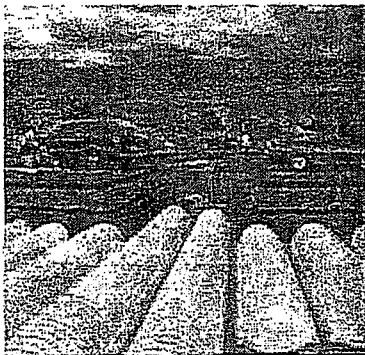
AAA-41

In different places, the EIR calls the facilities "storm tech chambers," without capitalization. What is a storm tech chamber? Is it anything other than a product manufactured by the company called Stormtech?

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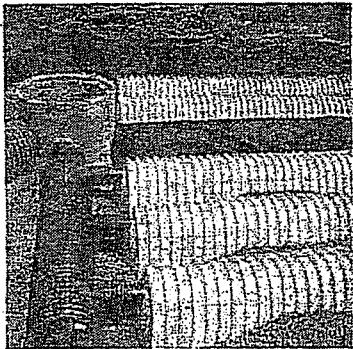
According to Stormtech.com, its facilities are designed to manage stormwater without causing onsite impacts. Its facilities are not designed or intended to recharge an aquifer.

Stormtech is a brand name. Stormtech chambers are large underground pipes, as shown in these graphics from Stormtech.com:



This graphic shows a cutaway of a parking lot on top of a Stormtech facility, apparently as proposed by the applicant here. The Stormtech facility is largely composed of pipes. The pipes would be underground, and would not be accessible. The function and operations of the pipes could not be visual monitored. There is no way to measure any recharge to the aquifer from the pipes.

AAA-41



The underground Stormtech pipes are set in gravel, as this graphic shows. This is further evidence why the amount of recharge, if any, cannot be accessed, measured, or monitored.

Many rainfall events are less than 0.2 inch of rain. It takes over 0.2 inches of rain in a single rainfall event to produce any measurable runoff. The applicant's estimates of recharge fail to take this into consideration. As a result, the applicant's estimates significantly overestimate recharge. Please respond. If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, when they provided it, and the authority and other support for your analysis and response.

AAA-42

To try to get around the lack of sustainable water supply, the applicant proposes a complex "recharge" scheme. However, the scheme is unproven and unverifiable. The projected recharge is based on assumptions that cannot be proven before

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construction or verified after construction. These unrealistic assumptions include (1) "average" rainfall, (2) capture of all rainfall on all impervious surfaces within the subdivision, (3) perfect operations of all retention and percolation facilities, and (4) recharge of the aquifer. The assumptions are not reasonable.

Area records show drought and decreasing rainfall. In the last five years, actual rainfall was below the EIR's 15.5" assumption at least three years – 60% of the time.

In California, water management best practices require consideration of both drought supplies and normal supplies. That approach accounts for California's episodic extended periods of low precipitation, and thus avoids the application of a misleading "average" precipitation." Do you agree?

Why did the water analysis used for the DEIR not consider California's episodic extended periods of low precipitation? Please explain why that approach was not used here, and who made the decision not to use it.

In a "water balance" approach to water supply, estimates are very sensitive to adopted assumptions. Do you agree? Please state all the assumptions used in each water balance chart used in the DEIR, and any charts presented in subsequent EIR documents, including the FEIR.

Past reports for the El Toro area recommended that the MCWRA continue and expand the ground water level data collection program in the El Toro area. Has that been done, and has that information been used in this EIR?

The subdivision would have significantly more severe negative impacts on the aquifer than disclosed in the EIR every year that (1) rainfall is less than the claimed "average" rainfall, or (2) the infiltration scheme does not work exactly like the perfect hypothetical model, or (3) project water demand exceeds the EIR estimate. The project would not be required to mitigate for that harm.

The location of the "retention and percolation facility" would be located very close to the natural drainage on the other side of Highway 68 that runs to the Seaside Basin. It is unknown how much "captured" stormwater would flow into this drainage and thus leave the project site, and therefore would never percolate to the Toro Area groundwater system.

The EIR's assumed permeability of the soil is inconsistent with reliable technical information for the area.

There are no performance standards for the "recharge" scheme.

AAA-42

AAA-43

AAA-44

AAA-45

AAA-46

AAA-47

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The amount of percolation, or recharge, if any, could never be verified. Please respond. If you disagree, please provide details as to how the percolation could be verified, Why verification was not a project mitigation, and how the public could be assured that the amount of recharge was accurate.

Even though the EIR assumed a maximum demand, the project would be allowed unlimited water use, which could exceed the assumed amount.

The EIR failed to adequately analyze the foreseeable adverse impacts. The proposed scheme is not verifiable, not measurable, and not feasible. The County has never approved such a scheme in order to allow a subdivision in an overdrafted area.

In January 2009, the Board of Supervisors turned down the four-lot Spanish Congregation subdivision application in the water-short Highlands North subarea. In June 2010, the Board also turned down the 36-lot Heritage Oaks subdivision application, also in Highland North. Those subdivisions each proposed an aquifer-recharge scheme very similar to the one proposed here. The Board majority expressed serious concerns, echoing those raised by the public, including:

- The lack of the County's ability to verify actual recharge to the aquifer.
- The use of average rainfall to estimate future recharge, because the average rainfall does not take into account the drought years.
- The fairness and equity to existing area residents whose wells are running dry or who are having severe water quality problems.

The EIR analysis for the Corral de Tierra Shopping Center fails to address these same key concerns. Please respond in detail. If you think that this project is different from the Spanish Congregation and Heritage Oaks subdivisions, please explain your reasoning in detail, and provide the factual support for your claims.

The EIR fails to adequately investigate or disclose water demand for the off-site uses that have historically relied on the on-site well, and the impacts thereof. The EIR fails to subtract that amount from the theoretical project site recharge of the aquifer.

The EIR should consider a mitigation of requiring the larger underground storage facilities (such as in Alternative 2) with a larger capacity, but without including the offsite locations such as the hillside and the former service station. The underground facilities would have a footprint of 0.8 acres, 1.8 AFY of storage volume, and the capacity to retain stormwater runoff from a 100-year storm event.

If you do not consider this mitigation, please explain all the reasons why not, and provide the data supporting your position.

AAA-47

AAA-48

AAA-49

AAA-50

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How connected is the El Toro groundwater with the Seaside basin (Laguna Seca)? How much do changes in the Toro groundwater affect the Seaside basin?

AAA-51

What percentage flows to Salinas Valley aquifer, and what flows to Seaside? If the flow to Seaside is reduced, what potential impacts would that have to the overpumped Laguna Seca Basin and the overdrafted Seaside Aquifer, both of which are downstream?

On the cumulative project list (Table 4.A) and map (Figure 4.1), there is no mention of Ferrini Ranch. What efforts did the EIR preparer make to identify all projects that should be on the cumulative projects list?

AAA-52

The underground "stormtech chambers" referenced in the DEIR do not consider or account for subterranean overflow into the nearby drainage that flows into the Laguna Seca Subbasin. That overflow cannot be measured, and would reduce the amount of purported recharge into the El Toro groundwater basin. If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, and the authority and other support for your analysis and response.

AAA-53

In the El Toro Groundwater area, the annual recharge rate is highly variable. The variability is the result of the episodic aspect of recharge. Recharge occurs predominantly in periods when precipitation exceed both PET and soil storage. This a function of the distribution of precipitation throughout the season. Four inches of rainfall in the month of January will usually result in deep percolation, whereas 4 inches of precipitation in April likely will not. Depending on the distribution of precipitation, the amount of deep percolation may be zero. Do you agree with these statements? If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, when they provided it, and the authority and other support for your analysis and response.

AAA-54

How does the variable recharge rate in the El Toro Groundwater area (as discussed in the preceding paragraph) affect the calculations of recharge for the Omni Shopping Center project? What is the effect of the variable recharge rates on the "recharge" calculations in the EIR water balances? Were those variable rates considered in the "water balance" calculations for the project? If not, why not? If so, please explain exactly how the variable rates were included in the calculations.

Is Geosyntec's reference to "reliance on groundwater storage" (DEIR, p. 247) a reference to mining the water supply? Or water demand that exceeds water recharge to the supply? Or safe yield? In other words, using water at an unsustainable level?

AAA-55

Has the County made a determination with regard to sustainable yield in the El Toro Basin?

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The DEIR asserts that "for the purpose of this hydrologic analysis, the project area includes 11.7 acres including the Site . . . and the former service station parcel" (p. 251). To what, exactly, does "this hydrologic analysis" refer? What is the exact size of the project parcel? What is the exact size of the former service station parcel? Who made the decision that it was acceptable to include anything other than the project site in the EIR hydrologic analysis? Why was the water demand from the former service station not considered in the DEIR's "hydrologic analysis"?

AAA-56

Alternative 2 requires the use of the adjacent former service station site and the adjacent hillside, neither of which are part of this project, or part of the project site. Off site locations should not be used as part of the project. Please explain all the reasons why you think they can be used, and cite all support (data, authority) for your reasons.

The Alternative 2 recharge system is not reasonable for all the reasons stated elsewhere with regard to the project recharge system: unreliable rainfall, frequent less-than-average rainfall, inability to measure. Please respond to those reasons as to why you think they would work for Alternative 2. What would the impacts of Alternative 2 be if rainfall was significantly less than average? Please show your calculations.

AAA-57

Alternative 2 claims a reduction in demand over the project. However, the two analyses of water demand – the project analysis prepared by the applicant's consultant Whitson, and the analysis prepared by the applicant's consultant Terrapin – failed to account for the current, existing County and state requirements for low-flow water fixtures, drought resistant landscaping, and other water conservation steps and devices. It appears that this project is being double-counted – in other words, being given credit for water fixtures that are already required under existing water conservation requirements. Given the already high standard for water-conserving requirements, there is no proof that there would be any water savings at all for Alternative 2.

To the extent Terrapin claims there would be further demand reductions based on unspecified actions, there is no support for those claims other than Terrapin's brief letters. Please provide all support for the Terrapin claims, and state the County review of those claims, the steps taken to investigate the claims' accuracy, and the County's conclusions.

As to Alternative 2, the Terrapin analysis is confusing. Terrapin does not show its work or its calculations. Instead, it simply asserts that interior water demand will be 0.246 AFY, and that exterior water demand will be 6.216 AFY. (Terrapin, December 2008.) That is not a reasonable analysis. The standard in the County is to require much more detail and information with regard to water demand.

AAA-58

Please provide the data and calculations underlying Terrapin's assertions with regard to interior water demand, the assumptions used by Terrapin, and the basis for

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each. Please include all assumptions as to fixtures, types of uses, and all other relevant elements.

Please provide the data and calculations underlying Terrapin's assertions with regard to exterior water demand, the assumptions used by Terrapin, and the basis for each.

Did the EIR investigate Terrapin's assumptions? If so, please describe all steps in the investigation, the data obtained, the analysis of that data, (including all assumptions), and the conclusions reached.

The water analysis for Alternative 2 should be redone considering and describing in detail (1) the actual and likely water demand for the project, and (2) the lack of project cap or limit or accountability for water demand.

The Terrapin December 11, 2008 letter says that the project's exterior demand can be reduced to 0.246 AFY "utilizing xeriscaping, drip irrigation, and automatic sensors." Please explain: reduced from what amount, and reduced in what exact ways?

The DEIR makes the unqualified statement that "by reducing consumption and increasing groundwater recharge, the LEED Silver Alternative would not contribute further to the existing groundwater deficit" (p. 463).

Because of the uncertainties in the water analysis, the qualified nature of the Whitson conclusions about recharge, the unpredictable nature of rainfall, the assumption of perfect engineering, and the vague and unsupported Terrapin assertions, among other concerns identified in this letter, the EIR should qualify its conclusions about the LEED Silver Alternative. If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, when they provided it, and the authority and other support for your analysis and response.

For each and all of the above reasons, the EIR analysis cannot conclude with certainty that the LEED Silver Alternative "would result in a net benefit to the groundwater basin" and that "it would not contribute to a cumulative impacts on water supply" (p. 463). If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, when they provided it, and the authority and other support for your analysis and response.

The additional project demand would place additional strain on the groundwater basin, correct? If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, when they provided it, and the authority and other support for your analysis and response.



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The additional project demand would contribute to the existing groundwater deficit, correct? If you disagree, please explain why not, in detail, and identify the data you rely on for the analysis underlying your response, who provided the data, when they provided it, and the authority and other support for your analysis and response.

Terrapin's December 11, 2008 letter states that use of high efficiency plumbing fixtures can result in a 30% reduction from a standard plumbing practice," citing the "Energy Policy Act 1992." Please describe in detail what the "standard plumbing practice" is on which Terrapin relies. It does not seem reasonable to apply a 1992 "standard plumbing practice" standard to Monterey County.

AAA-58

How does "standard plumbing practice" in 1992 compare with the actual plumbing requirements in Monterey County in 2010? Because the County's requirements are stricter, and the applicant proposed using low-flow water fixtures and drought-tolerant landscaping, the project's water use would already be controlled by those elements, as reflected in the MPWMD water demand factors. In other words, the "savings" claimed by Terrapin will not be realized because many of the conservation steps Terrapin is relying on are already part of the project design or mandated by local codes.

What does the DEIR mean "The GDP for the project establishes required setbacks that vary" (p. 464)? Has the General Development Plan been prepared? If not, how can the DEIR make any conclusion about what the GDP does or does not do?

AAA-59

How can the DEIR conclude that the Alternative 2 would be consistent with Section 21.42.030(H)? No setbacks have been established, and the DEIR does not even address the setbacks required for the B-4 regulations.

The DEIR asserts that project impacts to surface water "were identified from a review and confirmation of the applicant's drainage analysis" (p. 248). Please identify all individuals who performed that review, when, what were their qualifications, and where is the documentation of their review and analysis?

AAA-60

The DEIR asserts that the "assessment of issues related to groundwater hydrology . . . were evaluated based on the Project's adherence to local (i.e. County), state and federal regulations and standards" (p. 248). Please identify all individuals who performed that review, when, what were their qualifications, and where is the documentation of their review and analysis?

Terrapin's claimed water reductions seem to be very general claims. The claims do not take into consideration any of the project-specific uses, or the facilities or fixtures required for those uses. It is not reasonable to apply the claimed Terrapin reductions across the board to all interior uses. Many differences would make the claimed reductions inapplicable.

AAA-61

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In Alternative 3, if 10% of the parking spaces are reserved for employee vanpools, then less parking should be required and provided, and more open space provided.

AAA-62

Alternative 3 reduced the project size by only 8600 sf, or less than 7%. Given the limitations on the site, the EIR does not look at a reasonable range of alternatives. The EIR should evaluate an alternative project that is a 50% or 60% reduction in development size.

AAA-63

The same concerns expressed above regarding the DEIR analysis of Alternative 2 are expressed again as to Alternative 3.

Who prepared Table 6.E, and when?

AAA-64

According to Table 6.C, 600 sf are to be removed from Building 5 and 8000 sf from the Supermarket Building. Table 6.E is inaccurate because it removes the full 8000 from "restaurant/deli food services" category, when the Supermarket Building was not placed in that category in Table 4.7.B. In Table 4.7.B, the "restaurant/deli food services" category is only 17,023 sf. Therefore, that category cannot contain the Supermarket Building, which is proposed to be 40,000 sf.

AAA-65

In Table 6.C, reductions should be made in the correct category. Also, the corrected pre-project baseline and the correct water use factors should be used, and the offsite locations should not be considered (see comments elsewhere in this letter).

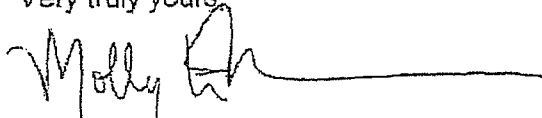
Alternative 4, the alternative project location, makes no sense because the EIR finds that alternative site analysis does not meet any of the project objectives. Therefore, it is not a reasonable alternative and should not have been included in the EIR. This is further evidence that the EIR does not contain a reasonable range of alternatives.

AAA-66

Thank you for the opportunity to comment. We ask to be on the distribution lists for all staff reports and agendas regarding this project. We also request notice under Public Resources Code section 21092.2.

AAA-67

Very truly yours,


 Molly Erickson

**AAA. RESPONSES TO COMMENTS FROM THE LAW OFFICE OF MICHAEL
STAMP WRITTEN BY MOLLY ERICKSON**

AAA-1 The commenter asks for a definition of the parcels that comprise the project site and requests clarification whether the adjacent former service station site is part of the project site. See Master Response 1.

AAA-2 The commenter states that the EIR is inadequate because it is based on outdated information related to the water demand in the El Toro Groundwater Basin and fails to take into account development in the area of the project over the last 20 years. Commenter further states that the DEIR should determine the total production of all wells in the Toro Area Groundwater basin. See Master Response 2 and Master Response 5.

AAA-3 The commenter requests clarification on the applicable year for the 300 acre feet estimated water consumption for the Ambler Park Water System and asks for the number of connections in the Ambler Park water system. The commenter also states that the total well production information is important because it shows the total amount of demand in the basin and the amount of overdraft in the basin. Water use data is one of several variables used to analyze the condition of a groundwater basin. Water use data by itself does not indicate whether a water basin is, or is not, in overdraft. The determination of whether a groundwater basin is in overdraft is primarily determined by trends in groundwater elevations over a long period of time. Groundwater elevations that are declining over a long period of time are considered to be an indicator that the basin is in an overdrafted condition.

The Ambler Park Water System produced nearly 300 acre-feet of water in 2005. Currently, the system has 419 connections. This System, which would be the source of water for the proposed project, has three wells which produced approximately 330 acre feet in 2009. There have been approximately 400 well permits issued in the Toro/Corral de Tierra area since 1968 according to the Environmental Health Bureau (EHB). These include permits for new production wells for single connections, water systems and for destruction of wells. The EHB does not have production data for these wells.

AAA-4 The commenter asks whether the EIR preparer believes that the El Toro Groundwater Basin is in overdraft. See Master Response 5.

AAA-5 The commenter asks if it is the DEIR's position that the entire area of the groundwater basin is in overdraft or whether only some areas of the basin are in overdraft. See Master Response 5.

AAA-6 The commenter questions the validity of requiring installation of a transit stop on Highway 68 as a mitigation measure for traffic impacts because the existing bus routes operate only in the early morning and early afternoon; and asks for specific calculations reflecting how the transit stop would mitigate traffic impacts. An existing transit stop located adjacent to the site. The transit stop referenced in the DEIR is not required as mitigation for the project's impacts on traffic. The transit stop is required to make the project consistent with Policy Nos. 13.3.3, 20.1.4, 28.2.3 and 41.1.2 of the 1982 General Plan. The transit stop is also required to make the project consistent with Policy Nos. 39.1.1.1 (T) and 41.2.1.1 (T) the Toro Area Plan, which

require that the County support the construction of bus stops, pullouts and shelters where needed and the incorporation of designs that allow the use of alternate modes of transportation for projects that include office development, services and local conveniences. In addition, the inclusion of a transit stop constitutes good site planning for a project such as the one proposed.

- AAA-7 The commenter states that the EIR should consider a mitigation prohibiting direct ingress/egress from the shopping center to Highway 68. The County has consulted with Caltrans to determine the appropriate locations for driveways. It has been determined that one driveway at the eastern edge of the Site would maximize circulation efficiency. Mitigation Measure 4.12.2 has been included to address this issue. The eastern driveway on SR-68 will be limited to right-turn ingress/egress only.
- AAA-8 The commenter states that the EIR's assertion (p.19) that the "Project's cumulative impacts on groundwater supplies would be significant and unavoidable." Comment noted. However, a footnote on page 255 of the DEIR states, "The County has proposed alternatives that modify the project in a manner that would mitigate this impact to a level that is less than significant."
- AAA-9 The commenter states that the EIR's assertion (p.19) that the "Project's individual impact on groundwater supplies would be significant and unavoidable" is correct. As stated on page 255 of the DEIR, "...the project would result in depletion of groundwater resources in an already overdrafted groundwater basin. This impact is significant and unavoidable." However, a footnote on that statement says "The County has proposed alternatives that modify the project in a manner that would mitigate this impact to a level that is less than significant."
- AAA-10 The commenter suggests that the EIR should consider mitigation requiring ultra-low flow fixtures, waterless urinals, a prohibition on exterior landscaping and a prohibition on high-water-use land uses. The applicant would be required to comply with all applicable County and State water conservation regulations. The County elected to propose an alternative (Alternative No. 2) that requires LEED Silver equivalent interior fixtures. With respect to a prohibition on exterior landscaping this would be inconsistent with the requirements in the Area Plan. With respect to prohibition on high water use land uses, a condition of project approval will be added to limit the amount of water used by the project. See Master Response 2.
- AAA-11 The commenter states that the existing Toro area water supply is in overdraft, and that any additional water demand is a significant impact. See Master Response 5.
- AAA-12 The commenter states that the County has never effectively limited a project to the amount of water estimated in its EIR analysis and suggests that the EIR should consider the use of effective, enforceable and publicly accountable water demand limits for the project. See Master Response 2.
- AAA-13 The commenter questions the reliability of the water demand estimates for the Project and questions the County's practices in estimating water demand for past projects. See Master Response 2.

AAA-14 The commenter states that the EIR failed to reasonably investigate water use factors used by the Monterey Peninsula Water Management District in estimating water demand for different land uses. See Master Response 2.

AAA-15 The commenter asks who prepared Tables 4.7. A and 6.B in the DEIR and whether the County made any changes to those tables. Tables 4.7.A and 6.B of the DEIR were prepared by staff from the MCWRA using information provided by technical experts hired by the applicant. See Master Response 2.

AAA-16 The commenter states that Tables 3.A and 3.B are confusing and suggests that they be merged to show building locations on the proposed lots. Further, the commenter suggests the revision of Figure 3.3 to better identify the proposed buildings on the project site. Table 3.A includes "Existing and Proposed Lots and Uses" and Table 3.B includes "Proposed Building Uses, Square Footage and Heights." These Tables were separated because they contain different components of the proposed project. We do not agree with the merging of the two Tables, but we agree that adding the specific building location within the proposed lots to Table 3.A will help the members of the public in understanding the project. Table 3.A is amended as follows below including amending the footnote as stated. The footnote has been amended to reflect that uses on the project site different than those listed on page 42 of the DEIR, may be permitted as allowed by the General Development Plan. A clean Figure 3.3 has been substituted in the errata to the FEIR.

Table 3.A: Existing and Proposed Lots, Building Location and Uses

Existing Lots (LC-D-B-8 Zone)	Proposed Lots	<u>Building Location</u>	Proposed Uses (LC-D Zone)
Lot 1 – 5.3 ac.	Lot 1 – 2.47 ac.	<u>Retail Building Nos. 1, 2 and 6</u>	Retail and Parking
	Lot 2 – 1.37 ac.	<u>Retail Building Nos. 3 and 4</u>	Retail and Parking
	Lot 3 – 1.68 ac.	<u>Retail Building Nos. 5, 7 and 8</u>	Retail and Parking
Lot 2 – 5.6 ac	Lot 4 – 2.67 ac.	<u>Market Building</u>	Grocery, retail and parking
	Lot 5 – 0.97 ac.	<u>Retail Building No. 9</u>	Retail and Parking
	Lot 6 – 0.72 ac.	<u>Retail Building No.10</u>	Retail and Parking
	Lot 7 – 1.11 ac.	<u>Office Building</u>	Office and Parking

Note: Uses and zoning shown on the right hand side column are proposed. Other uses may be permitted on the site as allowed by the approved General Development Plan.

AAA-17 The commenter states that the EIR fails to investigate the reasonableness of the applicant's water use estimates and whether the estimated water use can actually be limited. The commenter suggests that the EIR should have investigated the actual water use of the Stone Creek Shopping Center and how those limits are controlled. The commenter suggests that the EIR fails to ensure that the project water demand would not exceed the EIR estimate and that the actual water use of the project could be 20 to 30 acre-feet per year. The commenter also finds the language and conclusions of the "Revised Evaluation of Potential for Increased

Groundwater Recharge” to be highly qualified and vague, which is then translated into the conclusion of the DEIR. Commenter requests that the EIR state that the specific amount of recharge can never be measured or confirmed. Finally, the commenter asks whether the 2004 Kleinfelder report was used as the project-specific hydrogeological report, and if so, why it is not included in the DEIR. See Master Response 2 and Master Response 5. The 2004 Kleinfelder report was prepared as the project-specific hydrogeologic report contracted for by the Division of Environmental Health as required by the provisions of the Subdivision Ordinance.

- AAA-18 The commenter questions whether existing well on site is used for irrigation or residential uses and to whom the well provides service. The commenter also states that the EIR fails to investigate the potential impacts from the project on the well. The commenter also identifies an error on page 403 of DEIR indicating that the well is not currently being used. The commenter questions the use of “0” as a pre-project water consumption factor for the site. The commenter suggests that the water production from the well should have been used in establishing the baseline water use and in calculating the project’s water balance. Finally the commenter asks whether the existing well would be maintained and whether the applicant has submitted water pumping records for the existing well.

The referred to well is identified as Well No. 115 in Figure 4.13.1 of the DEIR. The DEIR incorrectly states that the well is presumably used for irrigation and that the well is not currently being used. This well (Hargis Well) was drilled in 1953 and has been part of the Corral de Tierra Water System No. 4 since 1968. This water system is permitted by the Bureau of Environmental Health as a nine-connection system and currently has seven active connections. The connections are owned separately and each of the parties owns a share of the water system and well. The well and water system provide water to residential units located off the project site and will not provide water for the proposed project. The well and related distribution lines are located within a well and pipeline easement affecting one of the parcels encompassing the project site (Assessor’s Parcel Number 161-581-001-000). The well and pipeline easement will be maintained should the project be approved. Water from this well was not used to establish baseline water use in the water balance analyses. See Master Response 2.

- AAA-19 The commenter questions why the analysis in the DEIR includes the area of the adjacent offsite hillside in the predevelopment water calculations and suggests that offsite water recharge should not be considered in the “water balance” calculations. The LEED Alternative and Staff Alternative Water Balance Analyses propose post-project retention of stormwater runoff from the hillside area; therefore, the hillside area is included in each water balance analysis which includes pre-project and post-project recharge conditions for the total area. See Master Response 2.

- AAA-20 The commenter inquires about a potential well at the former service station site, if that well is identified in Figure 4.13.1 of the DEIR, what the well’s production is and if water from that well could be used for the project. A well exists on the former service station site, which is identified as Well No. 94 in Figure 4.13.1 of the DEIR and in several figures contained in the 2007 El Toro Water Study prepared for the Water Resources Agency by Geosyntec Consultants. This well belongs to the Exxon Water System No.1, which is a one-connection, nontransient, non-community water system permitted by the Bureau of Environmental Health. The well is the

source of water for the former service station site also owned by the project applicant. The well's production is approximately 50 gallons per minute. The subject project application does not include the use of water from this well to provide for the project site. Such use without proper testing for quality and quantity would be illegal and would require an amendment to the existing water system permit. The subject application does not include such amendment and therefore water from this well cannot be used for the proposed project. The following condition can be added to the project to preclude use of water from this well for the subject project.

"Use of water from well No. 94 is prohibited on the subject site."

AAA-21 The commenter asks whether interior or exterior water features would be allowed in the project, whether related water use was included in water demand calculations, and suggests that such features should be prohibited to mitigate for water impacts. The proposed project does include exterior water features, i.e. water fountains. The water features were not included within the water demand for the site as a separate item, but is included within the landscaping demand of 2.46 acre feet per year. The amount of water used on the site will be limited by an additional mitigation measure which has been proposed in response to comments. Mitigation Measure 4.7.8 which will place a limit (cap) on the total amount of water used on the site and require reporting of water use quarterly initially and annually thereafter. This mitigation has been included in the errata to the FEIR and is also referred to in Master Response 2 above.

AAA-22 The commenter asks for clarification of the size of the two parcels comprising the project site and indicates that the site's size is critical in the calculation of water recharge. The water balance analyses included in the DEIR (pages 256, 462, and 479) identify the area assumptions. See Master Response 1 regarding project description.

AAA-23 The commenter asks which figures in the DEIR were presented by the applicant and how the consultant preparing the DEIR investigated their accuracy. The source of the figures contained in the DEIR is clearly stated at the bottom of each figure in the document. The figures provided by the applicant are those identified as Whitson Engineers or Hart/Howerton which are the Applicant's engineering and architectural design consultants. The figures were reviewed by County staff prior to their inclusion in the DEIR. Staff determined that the figures represented site conditions appropriately and therefore were adequate for inclusion in the DEIR.

AAA-24 The commenter raises the following questions about the former service station site:

- a) Is the size 0.63 or 0.7 acres?
- b) The former service station site should not be considered in the recharge calculations because the site is not included in the project description.
- c) Is the water well used in the analysis and calculations of the projects water recharge?
- d) A proposed 24-hour mini mart and gas station is a known fact and should be considered in the DEIR.

As shown in the water balance analyses, the total area of the former service station is 0.7 acres. The water balance calculations estimate impervious surfaces cover 90%, or 0.63 acres, of the site. That is the 0.63 acre reference in the DEIR. This is properly noted in the footnotes of the analyses. See Master Response 1 for project description.

The owner/applicant for the proposed Project is also the owner of the former service station site. On March 22, 2002, the applicant submitted to the Planning Department an "Application Request Form" for a service station and convenience store to replace the previously existing service station and convenience store on that site. The actual application and application requirements, File No. PLN020152, were given to the applicant on May 5, 2002, more than eight years ago. However, the application for that project has never been submitted to the Planning Department. Section 15130 of the CEQA Guidelines requires the analysis of a project's cumulative impacts. Section 15130 (b) (1) (a) allows the use in the analysis of a list of past, present and probable future projects producing related or cumulative impacts. Given that the application for the purported service station and convenience store has not been submitted, it is not a project to be considered in the Cumulative Projects List (Figure 4.A) of the DEIR. The traffic generation of the existing use on that site, however, was included in the traffic report prepared for the project and used in the DEIR.

AAA-25 The commenter asks for clarification regarding the use of stormwater runoff from the adjacent 3.6-acre hillside in the project's calculations for water recharge. The commenter refers to apparent contradictions between related information contained in the Whitson October 14, 2009 "Revised Evaluation" (p.9) and the information presented in the DEIR (p. 256). The commenter suggests that the hillside should not be used in those calculations.

The proposed project water balance analysis (Table 4.7.B) does not include a proposal to capture stormwater runoff from the hillside area because since there is no proposal to capture storm water run-off in the proposed detention/ retention system; accordingly, there is no difference between pre- and post-project recharge from this area. The LEED Alternative and Reduced Density/Redesigned Project Alternative water balance analyses (Tables 6.B and 6.E, respectively) include the proposal to capture stormwater runoff from the hillside area; therefore, the post-project recharge for the hillside area was increased from 0.37 AFY to 0.60 AFY in accordance with estimates provided by Whitson Engineers (see water balance analysis footnotes 3 and 8).

AAA-26 The commenter questions the rainfall rates used in the calculations for the project's water recharge potential as presented in the Whitson October 14, 2009 "Revised Evaluation" and in the DEIR. The commenter suggests that the DEIR contains unqualified statements about the estimated water recharge and that such statements cannot be made based on the related supporting documentation. The Revised Evaluation of Potential for Increased Groundwater Recharge prepared by Whitson Engineers dated October 14, 2009 used 15.5 inches of rainfall. See Master Response 2 for a complete discussion of rainfall data. Note, the Geosyntec report estimates rainfall at a higher annual rate and therefore the Whitson estimate is conservative.

AAA-27 Commenter questions use of the phrase of DEIR page 255: ". . . it can be concluded" instead of "is concluded". This is a semantic difference and has no substantive relevance.

AAA-28 The commenter refers to the conclusion of the Geosyntec 2007 study (p.255) that current and increasing rates of pumping in areas of the El Toro primary Aquifer System with large saturated thickness could be sustained for decades, and asks whether the DEIR interprets this conclusion as suggesting that the El Toro Groundwater could be mined for years. The DEIR quotes the

Geosyntec 2007 Study as a means of giving the environmental background for the proposed project. .

AAA-29 The commenter again refers to rainfall assumptions in the Whitson October 14, 2009 report. The commenter states that a drought-year or multi-year drought events are foreseeable and expected in the project area and that, for this reason, the applicant's calculations of groundwater recharge are unreliable. See Master Response 2.

AAA-30 The commenter states that the DEIR relies on confusing and incomprehensible calculations contained in the Whitson report. County Staff found the information in the Whitson Report to be clear and comprehensible.

AAA-31 The commenter asks for the formula, assumptions, data and calculations used to arrive at Table 4.7.A and Table 4.7.B because this information is not in the DEIR. Further, the commenter asks whether that information was peer reviewed. The water balance analysis formula is included in the Revised Evaluation of Potential for Increased Groundwater Recharge prepared by Whitson Engineers dated October 14, 2009. See Master Response 2 for the related peer review and a description of the differences between the DEIR water balance analyses and the water balance analysis submitted by the applicant.

AAA-32 The commenter asks whether the County or the Monterey County Water Resources Agency made any changes to the Whitson October 14, 2009 estimate for potential groundwater recharge. See Master Response 2.

AAA-33 The commenter states that the DEIR failed to disclose, investigate, or independently calculate the claimed "recharge" in a drought year or in a multi-year cycle of drought years. The commenter states that the DEIR failed to disclose, investigate or analyze all assumptions, including actual rainfall in the area in the past ten years that went into the recharge calculations. See Master Response 2.

AAA-34 The commenter states that the Monterey County Water Resources Agency told the applicant that the hillside should not be used in recharge calculations, and asks whether the EIR preparer knew that and why the DEIR used the hillside in the calculations. The water balance analysis for the proposed project does not include retention of stormwater runoff from the adjacent hillside. See response 25, Master Response 1, and Master Response 2.

AAA-35 The commenter states that the DEIR does not adequately identify, and disclose the project's inconsistencies with adopted plans, policies and codes. Example given that the Whitson investigation is inadequate under Section 19.03.015 of the Subdivision Ordinance, because it fails to identify the long-term safe yield of the aquifer, the adequacy of the long-term water supply and the project's effects on the area's groundwater.

Chapter 4.8 of the DEIR (Land Use and Planning) contains an extensive discussion of land use-related issues. Chapter 4.8.2 (Regulatory Setting) includes the regulatory frame listing applicable goals and objectives of the General Plan and the Toro Area Plan and a description of the zoning designation and regulations applicable to the site. Chapter 4.8.4 (Impact Significance Criteria) lists the significance criteria and specific thresholds for the evaluation of the Project's

impacts to land use and planning as required in Appendix G of the CEQA Guidelines. Chapter 4.8.5 (Project Impacts) contains an independent analysis of how the Project meets those thresholds, including –under Chapter 4.8.5.2– a discussion of the Project’s consistency with applicable policies of the General Plan, the Toro Area Plan and with the regulations of the Zoning Ordinance applicable to the project site. Table 4.8.B of the DEIR contains a summary of the analysis of the Project’s consistency or inconsistency with those policies and regulations. The list of policies discussed was developed by the County’s EIR Consultant in consultation with staff from the Resource Management Agency – Planning Department.

Chapter 19.03.015 of the Subdivision Ordinance defines the submittal requirements for tentative map applications in Monterey County. It seems that the focus of this comment on Section 19.03.015.L.3.C.8 and 9 requiring analysis of the Water Demand and Water Balance. Several technical reports were prepared by Whitson Engineers on behalf of the applicant for the proposed Project which was specifically written to address both the Water Demand of the project and also the Water Balance. This information was then used in the DEIR. The “Water Budget Summary” prepared by Whitson Engineers dated October 14, 2009 clearly identifies that the project would have a water demand of 11.34 acre feet per year and a recharge rate of 9.9 acre feet per year which would result in a net deficit to the groundwater basin. The Water Budget Summary also identifies that the LEED alternative proposed by the applicant would have an estimated water demand of 6.46 acre feet per year which would have a net groundwater recharge of 4.3 acre feet per year. The water demand and water balance requirements of the Subdivision ordinance have been complied with.

AAA-36 The commenter states that the 2002 “can and will serve” letter from Cal Am is meaningless because it fails to address the water supply for the project and provides no support for the conclusion that there are adequate water supplies for the project. Water for the proposed Project would be provided by the Ambler Park Water System which is part of the California American (Cal Am) Company. The commenter is correct a “Can and Will Serve” letter from Cal Am is not an adequate assessment of water supply, and the DEIR is not reliant upon a can and will serve letter to evaluate water supply.

AAA-37 The commenter asks for clarification as to whether the DEIR relies on mined water (water demand that exceeds natural recharge) as supply, either for this project or for anywhere in the basin? The DEIR does not rely on “mined water” but presents that the existing groundwater basin is in overdraft, and that the project as proposed would withdraw more water from the basin that is recharged. The DEIR also presents that there are alternatives which can be undertaken to allow a project on this site which would have a net benefit to the groundwater basin.

AAA-38 The commenter asks for specific information as to the existing water demand and overdraft in the El Toro area. The commenter believes this information should be available and asks what steps were taken to obtain the information relative to water demand and water overdraft. See Master Response 5.

AAA-39 The commenter asks whether it makes a difference that this project is in a sub-area of the groundwater basin that is believed not to be in overdraft, and asks why it would be acceptable to place additional water demand on the water-short groundwater basin. See Master Response 5.

- AAA-40 The commenter states that the DEIR fails to discuss how or who would be in charge of maintaining the recharge system given that there would be seven potential independent property owners. See Master Response 4.
- AAA-41 The commenter states that the DEIR fails to investigate how the proposed underground water recharge facility would work and questions whether it will perform as described in the applicant's proposal. Commenter asks for clarification of what a "storm tech chamber" is and is concerned there is no way to measure the recharge capacity of any such facilities. See Master Response 3
- AAA-42 The commenter states that the recharge is based on unrealistic assumptions that cannot be proven including "average" rainfall, capture of all rainfall on all impervious surfaces on the site, perfect operation of retention and percolation facilities and recharge of the aquifer. See Master Response 2.
- AAA-43 The commenter requests all assumptions used in each water balance chart used in the DEIR and in subsequent EIR documents be provided. A water balance analysis is comprised of multiple variables which have varying impacts, or varying degrees of sensitivity, with respect to the final result. The water balance analyses included in the DEIR (Tables 4.7.B, 6.B, and 6.E) include the variables used in the analyses.
- AAA-44 The commenter asks whether the Monterey County Water Resources Agency has continued and expanded the ground water level data collection program in the El Toro area and whether this information was used in the EIR. MCWRA continues to conduct periodic water level monitoring at 22 wells in the El Toro Planning Area defined in the El Toro Groundwater Study prepared by Geosyntec in 2007. MCWRA has not expanded the groundwater level collection program since the Study was completed in 2007. The groundwater levels and trends, including MCWRA's water level data collection program in this area, are discussed on page 220 of the DEIR.
- AAA-45 The commenter states that the project would have more severe impacts on the aquifer than disclaimed in the DEIR in years when the average rainfall is less than the stated in the DEIR, when the infiltration scheme does not work like the hypothetical model or when the water demand exceeds the estimated in the DEIR and the project would not be required to mitigate impacts in such instances. See Master Response 2 and Master Response 3.
- AAA-46 The commenter states that an unknown amount of "captured" stormwater in the proposed underground "retention and percolation" facility would flow into the natural drainage on the other side of Highway 68 and flow into the Seaside Basin and therefore would never percolate to the Toro Area groundwater system. See Master Response 5.
- AAA-47 The commenter states that the DEIR's assumed permeability of the soil is inconsistent with reliable technical information for the area, that the assumed amount of percolation could never be verified, and asks why verification is not required as project mitigation. Commenter states that the project would be allowed unlimited water use and that a project with such scheme (water recharge) has never been approved by the County to allow a subdivision in an

overdrafted area. As described in *Supplement #2 to the Preliminary Drainage Report* prepared by Whitson Engineers, dated February 17, 2009, the soil percolation rate was updated as recommended in the *Infiltration Testing for the Proposed Phelps Center* by Grice Engineering and Geology, dated September 2008. See Master Response 2, Master Response 3, and Master Response 4.

AAA-48 The commenter refers to the Board of Supervisors denial of the Spanish Congregation and the Heritage Oaks subdivisions located in the water-short Highlands North subarea in north Monterey County. The commenter cites the County's inability to verify the actual recharge of the aquifer, the use of average rainfall in the calculations of water recharge and the fairness and equity to existing area residents as concerns expressed by the Board majority in denying those projects. The commenter states that the DEIR fails to address these same key concerns for the subject project. See Master Response 2, Master Response 3, and Master Response 4.

AAA-49 The commenter states that the DEIR fails to adequately investigate or disclose the water demand for the off-site uses that rely on the on-site well and that the DEIR fails to subtract that amount of water from the projected aquifer recharge. As stated in the response to Item No. 18 above, the on-site well and related water system provide water to residential units located off the project site and will not provide water for the proposed project. Since water from the well is not used to provide water to the project site, the water from the well was not used in establishing the baseline water use or in calculating the proposed project's water balance.

AAA-50 The commenter states that the DEIR should consider a mitigation measure requiring a larger underground storage facility but without including stormwater from offsite locations such as the hillside and the former service station. Such larger facility would have 1.8 acre/feet per year storage volume and capacity to retain stormwater runoff from a 100-year event. The proposed Project with a subdivision cannot be approved under the limitations of the B-8 Zoning overlay. A decision was made to develop alternatives that could be approved under the B-8 Zoning. The alternatives were designed with mitigation to achieve a positive water balance. The LEED Alternative and the Reduced Density/Redesigned Project Alternative are intended to demonstrate how mitigation measures could be applied to the proposed project.

AAA-51 The commenter asks how changes in the El Toro groundwater would affect the Seaside Basin, what percentages of water flow to the Salinas Valley aquifer and to the Seaside Basin, and what impacts there could be on the overpumped Laguna Seca Basin and the overdrafted Seaside aquifer. See Master Response 5.

AAA-52 The commenter refers to the cumulative project list (Table 4.A) and map (Figure 4) indicating that there is no mention of Ferrini Ranch, and asking for what efforts went in the identification of the projects that should be on the cumulative project list. Table 4.A was developed by staff from the Planning Department and provided to the EIR Consultant. Ferrini Ranch should have been included in Table 4.A, the cumulative project list. While Ferrini Ranch was omitted from the list it has not been omitted from the analysis of the cumulative impacts to traffic, and wastewater.

AAA-53 The commenter notes that the location of the proposed "stormtech chambers" does not consider or account for the subterranean water overflow into the drainage that flows into the Laguna Seca

Subbasin, that this overflow cannot be measured and that it would reduced the amount of purported recharge into the El Toro groundwater basin. See Master Response 5.

AAA-54 Commenter finds that the recharge rate in the EL Toro Groundwater area is highly variable and dependent upon amount of precipitation, Potential Evapotranspiration, and soil saturation and questions how these factors affect recharge. See Master Response 2.

AAA-55 The commenter asks whether the reference to “reliance on groundwater storage,” mentioned in the quote from the Geosyntec Report on page 247 of the DEIR, is a reference to mining of the water supply, to water demand that exceeds the water recharge to the water supply or a reference to safe yield and asks if the County has made a determination with regard to sustainable yield in the El Toro Basin. See Master Response 6.

AAA-56 The commenter refers to the statement in the DEIR (p.251) that “for the purpose of this hydrologic analysis”, the project area includes 11.7 acres including the Site ...and the former service station parcel,” and asks what exactly does “this hydrologic analysis” refer to. The commenter also asks for the exact size of both the size of project parcel and the size of the former service station. Further the commenter asks as to who made the decision that it was acceptable to include anything other than the project site in the DEIR hydrologic analysis and why the water use in the former service station site was not included in the DEIR “hydrologic analysis.” The reference to “this hydrologic analysis” refers to the proposed project water balance analysis. See Master Response 1 for the project description and Master Response 2 for clarification on the Water Balance Analyses.

AAA-57 Commenter takes issue with the use of the former service station site and the adjacent hillside in the water balance, finds that the recharge system is not reliable for reasons including unreliable rainfall, frequent less-than-average rainfall and inability to measure and hat the project analysis fails to account for State and County requirements for low -flow water fixtures, drought resistant landscaping and other water conservation devices which are already required under existing conservation requirements and should not be given credit for. The commenter asks what the impacts of Alternative 2 would be if there was significantly less rainfall than the average an states that there is no proof of water savings for the Alternative. See Master Response 1 for response to the project site description. See Master Response 2 for response to comments related to the water balance analyses, and see Master Response 3 for response to comments related to the stormwater recharge system.

AAA-58 The commenter questions the Terrapin water use reduction estimates used in the water balance analyses and questions whether the LEED Silver Alternative maintains a positive water balance. See Master Response 2.

AAA-59 Commenter asks for an explanation of the statement on page 464 of the DEIR that “The GDP for the project establishes required setbacks that vary” and then asks whether the General Development Plan has been prepared and how conclusions can be made in the DEIR if it has not. Commenter asks how the DEIR can conclude that this alternative would be consistent with Section 21.42.030 (H) of the Zoning Ordinance, if no setbacks have been established and the DEIR does not address the setbacks required for the B-4 regulations. The Project’s consistency analysis with the requirements of Section 21.42.030 (H) (3) of the Zoning Ordinance (p. 304 of

the DEIR), clearly states the Zoning Ordinance setback requirements for the Project are based on the property's "LC-B-8-D" zoning designation. A General Development Plan (GDP) is required for the proposed project per Section 21.18.030 A of the Zoning Ordinance. Three different sections of the Zoning Ordinance apply to the proposed Project as it relates to setbacks:

1. Section 21.18.070 A 2 of the Ordinance (Site Development Standards of the "Light Commercial" Zoning District) requires that "Setbacks for developments in the "LC" district are established by the approval of a General Development Plan where such plan is required."
2. Section 21.18.070 A 4 of the Ordinance requires that all minimum setback requirements established by a combining "B" district shall apply.
3. Section 21.42.030 (H) (3) of the Ordinance requires that setbacks for properties with the "B-8" overlay district, such as the Project site, be not less than "B-4" regulations unless otherwise indicated on parcel maps, final maps, or sectional district maps.

The setback regulations applicable to the site are implemented through the General Development Plan. The Site Plan for the proposed project constitutes the General Development Plan. The building locations shown on the site plan constitute the setbacks. The analysis in the DEIR (p.305) concludes that "General Development Plans are intended to allow flexibility in applying development standards for commercial and industrial projects depending on surrounding conditions," and that "Therefore, the Project is allowed to establish setbacks through the GDP and is consistent with required setbacks." The DEIR concludes that the provisions of Section 21.18.070 A 2 are fulfilled with approval of the General Development Plan. The determination of whether the proposed setbacks are adequate would be vested in the action by the Planning Commission.

AAA-60 Commenter requests the identification, qualifications of the individuals who reviewed the applicant's drainage analysis and groundwater hydrology analysis and the location of the documentation they used as the basis for the DEIR. See Master Response 3.

AAA-61 Commenter claims Terrapin's water reductions are very general, do not take into consideration any of the project's specific uses or the facilities or fixtures required for those uses, and as a result it is not reasonable to apply the Terrapin reductions to all interior uses. The Terrapin report was provided and relied upon to address landscaping. The assumption regarding a 90% reduction for "LEED" fixtures and drought-tolerant landscaping has been revised to 80% in response to comments. See also Master Response 2.

AAA-62 Commenter notes that in Alternative 3, if 10% of the parking spaces are reserved for employee vanpools, then less parking should be required and provided, and more open space provided. This is not a comment on the DEIR and no response is necessary.

AAA-63 Commenter indicates that Alternative 3's reduction of 8,600 square feet from the project size is not sufficient given the limitations of the project site, and that a reasonable range of alternatives should include an alternative project that is 50% or 60% smaller than the proposed project. The commenter also states that "the same concerns expressed above regarding the DEIR analysis of Alternative 2 are expressed again as to Alternative 3." The CEQA Guidelines, Section 15126.6

(b), requires that the discussion of alternatives to a project focus on those that “are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” The reduction of 8,600 square feet proposed under Alternative 3 was based upon design changes, i.e. reconfiguration of parking areas, added visual buffers and reconfiguration of the main driveway on Corral de Tierra Road, needed to reduce related impacts identified in the DEIR. It may be possible that a further reduction of the project is feasible, but an alternative that reduces the size by half or more could significantly reduce the potential to attain the project objectives.

AAA-64 The commenter asks “Who prepared Table 6.E and when? Table 6.E was prepared by staff from the County as part of the preparation of the DEIR.

AAA-65 Commenter notes the reduction in the size of Building 5 and the market building total 8,600 square feet and is largely retail space where as Table 6.E show that 8,000 square fee have been taken out of food service and not from the retail space as described in the alternative. The commenter is correct and a revised Table 6.E –Water Balance Analysis for the Reduced Density/Redesigned Project Alternative– has been included in the errata showing that 8,000 square feet has been taken from the retail and 600 square feet taken from the food service. This results in a positive post project water balance of 3.6 acre feet per year.

AAA-66 The commenter finds that there are not a reasonable range of alternatives because Alternative 4, the alternative project location was rejected because it did not meet any of the project objectives. CEQA Guidelines section 15126.6 (c) states: “the range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process . . . Among the factors that may be used to eliminate alternative from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility or . . .” The project site is the only commercially zoned parcel along the Highway 68 corridor. It is centrally located between Salinas and Monterey, and is level. There are not any other sites that meet this criteria.

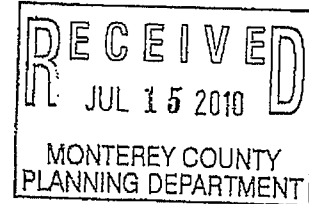
AAA-67 The commenter appreciates the opportunity to comment on the DEIR and requests to be placed on the County’s distribution list for staff reports and agendas regarding this project. Comment noted.

BBB. COMMENTS FROM MIKE THOMPSON

BBB

Osorio, Luis x5177

From: Mike Thompson [mftthom@gmail.com]
Sent: Wednesday, July 14, 2010 9:43 PM
To: Osorio, Luis x5177
Subject: Corral De Tierra Neighborhood Retail Village



Mr. Osorio,

The DEIR for the subject development suggests a substantial amount of the water consumed by the development would be made up for by schemes to capture and retain storm runoff. Given the serious overdraft of the Toro area aquifer, I question the wisdom of relying on optimistic forecasts for the potential to engineer the site to recharge the aquifer. The aquifer is in overdraft, and that is accelerating. This project appears likely to further accelerate the overdraft.

BBB-1

Additionally, studies have shown that falling water table levels can result in increased arsenic levels because the arsenic-rich minerals oxidize when exposed to air, making the arsenic more likely to dissolve into ground water with future rains. As noted in the DEIR, water in the Toro area has elevated arsenic levels, and some wells appear to have increased concentrations over time. Further increases in arsenic levels would create a substantial burden on people with individual wells.

BBB-2

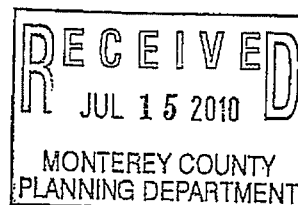
Thank you,
Mike Thompson
Rimrock Canyon Road

BBB. RESPONSES TO COMMENTS FROM MIKE THOMPSON

BBB-1: The commenter questions the wisdom of relying on “optimistic forecasts for the potential to engineer the site to recharge the aquifer.” The commenter stated the aquifer is already in overdraft and the project appears likely to further accelerate the overdraft. The Proposed Project will result in a negative water balance. The DEIR identifies alternatives to the proposed project, which if developed will collect storm water generated by the project to recharge the ground water and that will result in a net positive water balance.

BBB-2: The commenter states that studies have shown that falling water table levels can result in increased arsenic levels as arsenic-rich minerals are exposed to air, making the arsenic more likely to dissolve into ground water with future rains. The commenter states that as noted in the DEIR, water in the Toro area has elevated arsenic levels, and some wells appear to have increased concentrations over time. The commenter states further increases in arsenic levels would create a substantial burden on people with individual wells. Comment Noted.

CCC. COMMENTS FROM ANDREW AND STEFFANIE SMITH



July 13, 2010

Luis Osorio
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487
osoriol@co.monterey.ca.us

SUBJECT: DEIR Neighborhood Retail Village (PLN020344)

Dear Mr. Osorio:

I wholeheartedly support the Phelps Family's proposed neighborhood retail village.

I believe that the Draft EIR gives short shrift to the time, care and planning that went into the design of the project. The project architect, Hart Howerton, is known worldwide as a leader in environmentally sensitive and high-quality design. As the Hart Howerton website states, the firm has "had the opportunity to work on combined conservation and development projects in the finest spectacular natural settings, historic towns and vibrant, growing cities." Example projects include: Santa Lucia Preserve; Kukio, Hawaii; Plametto Bluff, South Carolina; and Bachelor Gluch, Colorado.

In hiring Hart Howerton to design the village for our small community, the Phelps Family has shown its commitment and respect for their neighbors. Hart Howerton has employed an architectural style compatible with the rural character of the area. Building design includes some of the features and characteristics of the ranch and farm structures of the surrounding rural areas. The building mass is broken up into smaller buildings. The lighting plans include poles and "cutoff" fixtures which would eliminate night glow and, according to the DEIR (page 67) "would be minimum for the size of the parking area."

CCC-1



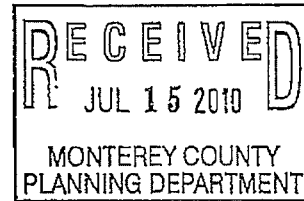
CCC

In the Final EIR, I look forward to reading an enhanced discussion of the site, architectural and landscaping design created by Hart Howerton for our community.

↑
CCC-1

Thank you.

Andrew & Steffanie Smith
Corral de Tierra Resident

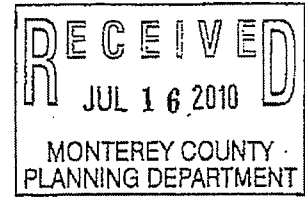


CCC. RESPONSES TO COMMENTS FROM ANDREW AND STEFFANIE SMITH

CCC-1: The commenter states that they believe the DEIR does not provide enough discussion about the architectural and landscape design created by the architect. The commenter thinks that the architect has taken extreme time, care and planning in designing a retail village that is respectful of the small rural community in which it would be developed and requests an enhanced discussion of this aspect of the development in the Final EIR. The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (DEIR) or the analysis therein, and no further response is necessary.

DDD. COMMENTS FROM BILL WEAVER

DDD



Monterey County Planning and Resource Management
Luis Osorio, Senior Planner

Comments to Draft Environmental Impact Report for the
Corral de Tierra Retail Neighborhood Village

July 16, 2010

Dear Luis Osorio,

My comments should be categorized under Scenic Highway, Safety,
Water, and Project Description

I am a fifty-year resident of Corral de Tierra, residing directly across the
two-lane Corral de Tierra Road from the Project site. For forty-two years
I have been picking up litter on the side of both Corral de Tierra Road and
Highway 68, as my property fronts on both. I am not paid to do this, however,
if I don't, it doesn't get done. The B'hai Faith group was helping out for a while
on Corral de Tierra Road.

The existing Corral Market has been on the corner since before I was born.
With its temporary closure, I have noticed a dramatic decrease in the amount of
litter on the side of the roads.

The Draft EIR does not address litter that will result from the Project.
When was the last time the County did any road maintenance on Corral de Tierra Road?
It is a County Road and years ago we got some help from the County, maintaining the
road and picking up litter.

What types of uses are proposed? Fast Food Restaurants and Convenience Markets
generate a lot of trash. 508 parking spaces will generate a lot of trash. With a multitude of
proprietors, who to call? Please provide specific data on this.

Also, There have been at least two substantial fires on this hill where I live that have
been attributed to carelessness with cigarettes. A third fire was attributed to red hot metal
from a muffler that was blown into grass when a car backfired while going up Corral de
Tierra Road. The increased traffic will increase the likelihood of this happening again.
I'm not always at home when fires break out. The increased traffic congestion that will
result from the Project will make it more difficult for Monterey County Rural Fire Dept.
to get here on a timely basis. Please provide specific data on response times.

Lastly, I could not find where Ambler Water Service has the water storage capacity
to suffice in the event of a big fire. Once the gravity storage tanks are empty, how
can the well pumping capacity keep up? Please provide specific data on this.

Thank you in advance for addressing my concerns and questions in a substantive way.

Sincerely,

Bill Weaver
Bill Weaver

DDD-1

DDD-2

DDD-3

DDD-4

DDD. RESPONSES TO COMMENTS FROM BILL WEAVER

DDD-1: The commenter refers to accumulation of litter on Corral de Tierra Road and Highway 68 and asks how the DEIR addresses the litter that would be generated by the Project. The DEIR does not address potential litter that could be generated by the Project as an environmental impact. The DEIR (p.419) discusses the generation of solid waste and states that a waste assessment would be completed to determine, among other things, the quantity of waste to be generated and the number of trash receptacles needed. The management of the shopping village would be required to maintain the cleanliness of the Site.

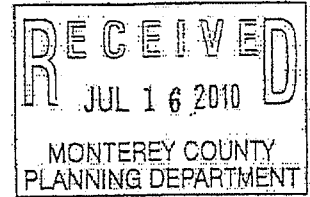
DDD-2: The commenter asks as to the types of uses proposed in the Project stating that fast food restaurants and convenience markets generate a lot of trash. The commenter asks as to the responsibility for maintaining the Site free of litter. The DEIR (p. 42) states that establishments (uses) that may be developed "...include, but would not be limited to, a drug store, hardware store, sporting goods store, bank, florist, mail store, post office branch, video, barber/beauty salon, dry cleaner drop-off/pick-up facility, day care center, and various small restaurants. The management of the shopping village would be required to maintain the cleanliness of the Site.

DDD-3: The commenter states that the Project would result in an increased likelihood of rural fires and that added traffic congestion would make it more difficult to provide for fire protection. The mitigation measures included in Chapter 4.12 (Traffic and Transportation) of the DEIR require the improvement of Corral de Tierra Road to accommodate vehicular traffic generated by the Project. The road improvements would be designed to provide the necessary accessibility requirements for fire truck circulation and would require review and approval by the Fire District. The DEIR (p.364) concludes that "...the Project would not have a significant impact on fire protection services, and would not require new or modified facilities or additional personnel."

DDD-4: The commenter asks whether the Ambler Water Service has the storage capacity needed in the event of a big fire in the area. The Ambler Water Service system is permitted by the PUC and is sized to meet the requirements established by that agency. This does include fire protection. There currently is an application submitted by Cal Am to construct larger tanks off-San Benancio Road. The County believes that this will provide additional fire suppression capability.

EEE. COMMENTS FROM MIKE WEAVER

EEE



Highway 68 Coalition
c/o 52 Corral de Tierra Rd
Salinas, CA 93908

County of Monterey
Resource Management-Planning Department
168 W. Alisal St, 2nd Floor
Salinas, CA 93901
Attn: Luis Osorio, Project Planner

Re: DEIR Corral de Tierra Neighborhood Retail Village
Comments

July 16, 2010.

Dear Mr. Osorio,

The 45-day review period for the above referenced DEIR has been a time of extreme disappointment for myself and the Highway 68 Coalition that I represent.

I remember several years ago, shortly after hearing of an application for the Project initially being considered by the Monterey County Planning Department. Mike Weaver phoned and made an appointment to see then Planning Director, Scott Hennessy, at the Monterey County Planning Office located on former Fort Ord in Marina. Mike Weaver made the appointment to find out about, and discuss the proposed Project.

Scott Hennessy graciously granted Mr. Weaver's request for an appointment, and upon arriving, he said he had also invited two County Staff members to sit in, as he thought it would be helpful. He asked Alana Knaster and Luis Osorio to be there, and both were.

Mr. Weaver, on behalf of the Highway 68 Coalition, had concerns about process and details. Mr. Weaver asked for, and was told that there would be a CEQA Scoping Hearing. We even discussed a place for this, it being the Washington Union Elementary School in San Benancio. We determined an evening meeting would be beneficial, as it would allow the majority of Toro residents who wanted to attend, a chance to be there. The purpose was to have the community share questions about the proposed project and offer things that should be looked into. It would be an opportunity for Planning Staff, EIR consultant staff, and any County Agencies and Departments to share information and focus on some direction for the Draft Environmental Impact Report. I was told one was to be prepared for this proposed Project.

Also important, it would allow Monterey County Agencies, Departments, and the community to offer suggestions for Alternative Projects.

EEE-1



Page 2

Mike Weaver believes the meeting with Scott Hennessy, Alana Knaster, and Luis Osorio ended on a positive note, one of transparency, and a mutual sharing of information.

In a follow up call to Planning several weeks later, Mike Weaver was told there would be a Scoping Hearing. Planning just needed to work out the details. Mike Weaver suggested contacting the school at San Benancio to check on available times. Other meetings sponsored by the County have been held in the gymnasium there, so it wasn't that the school would be surprised.

Time went by, no notification, other than the County Planning's assurance a Scoping Hearing would happen. The Highway 68 Coalition then heard that Mr. Phelps had sued Monterey County.

Mike Weaver called and was referred to Alana Knaster. She said she couldn't talk about any specifics, however, just as soon as this lawsuit was settled, "We are going to have a Scoping Hearing."

The promised Scoping Hearing in the area never happened. We were never notified. As a result many Toro Area residents, and others, have struggled with a Draft Environmental Impact Report that is confusing, has unsubstantiated assumptions, is missing vast amounts of pertinent information, and downplays, or completely ignores the significance of many aspects. It is extremely disappointing.

The Highway 68 coalition is turning in comments for many areas of the DEIR. Reflecting upon the time and expense that has resulted from a very sloppy DEIR leaves us wondering why it turned out this way. We can't blame any one person. For example, Luis Osorio admitted at one time that he had been "pulled off the project". Phone calls and meetings amongst Toro neighbors, discussing this DEIR, have left all with a feeling of frustration.

The EIR consultants, LSA Inc, of San Luis Obispo, we believe, would have greatly benefited from learning a lot of free information about the area from residents, had the promised Scoping Hearing happened.

On October 23, 2009, the Highway 68 coalition hand delivered a three-page letter of Site Specific information to Monterey Count Planning, with the request that it also be forwarded to the EIR preparer. This was also for the Monterey County Planning Department as the Highway 68 Coalition had been told the Administrative Draft of the EIR was being reviewed. We never heard back from Planning, or the EIR preparer. We never heard back as to good, bad, or what? We don't find the Site-specific information in the DEIR.
Attachment #1, Site-specific information

Among the troubling sections of this DEIR is the Traffic and Circulation section.

EEE-1

Page 3

The Highway 68 Coalition retained a licensed and registered traffic engineer to peer review the DEIR analysis. Pang Engineers, Inc, was chosen because they have impressive qualifications. They found the traffic numbers, analysis, and mitigations to be woefully inadequate. We will let the report speak for itself.

We do have some questions however:

Was Hexagon reporting to LSA, Inc. or the County of Monterey?

Who was Hexagon reporting to?

The water section of the DEIR was also full of problems, as were other elements.

Because of the numerous problems that affect what is and is not significant, the DEIR is flawed. Alternatives selected allegedly by the County cannot be analyzed properly because of POOR information and the resulting analysis, or lack of it. It is a mess. Please advise.

Sincerely,



Mike Weaver

Chair, The Highway 68 Coalition

Attachment #1 Three page Site-specific information letter, dated October 23, 2009

↑
EEE-1

Luis Osorio, Senior Planner
Monterey County Resource Management Agency
168 West Alisal St, 2nd Floor
Salinas, CA 93901

Carl Holm, Assistant Planning Director
Monterey County Resource Management Agency
168 West Alisal St, 2nd Floor
Salinas, CA 93901

Re: Omni Resources, LLC proposed project,
Corral de Tierra at Highway 68

PLN980074 Request for Rezoning of three parcels,

PLN020344 Request for Combined Development Permit, and Rezoning,
and Use Permit (Major/Minor), and General Development Plan, and
Design Approval, and a Tentative Parcel Map, and Subdivision of two existing parcels
into seven parcels.

Site-specific information. Please provide a copy of this letter to the E.I.R. preparer.

October 23, 2009

HAND DELIVERED

Dear Mr. Osorio and Mr. Holm,

In response to Mr. Osorio's October 19, 2009 email (attached) about the status of the
Administrative Draft EIR for the above referenced project(s), I wish to submit some site-
specific information. Please send a copy of this letter to the EIR preparer.
Site specific information follows and is numbered below:

1) The Toro Area Plan and the State Scenic Highway require a 100-foot building set back
from the road. Others have been required to comply with this scenic requirement
by the Monterey County Planning and Building Inspection Departments. Reference T-3.3

2) That archeological information includes the midden site that was on the property
as well as the dozen plus mortars and pestles, found by farmers Steve and Al Grossi
in the 1930's, 1940's and early 1950's onsite. It is one of the most significant
archeological sites in Monterey County.

3) That it is a wildlife corridor, as wildlife crosses Highway 68 from former Fort Ord
and accesses the Corral de Tierra Creek, the lake at the golf course, and on to the hills
behind Corral de Tierra across this field

4) The proposed project is in an area that houses endangered species including the
California Tiger Salamander, the Red-Legged Frog and the Tarweed plant.

Page 2

5) Section 21.42.030.H B-8 1 Chapter 21.42 of Title 21 of the Monterey County Code (dated 8/24/1993). The entirety of constraints applies. However, in particular, the EIR author should disclose/analyze:

"The B-8 district does not affect establishment of commercial uses on property undeveloped at the time the property is zoned B-8, provided such commercial uses do not increase demand for water supply in an amount greater than that generated from a single family dwelling." (Note: report identifies this as .63-ac ft per parcel)

6) That the Corral de Tierra Creek used to run year-round. Steelhead used to swim up this Creek to spawn. The Corral de Tierra Creek adjacent to the proposed project is now dry for most of the year. The July 2007 El Toro Groundwater Study states that the local groundwater level has been dropping an average of 1.8 feet per year since 1999. The El Toro Water Basin is in recognized overdraft.

Currently, year 2009, upstream of the Corral de Tierra Creek, potable water is being trucked in to the Mear's Ranch subdivision. Upstream, the 1960 Toro Area Plan identified Toro Lake as a spot for year-round warm water fishing. Toro Lake is now dry much of the year. Downstream of the project site the Laguna Seca sub-basin is in recognized overdraft.

7) That plans for the closed (Exxon) gas station (.684 acre parcel), also owned by the applicant, be addressed. Although not part of the PLN020344 application, it is part of the associated PLN980074 application. When the applicant went before former Zoning Administrator Dale Ellis for a permit to turn the two former lube bays into a real-estate office (after being red tagged), it was conditioned that there be no traffic access from that gas station parcel into the parcels behind it. This gas station was subsequently shut down on March 27, 2002 by order of the Monterey County Health Department. We were told it was for failing to comply with the underground tank and fuel monitoring requirement laws of the State of California. Omni then removed but did not replace the underground fuel tanks.

A plan to turn this gas station into an ARCO AM-PM Mini-Mart at Corral de Tierra was apparently put on hold. Access from State Highway 68 through this parcel needs to be recognized as being prohibited, per former Monterey County Zoning Administrative Hearing. (ZA July 8, 1993).

Planner Luis Osorio gave an application form to Omni on November 14, 2001. Mr. Osorio told me he thought the application would be for the gas station. Mr. Osorio told me he was surprised when the application was returned on August 5, 2002, as an application, not for the gas station, but for the two parcels of property then owned by Mr. Phelps/Omni BEHIND the gas station.

Applicable Phelps/Omni property is the following:

Parcel 1 (former Exxon gas station, now real estate office): .684 acre

Parcel 2 (immediately behind the former gas station): 5.375 acre

Page 3

Parcel 3, referred to as Parcel I (letter I) which sits adjacent to the driveway to the Meadows of Corral de Tierra: 5.601 acres.

Thus the project size is 10.976 acres. The Plan Application submitted to Monterey County planning calls for subdividing these two parcels totaling 10.976 acres into seven parcels of various sizes to better facilitate the build out of the proposed shopping center. For some reason the Planning file also shows the size of the two parcels, APN 161-581-001 and APN 161-571-003 as 11.013 acres.

The County has on file a property owner request for mixed use, with total parcel acreage stated of 11.77 acres. This would be all three parcels in the pasture, owned by Omni.


8) An 8-inch water line to the property began to be installed one weekend, beginning at 5 AM in the morning. The backhoe driver was later heard at the Corral Market loudly complaining he was asked to start so early to avoid being red-tagged. A County Encroachment Permit was retroactively granted when Omni stated the water pipeline was for fire protection purposes in the empty field and that it was to be connected to fire hydrants, which it then was.

9) Theoretical numbers of "service connections" from the small Mutual Water System that is shared by Corral de Tierra addresses of 49, 53, and 55 Corral de Tierra Road were negotiated by property owners during the mid-1970's. There were a series of them. Easements for underground pipelines were identified. Some of the agreements were based on possible future subdivision and how the water would be shared and expenses allocated. However ALL agreements identified the water as being for "DOMESTIC USE". No mention is made of diverting shared groundwater for commercial purposes.

Again, please provide a copy of this letter to the E.I.R preparer.

As to the "new information" provided by the applicant referenced in Mr. Osorio's email, I would like a copies of all of it provided to the County on this project for the past twelve months. These are all public records. Consider this a Public Records Request.

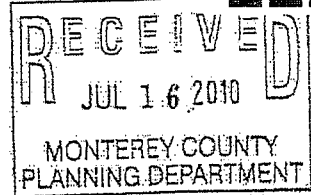
Thank you,



Mike Weaver
Chair, The Highway 68 Coalition
c/o 52 Corral de Tierra Road
Salinas, CA 93908
(831) 484-6659

c.c. The Michael Stamp Law Offices

EEE



Highway 68 Coalition
c/o 52 Corral de Tierra Rd
Salinas, CA 93908

County of Monterey
Resource Management-Planning Department
168 W. Alisal St, 2nd Floor
Salinas, CA 93901
Attn: Luis Osorio, Project Planner

Re: DEIR Corral de Tierra Neighborhood Retail Village
Responses to Biological Resources, Section 4.3, and Water concerns

Dear Mr. Osorio,

1) The Existing Environmental Setting and Biotic Characteristics of the Site and Adjacent Lands descriptions take up less than one-half of page 131. This is surprising considering its close proximity to the Bureau of Land Management properties on former Fort Ord. It's across State Highway 68 from the Project site, but isn't included in the description. Isn't Denise Duffy a Project consultant for the developer of the Corral de Tierra Neighborhood Retail Village? Ms. Denise Duffy is also working on the Habitat Management Plan for the Fort Ord Reuse Authority, and it's interface with the Bureau of Land Management lands. This is another interface, a proposed urban shopping center with BLM. How much contact has Monterey County Planning had with Ms. Duffy, as Project consultant?

EEE-2

2) Mike Weaver has lived across from both Fort Ord and the Project site for 58 years. This has been a wildlife corridor area for as long as he can remember. Wildlife crosses Highway 68 at night and heads for the brush of Corral de Tierra Creek, adjacent to the Project Site, then on and into the backcountry of Corral de Tierra. The Project Site is crossed by wildlife all the time. This wildlife corridor is not analyzed in any of the Impact Significance Threshold questions. Why not? Please comment.

EEE-3

3) Under 4.3.1 (page 131) Biotic Characteristics, the first sentence states: "The Site consists of vacant ruderal annual grassland with sparse mature trees (mostly nonnative) in the overstory." Please reference Attachment #1 to this section of comments. It is photos of three landmark Pine trees being cut down on this Site. These trees were approximately 100 feet tall and were home to hawks. Owner Phelps had these trees cut down. Additionally, trees next to the Project site on the small hillside below the residence at 53 Corral de Tierra, a redwood, pine and eucalyptus trees were more recently removed, as well as a mature Oak Tree. Please see Attachment. Aren't permits needed for removing trees, especially Oak trees? Was a permit issued? Please comment.

EEE-4

4) The removal of these trees next to, and on the slope below the residence at 53 Corral de Tierra exposed a bright green line of grass on an otherwise dry hillside. The bright green was the leech line for the septic at 53 Corral de Tierra. How might the proximity of this seeping leech line affect the neighboring Hargis Mutual Water well, located on the Project site? Mr. Phelps owns the house at 53 Corral de Tierra. He purchased it in 2004. Was there a septic condition report? The Hargis Mutual well has had issues with water quality, off and on, for years. Might this seeping leech line be a contributing factor? Please comment.

EEE-5

5) Special Status Species and Sensitive Habitats (page 139)
 This section fails to mention the following:
 The **Turkey Vulture**, *Cathartes aura*

The Turkey Vulture is a scavenger and feeds almost exclusively on carrion.[9] It finds its meals using its keen vision and sense of smell, flying low enough to detect the gasses produced by the beginnings of the process of decay in dead animals.[9] In flight, it uses thermals to move through the air, flapping its wings infrequently. It roosts in large community groups. Lacking a syrinx—the vocal organ of birds—its only vocalizations are grunts or low hisses.[10] It nests in caves, hollow trees, or thickets. Each year it generally raises two chicks, which it feeds by regurgitation.[11] It has very few natural predators.[12] In the United States of America, the vulture receives legal protection under the Migratory Bird Treaty Act of 1918.[13]

EEE-6

Turkey Vultures have called lower Corral de Tierra a migratory home since Spanish land grant days. Corral de Tierra literally means "Corral of Earth". It became known as Corral of Earth because of the natural bowl ringed by mountains and hills surrounding it. The Turkey Vultures would feed on slaughtered beef carrion as well as other dead animals in this natural Corral. The large Eucalyptus trees next to the Project site are a home for the Turkey Vultures. They nest here, and take off in the mornings for the backcountry of Corral de Tierra, San Benancio, and former Fort Ord. The population of Turkey Vultures varies from year to year. There have been fifty or more some years. More recently there have been considerably fewer.

The Turkey Vulture is not analyzed in any of the Impact Significance Threshold questions. Why not? Wouldn't urban shopping center noise, additional traffic, and proposed 45 foot tall buildings affect the nesting of the Turkey Vulture? Please comment.

6) 4.4 Cultural Resources.

Under Records Searches, page 167, The Northwest Information Center, the DEIR states, " The records search at the NWIC did not indicate any recorded cultural resources within the site. Five prehistoric archeological sites are recorded within one kilometer of the Project."

EEE-7

Page 3

It goes on to say Native American burials have been reported on two nearby sites (CA-MNT-3 and CA-MNT-4/267). It then says, "No previous cultural resources surveys have been conducted of the Site."

Sadly, the County Planning Department did not have a CEQA Scoping for the proposed Project locally, as promised. The local residents could have offered much to the efforts of LSA. Mike Weaver remembers a time when the Project site was being dry farmed by descendants of Swiss immigrants. These were the Grossi family. The Grossi's arrived in Corral de Tierra in 1919. The Weavers were friends of the Grossi's. Steve Grossi, in particular used to show and tell Native American artifacts he had found while dry farming both this field and surrounding fields.

The Project site field had a dozen or so mortars and pestles and midden site. The adjacent Corral de Tierra Creek ran year-round for native Americans, and steelhead would swim up Corral de Tierra creek to spawn. Native American fishing artifacts have also been found.

Because no public scoping session was held, County Planners and County Consultants did not benefit from information, as well as concerns, that could have greatly benefited the DEIR analysis. In the case of Cultural Resources criteria of significance Thresholds were not being properly answered. Buried deposits found on the site would qualify as unique archeological resources under CEQA. Don't you agree? If not, why not?

Sincerely,



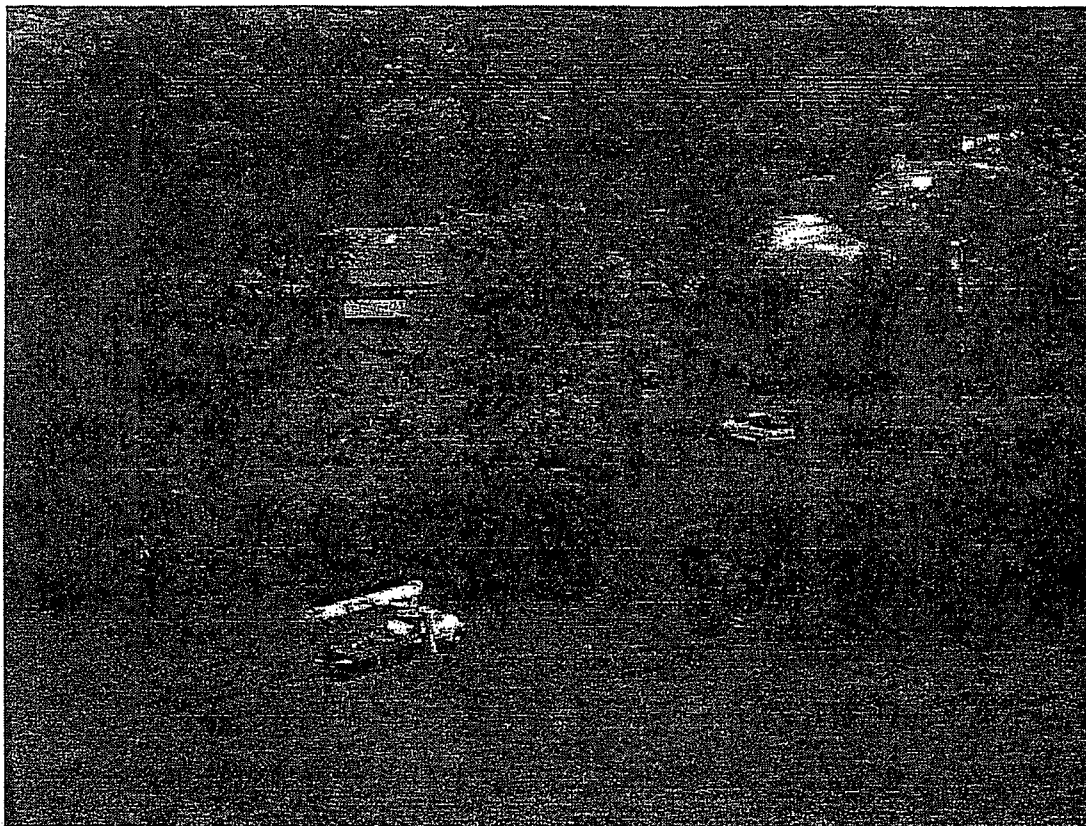
Mike Weaver
Chair, The Highway 68 Coalition

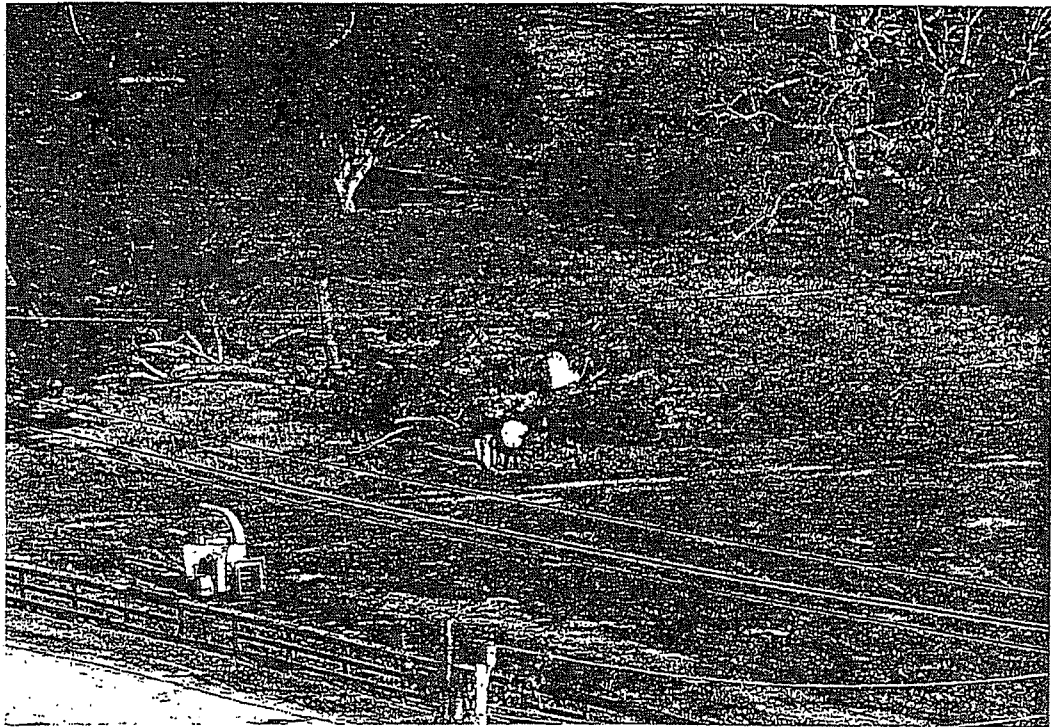
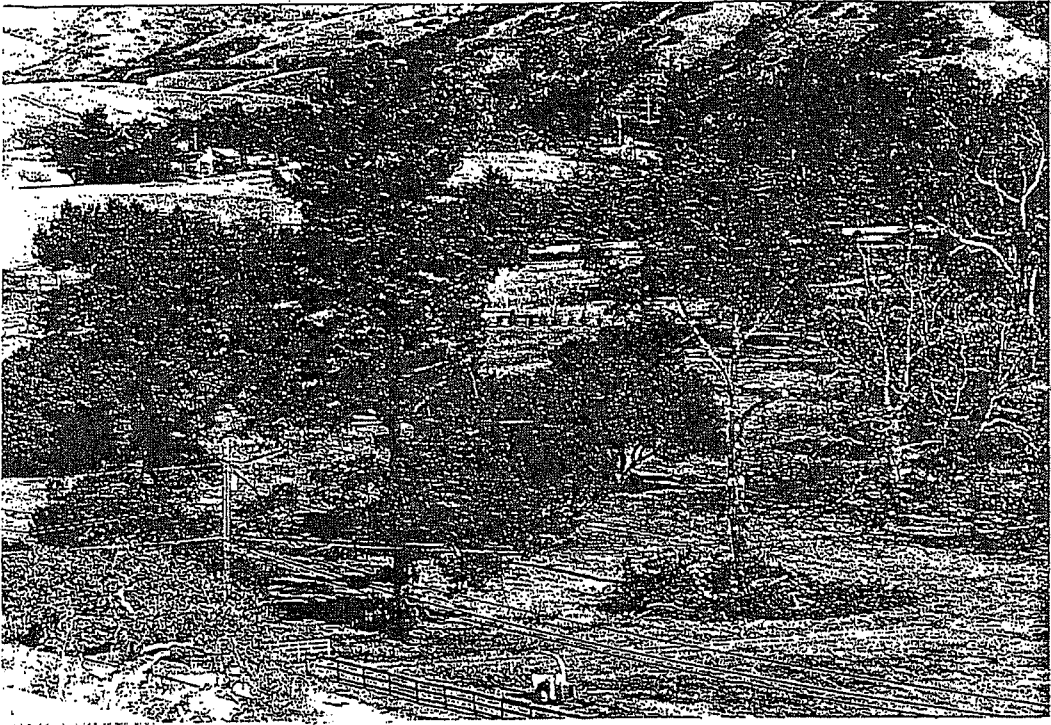
Attachment 1: Pine trees being cut down at Project site
Eucalyptus trees being cut down at Project site.

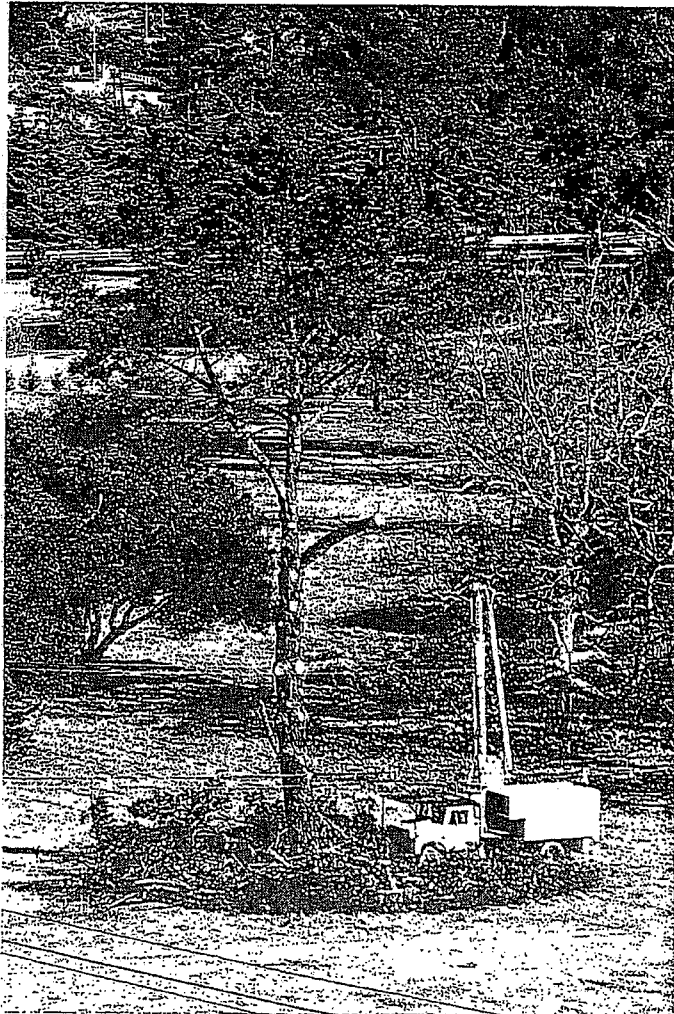
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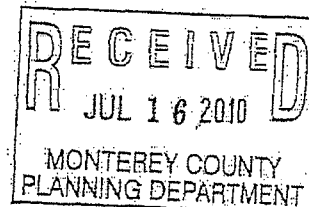








EEE



Highway 68 Coalition
c/o 52 Corral de Tierra Rd
Salinas, CA 93908

County of Monterey
Resource Management-Planning Department
168 W. Alisal St, 2nd Floor
Salinas, CA 93901
Attn: Luis Osorio, Project Planner

Re: DEIR Corral de Tierra Neighborhood Retail Village
Section 4.13 Utilities

July 15, 2010

Dear Mr. Osorio,

Regarding water, the document list on page 393 identifies one document as being the County's consultant report:

Kleinfelder, Inc. February 2004. Project-Specific Hydrogeologic Investigation, Omni Enterprises property (PLN 010252), Corral de Tierra Area, Monterey County. Report prepared for Monterey County Health Department, Environmental Health Division.

1) As a result of a public records request the Highway 68 Coalition received timely information regarding this report being written. Kleinfelder, Inc., is a large consulting company that had a small satellite office in the City of Salinas at the time. Calling this Salinas office, we were able to reach an analyst who was sorting through putting a report together. The analyst was very surprised to learn that Corral de Tierra is not in the Monterey Peninsula Water Management District! He thought it was.

It appears that the consultant did not receive adequate information from the County for his report. Please explain what information the consultant received, and why you think the report is adequate, or why not.

The Kleinfelder report was later followed by the year 2007 report prepared for the Monterey County Water Resources Agency:
Geosyntec. 2007, El Toro Groundwater Study, Monterey County, California.

2) The Highway 68 Coalition is not quoting from this 2007 document here. However, the summary of this report finds that groundwater levels in the El Toro Groundwater Basin have been falling approximately one-foot a year for the past fifty years. Additionally, groundwater levels have been falling approximately 1.8 feet per year since 1999. The rate of dropping groundwater has increased. And, there's really no going back, no way to reverse the trend, and no action by the County or the community to stop

EEE-8

the trend. The expectation is groundwater levels in the Toro Groundwater basin will continue to fall.

This important water level information is not adequately disclosed or investigated in the DEIR. Please respond.

Do you agree that groundwater levels will continue to fall, and probably in an increasing downward trend? If you do not agree, why do you not agree? Please be specific, provide the data on which you rely.

EEE-8

What will happen to the dropping water levels if this project is built? How many residents and other uses uphill from this flatland use will lose their water supply? What are the impacts of this and other approved and known future projects?

This DEIR is put together in such a way that information from earlier documents is mixed with information from later documents, making the document hard to sort out, particularly for the reader who may not have a solid background in Toro Area water issues. This confusing smorgasbord style of reporting leads to sloppy analysis and inadequate suggested mitigations.

EEE-9

4.13.1 Existing Conditions. Supply, Treatment, and Distribution of Water:

The DEIR identifies the proposed Project property as being in the Ambler Park Water Service Area. The DEIR fails to disclose that not everyone in the vicinity of the El Toro Groundwater area is a service customer of Ambler. There are individual wells and small mutual water systems in the area. There is another water purveyor in the area called Toro Water Service. Toro Water Service has some service connections on properties on the west side of Corral de Tierra Road, as well as further up Corral de Tierra, including Corral de Tierra Oaks, Vista Dorada, the Markham Ranch, the Pattee Ranch, portions of Robley Road, and Laureles Estates.

Ambler Water had a reported 387 Service Connections when Cal Am purchased the Ambler Water system from Con Cronin. The sale involved two adjudicated hearings before California Public Utilities Commission Judges. The sale was eventually approved by the CPUC. One condition imposed by CPUC Judge Anand Garde was that Ambler Water Service was prohibited from tying in to any other system owned by CalAm. This was condition #9. We believe it to be the reason that CalAm treats their two "satellite" water companies, i.e., Ambler Water and Toro Water as separate companies. The two water systems legally should not be connected. They both, however, pump water from the El Toro Groundwater Basin.

EEE-10

Toro Water Service had a reported 408 service connections for years. CalAm acquired Toro Water Service following a Federal lawsuit brought by the United States Department of Justice and the United States Environmental Protection Agency. Among other allegations was that one of the owners of Toro Water Service, the Adcocks, had been falsifying water quality reports. Federal Judge Jeremy Fogel ordered that Toro Water

Service be turned over to a court appointed receiver. That system was subsequently sold to CalAm.

In 2008 CalAm's Toro Water Service applied to install two arsenic treatment plants to reduce the arsenic concentration in their drinking water. As of July, 2010, State Health/Drinking Water has not yet issued a permit showing compliance for this system. It is reported CalAm is having difficulties "fine tuning" the arsenic treatment plant.

Very important information is omitted from this DEIR, perhaps because the author, LSA Inc., office is in San Luis Obispo. For example, the three wells serving Ambler Water customers are all located in lower Corral de Tierra. However, the bulk of the Ambler customers are in San Benancio.

EEE-10

Ambler Water serves the following housing areas:
The Meadows of Corral de Tierra, Corral de Tierra Villas (many condos but with a total of four service connections to Ambler).

In San Benancio, Corral de Tierra water serves the following housing areas via Ambler Water Service:
San Benancio Village (officially called Ambler Park), Paseo Privado, San Benancio Road up to and including Titus Park, Harper Canyon, and Rimrock Subdivision.

As with the Toro Water Service Area, not everyone in those areas is connected to Ambler Water.

However, following the Loma Prieta earthquake in 1989, many residents of upper Harper Canyon found that their water wells had failed. This emergency situation was resolved when these households subsequently hooked up to CalAm's Ambler Water Service. The only current commercial use Ambler Water serves is the Titus Park Club, swimming pool and tennis courts. This is located in San Benancio.

EEE-11

3) This information is missing from the DEIR, and it provides much information about the true existing conditions in the groundwater basin, including both supply and demand, than the DEIR discloses. The DEIR also fails to make any attempt to quantify current pumping or reasonably foreseeable future demand, which is highly relevant to the EIR analysis.

4) The Ambler Water Service supply information on page 394 of the DEIR hops smorgasbord style back and forth between WorleyParsons Komex, Geosyntec, and Kleinfelder. The discussion is very confusing and makes no sense. The findings of the three reports are inconsistent, but the DEIR makes no attempt to clarify the situation, or to clarify which consultant reveals which party (the applicant or the County). The Highway 68 Coalition supposes that the discussion is intentionally confusing, with the goal of muddying the waters. Please respond, and please clarify the EIR discussion on these points.

EEE-12

We have heard that WorleyParsons Komex has been excluded from further EIR review, perhaps because of their findings. Is that true?

EEE-13

5) Here is some additional important information from the Highway 68 Coalition:
 a) Former Ambler Water Service owner, Con Cronin had the three wells identified in the DEIR as Wells #4, #5, and #6. The Well identified as #6 was drilled circa 1986. Mike Weaver, and his brother, visited Con Cronin on site while this well was being drilled. Con Cronin reported to the Weavers that he was having some issues with one of his two other wells and that's the reason he was drilling this well (identified as well #6). He stated it was for the purpose of being a back up well. He stated he was going to drill deeper this time. The specific language he used regarding one of his other two Ambler Service water wells was that "It must have salted up or something." The Weavers asked how deep the well rig currently was, and whether he had hit water yet? Con Cronin's response was that he was approaching 600 feet, he wasn't sure about the water yet, but that he thought he would stop at 600 feet. The Weavers live close by, and observed that he drilled for an additional two days. At no time did Con Cronin state that this third well was being drilled because a shopping center was going in nearby and he would require additional supply.

EEE-14

The Highway 68 Coalition does not know the details of when and where the Phelps approached Con Cronin about investing in a water well to serve a shopping center. However, we understand Phelps/Omni is claiming they funded a part of this third well drilled, identified as Well #6. Where is the evidence to support this claim?

We note that Well #4 is at a reported 440 feet below ground surface, Well #5 is at a reported 480 feet bgs (below ground surface), and well #6 (the well the Weavers watched part of being drilled) is at a reported 580 feet bgs.

We note that the DEIR reports that the capacity of Well #4, the shallowest well of the three has a pumping capacity of less than 50 gallons per minute. This information, published in the Geosyntec Report of 2007, confirms what the Weavers were told by Con Cronin, that evening the Weavers visited him while he was drilling his new well (circa 1986), that he was having issues with one of his other wells. It just wasn't producing much. He claimed, "It must have salted up or something."

EEE-15

b) Fast forward to a meeting room in the City of Monterey. CPUC Judge Anand Garde was presiding over a Hearing whereby Con Cronin is requesting to be relieved of his duty as a water system owner because he wished to retire. CalAm was requesting permission to purchase Ambler Water. Water companies are categorized by size. CalAm is a Class A company because it has many customers. Ambler Water Service is categorized as a Class D company, which the CPUC refers to as a "Mom and Pop Operation."

There was much concern in the Toro Area about CalAm coming in to the Toro Area, as owner of a water system, because of years of problems in neighboring Carmel Valley and the Monterey Peninsula regarding CalAm and the over pumping of the Carmel River.

At this CPUC hearing in Monterey, Con Cronin was put under oath and asked the following questions:

What is the water level depth in the three wells serving Ambler?

Con Cronin's response was that he did not know.

Has the water level depth in the wells fallen over the years?

Con Cronin's response was that he did not know.

Do you measure the depth of the water in the three wells?

Con Cronin's response was "No".

If you don't measure the depth of the water in the wells, how do you know from one year to the next how the system is doing? How do you know if you are going to have water?

Con Cronin's response was that he knew he had water because he had never run out.

EEE-15

We note at the bottom of page 394 that the last sentence says, "Annual production for the Ambler Park Water System in 2006 and 2007 was not reported in the sources reviewed for this evaluation or provided by CalAm." That is not much better than Con Cronin's response. Why was this important production information not provided? What efforts did the EIR preparer make to get this information? Or to get information about the system's well levels over the years?

EEE-16

6) The DEIR fails to report that the Monterey County Department of Environmental Health twice imposed a water connection moratorium in Corral de Tierra in the 1970's. Here is some additional information:

EEE-17

Some events leading up to B-8 in Toro in 1992:

An area water study in the late 1980's/early 1990's concluded there was enough water in the Corral de Tierra and San Benancio area for build out. The residents on small water systems didn't believe it. It was a time of drought and water levels in wells were dropping and some wells were sucking sand. Residents were complaining to the County.

The County commissioned a new hydrology study to analyze the data. It was done and it found two fatal flaws with the previous conclusion.

EEE-18

1) When rainwater falls to earth three different things happen:

- a) Some water permeates into the soil and goes below ground.
- b) Some water runs off.
- c) Some water is absorbed up into the plants and trees. This is called transpiration.

The previous report assumed all rainwater was permeating the soil

2) The previous study assumed a common permeability of the soil of the area.

Page 6

This was not true. Different soil types allow water to permeate below ground at different rates, i.e. a sandy loam soil will allow more water through, and faster, than a clay laden soil.

According to a resident of CdeT, Bill Schramm, it was after this presentation to the Board that Walter Wong stood up and told the Board that we have an emergency in the Toro Area, and that State law requires the County to protect existing residents.

It was then that the Board approved the B-8 that allowed building on legal lots of record, but did not allow development that would add to the existing water shortage situation. Traffic and sewage capacity were also big concerns that were recognized by the Board and added to the language of the B-8.

Walter Wong had imposed two previous caps on building in the Toro Water Service Area in the 1970's and 1980's when owner Adcock was exceeding his allowable number of service connections as determined by the CPUC and State Health/Drinking Water. The second cap was on or about the time Adcock had about 357 service connections. Adcock was asked to drill an additional well to augment the supply. Adcock applied to the CPUC for a loan to get the money to drill a well and add to the water system. The CPUC denied this application, stating the State does not give loans to developers. Somehow a copy of the application was assumed to have cleared and that Adcock was complying with State orders and had drilled an additional well, because of this, State Health raised the cap on the number of allowable service connections to a total of 396. The additional well was

EEE-18

DEH Director Walter Wong wrote a letter to Monterey County Planning and Building Inspection asking them to keep count of the number of approvals of SFD and building permits issued, so that the number of Toro Water Service service-connections would not be exceeded (for a third time). In the mid-1990's it was discovered that County planning and Building Inspection had lost this letter from Walter Wong. They had been issuing building permits in Toro, but didn't know how many.

It was further discovered that Adcock's Toro Water Service was required to report yearly to the CPUC as to both the quality of the water being served, and the total number of service connections. For several years in a row, Toro Water Service reported 408 total service connections. This was at a time when additional connections were being added, for example, Phase 3 of the Markham Ranch Subdivision. The constant number of service connections did not make sense, under the circumstances of new subdivision units being added within the service area.

Again, Planning and Building Inspection did not know how many building permits had been issued.

After the U.S. Department of Justice, in conjunction with the U.S. Environmental Protection Agency (with assistance from the Monterey County Department of

Environmental Health) sued Alco Water (the Adcocks, who also owned Toro Water Service), U.S. Federal Judge Jeremy Fogel ordered the Adcock's to divest themselves of eight of their nine water companies, including Toro Water Service.

Toro Water Service was purchased by CalAm for approximately \$408,000, (or \$1,000 per known service connection). This was at a time when neither the County, the State, the Judge, nor the Court Appointed Receiver knew with certainty how many actual service connections Toro Water Service had.

At a meeting in San Benancio in July 2010, an area resident on a small water system of five houses stated he approached Con Cronin years ago regarding water. Con Cronin told him that he could not hook up the small system at the time because his Ambler Water Service was only allowed one additional connection, and there were five houses on the small mutual system that served this gentleman's house.

EEE-18

7) The above information was not included in the DEIR. Please explain why not, and why the EIR preparer did not do reasonable investigation into the current water situation. If you think the information is not relevant, please explain why not?

Did you know there were previous water connection moratoriums in the El Toro Groundwater Basin in the 1970's and 1980's due to problems? Do you consider that information relevant to the EIR analysis to this shopping center project and its water supply? If not, why not?

EEE-19

8) Page 403 of the Supply, Treatment, and Distribution of Water opens at the top of the page by stating, "All infrastructure, including wells, tanks, treatment plants and access easements associated with the Ambler Park Water system, is located off-site. According to Finegan (2007), there are three fire hydrants on the property and an 8" water line is stubbed to the Site as shown on the Vesting Tentative Map."

EEE-20

We cannot find where the source of this information, Finegan (2007), is identified as the Applicant's Attorney. He is the attorney for Phelps/Omni and the Corral de Tierra Village Project. Shouldn't this be disclosed in the DEIR?

We do have some information however, as to how an 8" water main was brought to the site. A backhoe operator loudly complained about how he was being treated to some neighbors. He complained that he was asked to start work at 5AM on the weekend.

The following was reported to Mike Weaver by the Salinas Rural Fire Department. An 8-inch water main from Ambler was brought to the Phelps project site without first obtaining permits, including encroachment permits from the County. Work started with a backhoe at 5 AM on a Saturday morning. On Monday morning the County red-tagged the Phelps backhoe operation.

EEE-21

Page 8

Phelps claimed he was doing it for fire protection purposes. He was advised to contact Salinas Rural Fire Dept. He did.

When asked by SRFD, "Aren't there some restrictions out there?"

Phelps replied, "There were but they've been lifted!"

To which the SRFD said that in that case, fire hydrants in Phelps' field in lower Corral de Tierra would be beneficial, should the field ever catch on fire! SRFD asked to inspect the work and the hydrants prior to completion.

The County then retroactively issued an encroachment permit for the water main line next to Corral de Tierra Road.

Please see Attachment #1 to this section. It is a photo of the trench for the water main being dug next to Corral de Tierra Road.

Is this a normal way permits get issued in Monterey County?

Is the illegal and improper way that the water main was brought to the site relevant to you? It provides insight into the way that business has been done on the site for years.

Thank you for the opportunity to comment on the DEIR

Sincerely,

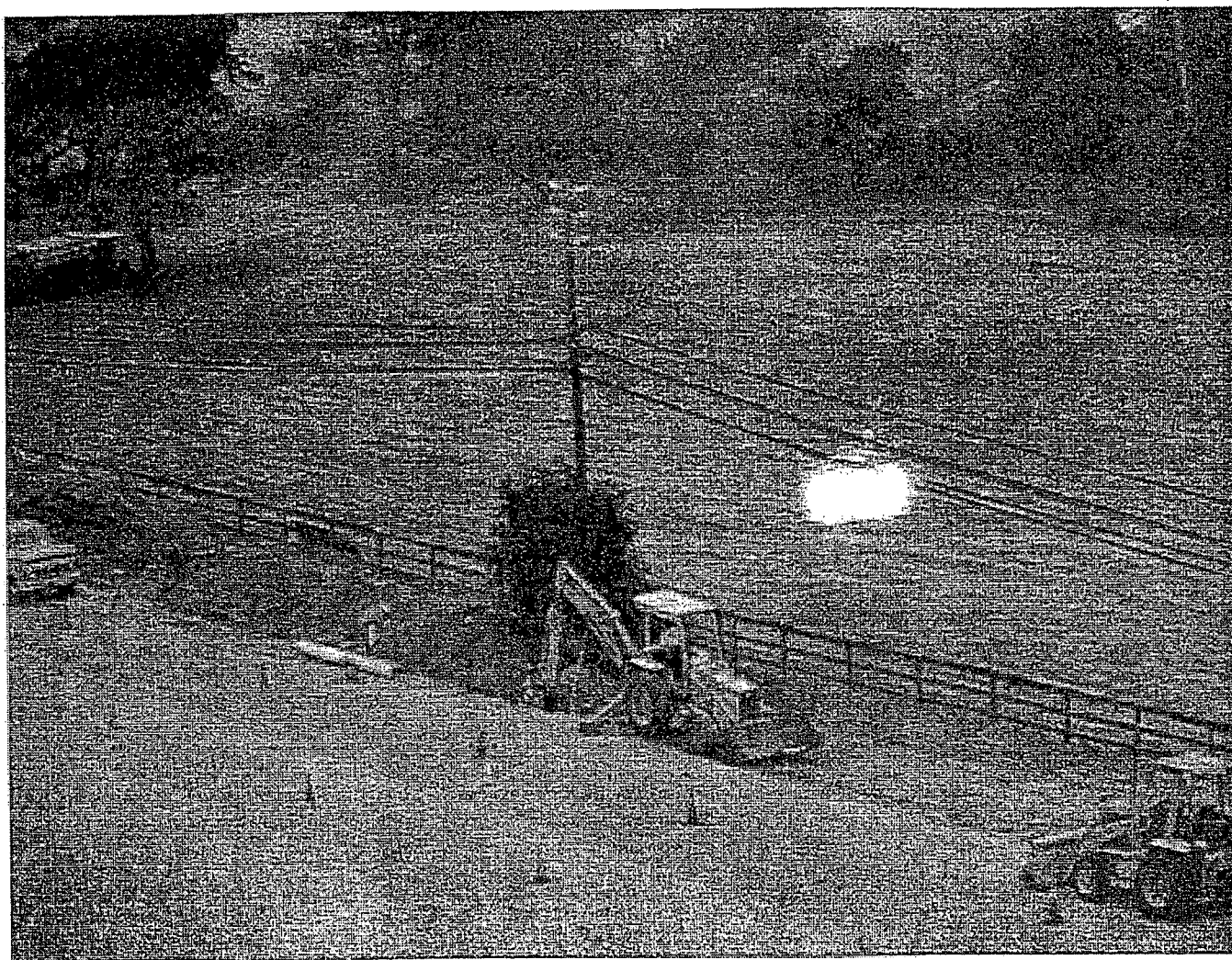


Mike Weaver

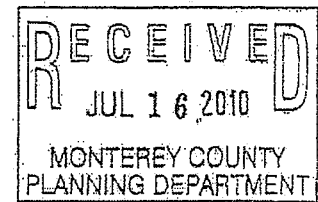
Chair, The Highway 68 Coalition

Attachment #1. - photo of trench being dug without permits

EEE-21



Highway 68 Coalition
 c/o 52 Corral de Tierra Rd
 Salinas, CA 93908



County of Monterey
 Resource Management-Planning Department
 168 W. Alisal St, 2nd Floor
 Salinas, CA 93901
 Attn: Luis Osorio, Project Planner

Comments regarding the Corral de Tierra Neighborhood Retail Village DEIR

July 15, 2010

Dear Mr. Osorio,

The DEIR should include the following information in Section 3.0,
 3.1 Project Site Location and Setting.

1974: Bill Phelps purchases about 5 ½ acres from farmer Steve Grossi at the corner of Corral de Tierra and Highway 68. It is zoned agricultural/residential at the time. Steve Grossi dry farmed the property. He grew squash on it. He grew hay on it. Previously it had cattle grazing on it.

Phelps purchases the 5 ½ acres in 1974, then applies to the County for a rezoning of this property to Commercial.

1974: An area petition is circulated OPPOSING a rezone to commercial uses on the property.

1974: The Monterey County Board of Supervisors turns down Phelps' request for a rezone to commercial.

1976: Phelps sues Monterey County. Phelps' attorney, Brian Finegan, prevails on a rezone to Light Commercial.

Late 1986: An adjacent parcel, about 5 acres, has an application pending with the County of Monterey to have a large Beverly Convalescent Hospital put on it. This is property previously purchased by Mark Fields, who built a house above it in the early 70's. Zoning at the time would allow a maximum of one house per one acre. Mark Fields made arrangements with neighbors of their small private Hargis Mutual water well and system to have the rights to five hook-ups for a potential five residential lots in the field. Several versions of the agreement were made. All agreements stated water would be for RESIDENTIAL

use only. This field was never subdivided. Instead Mark Fields quietly applied to the County to have the entire five acre parcel rezoned Light Commercial, then sold the five acre parcel, then sold his house above it, and moved to Arizona.

Late 1986: There is neighborhood, and area concern, anger, and opposition, at the proposal for a large convalescent hospital in this rural area, on the former Mark Fields 5-acre parcel. Another petition is circulated among area residents OPPOSING the Beverly Corporation's plans.

December 18, 1986: There is news that largely due to public controversy, the Beverly Convalescent Hospital Company pulls out, withdraws its application, decides not to build a commercial enterprise in Corral de Tierra. The neighborhood finds that Bill Phelps has purchased this 5-acre property.

1992: During a time of extended drought, the Board of Supervisors adopts a B-8 overlay in large parts of Corral de Tierra and San Benancio.

July 8, 1993: The Monterey County Zoning Administrator gives Phelps a permit to convert the Exxon gas station lube bays into a real estate office. The project had been formerly red tagged for work without a permit. The conversion is conditioned that there be no through traffic from the gas station to the field behind it.

1998: Bill Phelps files an application with the County to have his specific property removed from the B-8 overlay. Although it is a request for "spot zoning", technically it is not illegal to ask that it be changed.

2002: Bill Phelps removes the old underground fuel tanks from his corner EXXON gas station. This was due to a mandatory order on March 27, 2002 to comply with State law. He allows the gas station to go dormant.
Note: the gas station is not part of the current application.

2003: Bill Phelps, dba OMNI Resources, LLC, files a new modified application with the County. This is during a time of General Plan update hearings. His new application now includes, in addition to the "spot removal" of the B-8, an application to subdivide two parcels into seven, and for approval of plans for a large shopping center. He advertises this will benefit area residents. He calls it, "COUNTRY VILLAGE".

Planner Luis Osorio reports he had previously given Phelps an application thinking it was for the reuse of the empty gas station. He was surprised when months later, Phelps returned the application with a request for the neighboring two parcels, subdivision, shopping center, lift the B-8, etc.

2004: Bill Phelps purchases the old Mark Fields home from the then third owner of the house. He becomes the fourth owner. A rather convoluted process of a

"remarriage" of Mark Fields five shares of Hargis Mutual Water System (on property never subdivided) to his current plans for a subdivision and commercial shopping center. True the house and five-acre parcel were at one time both owned by Mark Fields but both have had numerous different owners in the last thirty plus years. Phelps purchased the five acre field in December 1986 and Mark Fields old house about 2004.

2006: Bill Phelps, dba OMNI, sues Monterey County in Federal Court for not moving fast enough on his shopping center application. Among complaints he alleges his 14th Amendment rights have been violated.

2007: The County agrees, in a settlement of the court case, to process the OMNI application, do environmental studies, and hold public hearings. The County retains discretionary approval rights.

2007: The Monterey County Water Resources Agency completes a study of area groundwater and finds it is in overdraft. (Note: Still). The water table has been dropping on average one foot a year for the past 50 years. The area overdraft has been increasing with the water table dropping 1.8 feet per year since 1999.

2010 Tolling date extended to include times for responses to DEIR, and hearings by September 30, 2010.

The following is a comparative size analysis of Phelps/Omni's plan for Corral de Tierra compared with the Stone Creek Shopping Center on Hwy. 68 near Del Rey Oaks This analysis was done by a neighbor but was anonymous.

STONE CREEK

Anchor tenants:

7-11

Jack In The Box

Starbucks

Wells Fargo Bank

Acres in use: 2.9

Square footage total: 25,978

Number of buildings: 4

Building heights: unknown

Store vacancies: varies

Parking spaces: 177

"COUNTRY VILLAGE"

Anchor tenants:

Unknown. Proposed for retail, and offices

EEE-22

EEE-23

EEE

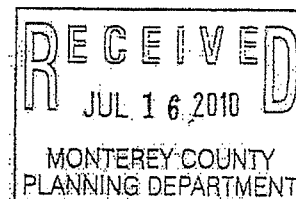
Acres in use: 10.96
Square footage total: 126,523
Number of buildings: 10, plus the gas station
Building heights: Up to 45 feet high
Store vacancies: unknown
Parking Spaces: 508

EEE-23

Thank you for allowing comment on the DEIR.

Sincerely,

Mike Weaver
Chair, The Highway 68 Coalition



Highway 68 Coalition
 c/o 52 Corral de Tierra Rd
 Salinas, CA 93908

County of Monterey
 Resource Management-Planning Department
 168 W. Alisal St, 2nd Floor
 Salinas, CA 93901
 Attn: Luis Osorio, Project Planner

July 10, 2010

Dear Mr. Osorio,

Re: DEIR Corral de Tierra Neighborhood Retail Village
 This is a portion of Highway 68 Coalition comments re: DEIR Element 4.9, NOISE

One of the concerns rural area residents have regarding this project is the element of noise. The Noise element of the DEIR is from pages 327 to page 343. The description of the measurement of sound explains that a 10 dBA increase in the level of continuous noise represents a perceived doubling of loudness, while a 20 dBA increase is 100 times more intense, and a 30 dBA increase is 1,000 times more intense.

To begin, the DEIR references Appendix H of Volume II, Technical Appendices. It states, "The traffic noise model printouts are provided in Appendix H of Volume II, Technical Appendices." However Volume II begins on page 671 of the disc at Appendix A and one cannot find an Appendix H between pages 671 and the end of the appendices on disc.

One can eventually find Appendix H on page 562 under "Probable Future Developments Trip Generation and Trip Distribution". The traffic noise model printouts are one page only. Please see Attachment #1.

- 1) Why does this one page have "FedEx Facility - Watsonville, CA 11/8/2007" printed on the upper right corner? Was it lifted from another document? How accurate is it for the review of this Project? | EEE-24

- 2) The lower right corner has printed "Hexagon Transportation Consultants, Inc" What professional engineering certification and licensing does Hexagon Transportation Consultants have for noise analysis? Please provide this. | EEE-25

- 3) The one page traffic noise model has a generic chart on the top half with "Minor Street" and "Major Street". Someone has added "Corral de Tierra Rd. and Site Driveway" above this in a different font and letter size. Two small charts below are titled "Peak Hour Volume Warrant Per 2003 MUTCD - Over 40 MPH". Here we find the | EEE-26



words "Corral de Tierra" and "Site Driveway" inserted, again in a different font and letter size. There's no explanation as to what MUTCD is, or why 40 mph? Who is the specific REGISTERED engineer that produced this page and the edits to it?

↑
EEE-26

4) Where is the technical data of sound measurements? When were they taken? Where were they taken? What times of day were they taken? What time of year were they taken?

EEE-27

5) With reference to Appendix "H" which is the traffic report and subsequent additional reports attached, the table with the Trip Generation estimates is confusing. Notwithstanding the confusion, the estimated total project trips are significantly UNDERSTATED. (Please reference peer review of traffic section, Highway 68 Coalition comments.

EEE-28

Because there is a considerable and significant understatement of trips in the DEIR, the noise calculations are incorrect.

As stated earlier, area residents have serious concerns regarding noise. The area is rural residential. In close proximity to this proposed shopping center are the following:

- a) The Villas of Corral de Tierra. These are condos. They all share a nearby clubhouse that was Dr. Reeves home. They also share an outdoor swimming pool and bar-b-q area, and a small 9-hole golf course. Many of the residents of the Villas of Corral de Tierra are retired or near retirement.
- b) The Meadows of Corral de Tierra. These are single-family dwellings next to the Corral de Tierra Country Club. These are behind the Project site.
- c) Residences and Rentals that share the Hargis Mutual Water System and common residential driveways. These are immediate neighbors to the proposed Project. These include the Senders, the McInnis', the Henderson's, and more.
- d) To the west is a residential hillside shared by the Weavers, Schadecks, and Barsodis. Also close on the hillside are the Costanzas, the Millericks, the Fishers, and more.
- e) Adjacent to the existing (and temporarily closed) Corral Market are four small rental apartments.
- f) Additionally the third and fourth fairways and greens of the Corral de Tierra Country Club are within sound range of the proposed project.

EEE-29

6) The DEIR fails to disclose a - f (above) and offers no map of distances from these residences to the proposed project. Why? Also, the DEIR failed to perform any individual sound impact analysis on these sensitive receivers. Why?

7) Table 4.9.B on page 330 is labeled Typical A - Weighted Sound Levels. As specific Project uses are not identified, where is a relevant Table and analysis that lists potential noises, noise times, and noise levels? Such as:

- a) Restaurant bar at 2 AM? For example, this can be 80 dBA
- b) Vehicle collisions in the proposed 508-space parking lot?
- c) Supermarket delivery trucks at 10 PM?

↓
EEE-30

- d) Fast Food drive through?
- e) Parking lot sweepers?
- f) Delivery and garbage trucks at 6:30 AM?
- g) Store loud speakers?
- h) Roof air conditioners and back up generators? For example Manufacturer's noise data indicates that large A/C units would each produce a sound power level up to 103 dBA.
How many A/C and/or refrigeration units are planned for the Project?
- i) Trash compactor at the loading dock?
- j) Back-up beepers on delivery trucks?
- k) Refrigeration units on truck trailers?

EEE-30

8) Additionally the DEIR fails to include the cumulative noise of the nearby Laguna Seca Racetrack that has many scheduled "unrestricted loud days" in addition to races. Why isn't this included and analyzed?

EEE-31

(Page 335) Section 4.9.4 **Impact Significance Criteria**. "For purposes of this Project, a noise impact is considered **significant** if the Project would:
Threshold 4.9.3: Result in a substantial permanent...increase in ambient noise levels in the project vicinity above levels existing without the project;
The answer is YES. Don't you agree? If not, why not?"

EEE-32

9) Page 339, regarding lower Corral de Tierra Rd, the DEIR states an increase of greater than 3 dBA would be considered a **substantial permanent increase**.
It then goes on to state that under Background plus Project conditions, **this roadway segment would experience an increase of up to 3.4 dBA over existing conditions.**

10) By the DEIR's own definition, this is a significant impact! Yet it gets worse:

Threshold 4.9.3 (page 339) continued:

Paragraph 2 states, "The closest noise receptors along this impacted roadway segment are the residential land uses located at the top of the hill on the west side of Corral de Tierra Road across from the Site. Due to the existing terrain and how homes are set back along the ridgeline of this hill, these residential properties and their accompanying outdoor active use areas **do not have a direct line of sight to Corral de Tierra Road**. The closest residence is located approximately 100 ft from the centerline of the roadway."

EEE-33

11) This is wrong! There is direct line of sight to Corral de Tierra Road from five residences. This is a significant impact. Please identify who made this determination, the specific County project planner or planners that made a site visit, and the date made.

12) Further, the noise impact is UNDERSTATED because the traffic calculations in the DEIR are wrong.

13) Additionally, two of these residences with direct line of sight to Corral de Tierra Road had their building envelopes determined by the Monterey County Planning Department in 1985.

EEE-33

14) Measurements in feet on Table 4.9.H appear wrong. It states the source as LSA Associates Inc, September 2009. LSA Associates is in San Luis Obispo. Who took the measurements? When were the measurements taken, and by whom? Which County Planner or Planners made a site visit and when?

EEE-34

Page 338 Stationary Noise Impacts, paragraph 3, referencing the residences (served by Hargis Mutual):

"The closest residential unit is located approximately 230 feet from the proposed loading dock facilities. However, these residences do not have a direct line of sight to the proposed loading dock area due to the intervening hill."

EEE-35

15) This is wrong. 49 Corral de Tierra Road would have a direct line of sight to the proposed loading dock area immediately next door to it. There is no intervening hill. Please provide a correct analysis.

Page 340 4.9.6 (Noise) Cumulative Impacts, it states, "For purposes of this analysis, an increase of greater than 3 dBA would be considered a substantial permanent increase in ambient noise levels." This section analyzes that the lower Corral de Tierra Roadway segment would experience an increase of up to 3.9 dBA over existing conditions

16) This is a significant impact. However, it again gets worse:

Paragraph 2 under 4.9.6 (Noise) Cumulative Impacts on page 340 states: "Similar to the traffic noise impact discussion under Threshold 4.9.3, due to the existing terrain and the location of noise sensitive receptors on the hill, the closest residential properties and their accompanying outdoor active use areas do not have a direct line of sight to the Corral de Tierra Road."

EEE-36

17) Again, this is wrong! At least five single family dwellings "on the hill" plus the four small apartments "not on the hill" have a direct line of sight to Corral de Tierra Road. Please provide the name of the County planner or Planners who made a site visit.

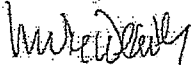
Noise pollution has a direct impact on people's health status. Loud sound has both psychological and physiological effects. Noise pollution contributes to stress levels, anxiety, depression, insomnia, high blood pressure, and even panic attacks.

CEQA Guidelines state that a project would normally be considered to result in a significant noise impact if noise levels generated by the project conflict with adopted environmental standards or plans, or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis.

Page 5

Thank you in advance for your substantive responses, using science, to questions and concerns regarding the noise element of this DEIR. Please include this entire letter and attachments in the FEIR.

Sincerely,



Mike Weaver
Chair, The Highway 68 Coalition

Attachments:

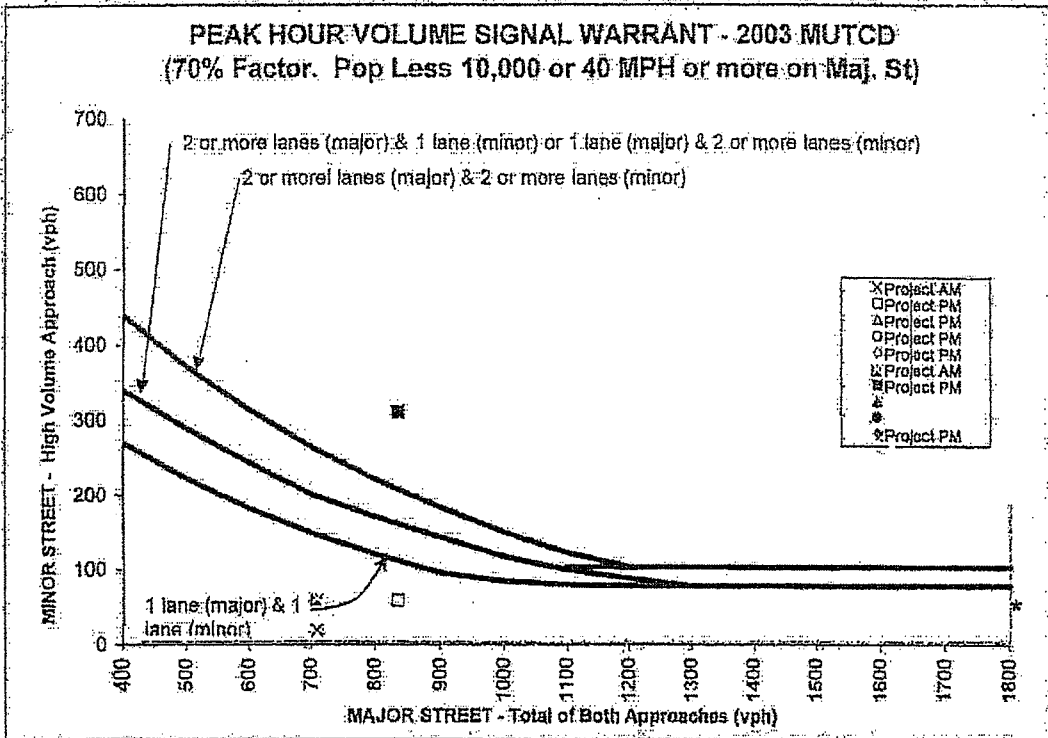
- 1) Appendix H Probable Future Developments Trip Generation and Trip Distribution with the one page referenced "Appendix H" Peak Hour Volume Signal Warrant - 2003 MUTCD. A one page document from the FedEx Facility - Watsonville, CA 11/8/2007?
- 2) Article: "Davison neighbors upset over noise of local supermarket following zoning change"
- 3) Article: "Protesters' anger at 'supermarket noise'"
- 4) www.bogen.com, Sound Pressure Levels Chart

NOISE ELEMENT ATTACHMENT #1

Appendix H

**Probable Future Developments Trip
Generation and Trip Distribution**

Corral de Tierra Rd. and Site Driveway



* NOTE: 100 vph applies as the lower threshold volume for a minor street approach with 2 or more lanes and 75 vph applies as the lower threshold volume for a minor street approach with 1 lane.

Peak Hour Volume Warrant Per 2003 MUTCD - Over 40 MPH

		Approach Lanes		Exclude WB Rights			
		2 or One More		Project AM	Project PM		
Major Street - Both Approaches	Corral de Tierra	x		708	834		
Minor Street - Highest Approach	Site Driveway	x		16	55		
		Warrant Met?		NO	NO		

		Approach Lanes		Include WB Rights			
		2 or One More		Project AM	Project PM		
Major Street - Both Approaches	Corral de Tierra	x		708	834		
Minor Street - Highest Approach	Site Driveway		x	59	308		
		Warrant Met?		NO	YES		

Davison neighbors upset over noise of local supermarket following zoning change

Published: Sunday, January 11, 2009, 1:01 AM Updated: Sunday, January 11, 2009, 1:02 AM

Eric Fish | Flint Journal

Staff Photo | Amy Mayhew

Davison resident David Bloomfield is hoping the city of Davison can help him and his neighbors find a peaceful solution to ongoing noise problems generated by the Kroger shipping and receiving area behind the 700 N. State Road retail complex.

DAVISON, Michigan -- David Bloomfield has lived in the same quaint Davison neighborhood for nearly two decades and until three years ago, was very happy that he did.

These days, Bloomfield, 58, has a problem with his newest neighbor -- the Kroger store at 700 N. State Road.

Living directly behind the new complex, Bloomfield says the noise level at Kroger's shipping and receiving area is unacceptable and has been a problem since the City of Davison changed the zoning from residential to commercial three years ago.

Colleen Hackney, community development director for the City of Davison, said the property on which the retail complex occupied by Kroger and others now sits was once zoned Residential A3, but was rezoned in August of 2003 to Commercial C3.

"There was public concern and support of the rezoning," Hackney said.

The City Council approved the rezoning at its Aug. 25, 2003, meeting. No one from the public commented.

Bloomfield said he has consistently attended Davison City Council meetings over the past three years, and even made pre-development suggestions for ways in which the loading dock design could have been altered.

"I've been a General Motors employee in the shipping division

and have been around tractor-trailers for quite a while," he said. "I suggested that they put the docks in another area, but they didn't listen.

"The problem is they built Kroger way up higher than our homes, and then they have the trucks come down this hill -- the trucking driveway in the back of the building -- and everything resonates off the building," he said.

With trucking operations beginning sometimes as early as 3 a.m. and ending well after 5 p.m., Bloomfield says he's given up on trying to sleep with his windows open.

"It's not just the engine sounds of the trucks -- it's the air brakes, the back-up signals, the slamming of garbage gondolas," he said. "How many times does it take before something gets done about people continuously breaking the noise ordinance?" Bloomfield said he and his neighbors were originally told that shipping and receiving hours for Kroger would be from 9 a.m.-5 p.m.

"They said it would be a 9-to-5 operation and other than that, we wouldn't hear them," he said. "But we've had 24-hour trucking for the last three years."

Hackney said she was unsure of the discussions neighbors had with Kroger management, but that City Council and Planning Commission meeting minutes do not reflect Bloomfield's claim of the abbreviated trucking hours.

Under the City of Davison's noise ordinance for areas zoned C3, noise levels of 72 decibels are acceptable from 10 p.m. -7 a.m., and noise levels of 77 decibels are acceptable from 7 a.m.-10 p.m.

Bloomfield said the City of Davison had conducted a decibel test in the past, but that the results were inconclusive.

"Our city manager, Dale Martin, quoted me 68 decibels at the edge of the Kroger property line," he said. "But they conducted

the test when a diesel truck is sitting there and idling -- they typically make more noise than that when they're jamming up the hill into fourth gear."

Neighbor and lifetime Davison resident Raberta Davis, 74, said she and her husband have lived in their house behind the retail complex since 1992.

Davis said the 24-hour noise is unacceptable, and that blowing trash and lack of maintenance behind the complex bothers her.

"We've asked the lawn maintenance man why he mows over the trash and he says they don't pay him to pick it up. He mows over it and the next thing you know it's blowing through the fence and into our yard.

Davis said responsibility for the problems do not rest solely with Kroger. "It's not just Kroger's responsibility," she said. "The management company for the retail complex should also take some responsibility in all of this."

Bloomfield said he also is concerned about the lack of police patrols.

"Sure they put speed signs up back there, but there's nobody there to enforce them," he said. "I haven't seen the police in weeks."

Although Hackney said the police would be re-monitoring the area with a decibel meter during various trucking activities over the next week, enforcing speed limits on private property is a different matter.

"The police do not have powers on private property unless reckless driving is occurring," she said.

"The speed sign was posted in November, but again, it is on private property."

Hackney said the Davison police will, however, increase police presence in the area.

As for solutions, Bloomfield said he would like to see a wall

erected, better enforcement of the city's noise ordinance, and for Kroger to adhere to its promised 9-to-5 trucking operation.

"Again, since it is private property, the owner would have to provide the wall," Hackney said.

In December, the City of Davison hand-delivered a letter addressed to Kroger Store Manager Amy Baker listing items to be discussed with regard to the ongoing issue of excessive noise, along with potential solutions to the problem.

"The shared boundaries between residential and commercial land uses present a variety of issues," wrote Martin. "In most cases though, the use of common courtesy can minimize the troublesome conflicts of a successful business and quite residence."

Baker said Tuesday that she had no knowledge of the letter, and that she was "unable to comment at the store level."

Hackney said the letter was sent again via e-mail Tuesday, and that a meeting is currently being scheduled with Kroger management, the property management and the city.

Protesters' anger at 'supermarket noise'

Published on Mon Feb 26 12:25:54 GMT 2007

People living near Sainsbury's, in the Bretton Centre, Peterborough, say noise from the supermarket has kept them awake at night for the last eight months.

People living near Sainsbury's, in the Bretton Centre, Peterborough, say noise from the supermarket has kept them awake at night for the last eight months. A SIMPLE home-made banner said it all: "No more noise."

According to people living in Benland, lorries are constantly coming and going, while there is banging and clanging in the supermarket's service yard long after closing time at 8pm.

Bleary-eyed neighbours have lobbied Peterborough City Council and tried talking to store managers – they say all to no avail.

In a desperate call for action on Saturday, they stood at the side of the road in Flaxland, just yards from the entrance to the service yard, to make their point.

Jill Fletcher has kept a log of all noise incidents and handed The Evening Telegraph an astonishing 14 pages of notes.

he said: "It has got to stop. Sometimes I am woken up at 3am, 4am and 5am. Other nights I'm so tired I sleep through it.

"I have had to take two days off work just to catch up on sleep. Engines are left running, deliveries are made early in the morning and things are loaded into skips."

Another resident, Gill Green, said: "I feel sorry for the drivers. The yard is so badly designed that I don't know how it was allowed to go ahead.

"I asked one driver and he said it was the worst one he had visited."

Other neighbours pointed out that lorries queuing up in Flaxland meant it was now a hazard to pull out of their Benland cul-de-sac.

There is also a bus stop directly outside the entrance to the yard, which leads

to even greater traffic chaos.

Bretton North ward Councillor Angus Ellis said: "They are fed up that this problem continues, and although new parking restrictions are going to be brought in, which should alleviate the problem of lorries parking, the amount of time it is taking to get this in place is too long."

Lorries are not meant to drop off deliveries until after 7am, but today Sainsbury's store manager Simon Cross said the supermarket was not breaching those regulations.

He said: "We try hard to be a good neighbour and take residents' complaints very seriously. It's important to point out that we are working within the council's guidelines on delivery times and are not in breach of any regulations.

"However, I have spoken to some of our neighbours who shop in the store, and to the local councillor to discuss how we can address some of their concerns.

"I am also meeting with the council's environmental officers in the store to identify how we can further improve our systems."

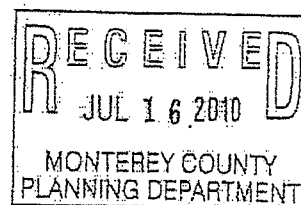
Attachment #4

Sound Pressure Levels Chart

Typical Ambient Noise Level			Typical Environments	
Very High Noise	85-95 dB	Speech Almost Impossible To Hear	Construction Site Loud Machine Shop Noisy Manufacturing Printing Shop	95 dB
				85 dB
High Noise	75-85 dB	Speech is Difficult To Hear	Assembly Line Crowded Bus/Transit Waiting Area Machine Shop Shipping/Warehouse Supermarket (Peak Time) Very Noisy Restaurant/Bar	75 dB
				65 dB
Medium Noise	65-75 dB	Must Raise Voice to be Heard	Bank/Public Area Department Store Noisy Office Restaurant/Bar Supermarket Transportation Waiting Room	65 dB
				55 dB
Low Noise	55-65 dB	Speech is Easy To Hear	Conversational Speech Doctor's Office Hospital Hotel Lobby Quiet Office Very Quiet Restaurant/Bar	55 dB

EEE

Highway 68 Coalition
c/o 52 Corral de Tierra Rd
Salinas, CA 93908



County of Monterey
Resource Management-Planning Department
168 W. Alisal St, 2nd Floor
Salinas, CA 93901
Attn: Luis Osorio, Project Planner

July 11, 2010

Dear Mr. Osorio,

Re: DEIR Corral de Tierra Neighborhood Retail Village
Highway 68 Coalition response to "State Scenic Highway Program" section

The property on the west side of Corral de Tierra Road belonging to the Weavers, is comprised of three residential parcels totaling 10.92 acres. The Phelps Project property on the east side of Corral de Tierra Road comprises two parcels zoned light commercial, totaling 10.97 acres. (This does not include the Phelps .684-acre gas station converted to Real Estate Office parcel.) So the total sizes of the parcels are similar. However it's recognized the Weavers are on a hill. The Phelps property is flatland, historically used for farming, and prior to that cattle grazing.

In an analysis of impacts to the Scenic Highway, it is interesting to compare the west side (Weaver) with the east side (Phelps). Both are adjacent to the State Scenic Highway 68. Both have frontage on the County Scenic Road of Corral de Tierra.

Here's a bit of history and then some comparisons.

The Weaver property was larger but the Weavers twice sold some frontage to Monterey County for the purpose of widening Corral de Tierra Road a bit. Neither time, was anything mentioned about it being for the purpose of accommodating a large shopping center across the street some day. The Weavers asked why the County would want to cut into a hillside on the west side to widen Corral de Tierra Road rather than go across the street where it was level. The answer was that in Monterey County it was important to protect the trees. Former owner Mrs. Hargis had a row of walnut trees bordering Corral de Tierra Road. The Weavers agreed protecting trees and the scenic entryway to Corral de Tierra was important.

The second purchase was because the County over steeped the grading cut the first time, causing erosion and sloughing of the hillside. Public Works purchased additional property this second time, but said they had no money to pay for it, so offered to pave a portion of the Weaver driveway instead. Without consulting the Weavers, Public Works

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realigned a portion of the lower part of the Weaver driveway. Upon seeing this, after the fact, Mr. Weaver expressed concern that it would cause the hillside above it to slough and it would also cause the demise of a large landmark Valley Oak Tree. Public Works response was they were the engineers and they knew what they were doing.

Indeed, come the first winter, the hillside above the newly paved driveway to the Weavers eroded and sloughed and was covered with mud. The landmark Valley Oak's roots were exposed, beginning its demise. This Valley Oak tree was well known throughout the area and was referred to as the "Buzzard Tree" because a couple dozen or so buzzards would sit in it in the mornings with their wings spread, drying their wings. The Weavers and the Schadecks got out their tractor and changed the driveway alignment back to what it had been. The paved portion was hopelessly buried in mud. The driveway was once again a country dirt road. The Weavers did not pursue reimbursement from the County, chalking it up to experience instead.

A few years later, during a wet winter, the second County cut into the hillside adjacent to Corral de Tierra Road eroded so badly that a large portion of the hillside slid out to the centerline of Corral de Tierra Road. County Public Works was called. They came out, scooped up and hauled away the portion of the hill in the Corral de Tierra roadway, and installed a drainage culvert on the side hill. The Weavers received an apology and a promise to regularly maintain that drainage culvert from Public Works. To date, the only times it has ever been maintained is when Public Works gets a reminder call from the Weavers. Agreement all around, including County Engineers, is that it is best to not touch that hillside except for cleaning and maintaining the drainage culvert.

This raises the first of many questions. The Phelps Project Application proposes a shopping center built out from property line to property line. After reading the peer review of the traffic element of the DEIR and the under reporting of traffic, how is this volume of traffic going to be accommodated on the two-lane rural Corral de Tierra Road? There's no coming back to the Weavers for more frontage capacity. It's Phelps Project, so how will traffic be accommodated? The DEIR fails to adequately disclose, investigate or analyze this key issue.

The Weavers approached Monterey County Planning in 1985 to create two additional lots on the 10.92 acre parcel they owned on the west side of Corral de Tierra for the purposes of the two Weaver boys building themselves each a home. Monterey County's primary concern was the Scenic Highway. Zoning at the time was one-acre minimum lot size, Rural Residential.

The Weavers agreed to:

- 1) Downzone from a one-acre minimum to a total of three parcels, one of which was the existing family home.
- 2) No development on the North side of the property facing State Highway 68
- 3) Dedicate a one-foot non-access strip along the Weaver frontage with Highway 68 (No ingress, no egress)
- 4) Have the County Planning Department determine specific building envelopes

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for the two new houses off Corral de Tierra. (Three Planning Dept. site visits.)

- 5) Because of the location of the two building envelopes a new driveway off Corral de Tierra would have been more convenient and less expensive to put in. The County wouldn't hear of it. Existing traffic on Corral de Tierra Road was cited and Weavers were told to accommodate the two new houses into the existing driveway.
- 6) Underground utilities
- 7) The building height limit was 20 feet from average grade. County Planning required one site to lower the maximum height to 19 feet above average grade. The second site was required to lower the maximum height to 16 feet above average grade.
- 8) Stake the site for maximum height, for review.
- 9) Provide proof of a viable long-term water supply approved by DEH.
- 10) Don't cut down any oak trees and plant 12 new oak trees in spots determined by and approved by the Planning Department.
- 11) Have house designs approved by the Planning Department, the Planning Commission and the Board of Supervisors.
- 12) Dedicate approximately 50% of the entire property to County Scenic Easement
- 13) Agree to no new driveway access off Corral de Tierra Road in the future
- 14) Apply B-6 Zoning overlay to the completed Weaver Minor Subdivision ensuring no future subdivision.

The Weavers agreed to this. Four years and \$100,000 later Mike Weaver was able to break ground and put up the first stick of his house. The Weavers are not complaining. Monterey County should hold the area to high standards.

Let's now compare the Weavers' 10.92 acres (one parcel to be subdivided into three parcels) to the Phelps Project proposal for 10.97 acres (two total parcels to be subdivided into seven parcels).

	Weaver	Phelps Project requests
1)	3 total parcels	7 parcels
2)	Approximately 6500 sq ft total for three houses total	126,500 sq ft of commercial, retail, office for ten buildings (plus the existing gas station/Real Estate)
3)	No access to Hwy 68, ever	Multiple driveways access onto Hwy 68
4)	Only one driveway on CdeT Road	Three driveways on CdeT Road
5)	Height limits of 19 ft and 16 ft	Buildings up to 45 ft high
6)	50% dedication to scenic easement	No dedication to scenic easement
7)	No parking lot	508 parking spaces

8)	Don't remove any oaks, plant more	Remove oaks
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Why is the County treating these two adjacent projects so differently? The same policies that applied to Weavers should apply to the Phelps shopping center Project. If not, please explain which ones do not apply to Phelps, and why not.

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At the bottom of page 87 in the DEIR is a section titled **State Scenic Highway Program**, pages 87 to 114 inclusive. These pages ostensibly address the project's impacts to the California State Scenic Highway. On page 87 the reader is referred to: SER, Chapter 27, www.dot.ca.gov/SER

This link provided by the County will not get one to Chapter 27. However, we found Chapter 27 another way. Reading Chapter 27, it becomes clear that significant recommendations and questions were not carefully followed for this DEIR's analysis, beginning with **Change to the Visual Environment and Viewer Sensitivity**. We've included a download of ten pages (Hyperlink to Chapter 27) as Attachment #1 for this letter on our DEIR review, comments and questions.

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The ten questions asked in "Change to the Visual Environment" and "Viewer Sensitivity" produce a score in category 25-30, determining the type of Visual Impact Assessment (VIA) required. "Prior to preparing a VIA, a formal visual scoping study that meets or exceeds FHWA requirement is recommended to alert the Project Development Team to potentially highly adverse impacts and to develop new project alternatives to avoid those impacts."

Why was this procedure not followed for the EIR? Who made the decision not to follow it?

PREPARER QUALIFICATIONS (from the DOT)

Scenic Resource Evaluations and Visual Impact Assessments are performed under the direction of licensed Landscape Architects. Landscape Architects receive formal training in the area of visual resource management with a curriculum that emphasizes environmental design and context sensitive solutions. Landscape Architects also understand the constructability and maintenance issues when recommending specific mitigation measures

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What are the qualifications of all Visual Impact Assessment preparers for this EIR? What is his/her California Landscape Architect's License Number? What other State Scenic Highway projects has he/she assessed? What other County Scenic Road projects has he/she assessed? Are they registered to do business in California?

STATE SCENIC HIGHWAY PROGRAM (DOT)

The intent of the State Scenic Highway Program is to protect and enhance California's natural scenic beauty. The Department provides city and county governments the opportunity to nominate eligible scenic highways and adopt corridor protection programs to obtain official scenic highway status. Corridor protection programs contain land use elements that support scenic preservation along the route. If the proposed project is within an officially designated scenic highway, the environmental document must discuss whether the project has the potential to affect the scenic highway and if so, whether the project is consistent with the protection program. If a highway is listed as eligible for official designation, it is also part of the Scenic Highway System and care must be taken to preserve its eligible status. For additional information regarding scenic highways, please see the Department's Scenic Highway website.

See Attachment #2 "Scenic Highway Guidelines".

How will or might the proposed Project affect the official State Scenic Highway designation? The project clearly has the "potential to affect the scenic highway," but the DEIR has failed to adequately disclose or investigate these issues. What steps did the EIR preparer follow in this investigation, who did they talk to, what records did they review, and what were their assumptions for their analysis?

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How is the Project consistent with the protection program?

It is the responsibility of County leaders to protect the Scenic Highway Designation. It is also the responsibility of County leaders to protect the designated County Scenic Roads. The DEIR fails to provide a complete list of the General Plan Policies, Toro Plan Policies and County Ordinances in effect at this time that apply to the scenic aspect of Highway 68, and Corral de Tierra Road.

For visual and aesthetics review, compliance with CEQA requires at minimum that a Scenic Resource Evaluation be conducted. A Visual Impact Assessment is prepared to comply with the requirements of NEPA. In practice, these CEQA and NEPA requirements -- Scenic Resource Evaluation and Visual Impact Assessment -- are often combined into one technical report.

Where is the Scenic Resource Evaluation for this project? It should be included in the DEIR. Please provide this technical report. Please provide information on who prepared it, and their qualifications.

Scenic Highway Analysis requires both View from the Road and View of the Road. This DEIR makes a poor attempt at analysis of "View from the Road" but skips

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analysis of "View of the Road" from surrounding perspectives. The proposed Project will have a substantial impact on "view of the road" from surrounding hilltops and hillsides, both private and public, in the Corral de Tierra/Highway 68 vicinity.

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Why did the EIR ignore the analysis of "View of the Road"? Who made that determination?

Section 4.1.7 (page 112), Level of Significance Prior to Mitigation:

In the first paragraph, the DEIR states "The Project would cause significant modification of existing views of the Site from public vantage points..."

In the second paragraph it states "Potential impacts from new lighting on the Site would be potentially significant."

And yet, in the third paragraph, it concludes, "The Project is not anticipated to substantially change the cumulative aesthetic environment in the immediate project area, and the Project's effect on the cumulative aesthetic change to the study area would be less than significant."

Please explain the logic of this final sentence and conclusion. They do not make sense. Who made the conclusion, based on what facts?

The project would change almost 11 acres of rural open field into a shopping center almost all covered with buildings and pavement, with 24-hour lighting and signage. There is no question that the project would have significant project-level and cumulative impacts on aesthetics.

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The DEIR fails to adequately analyze the Toro Area Plan Policy for "The quality of darkness" The DEIR does not present any data on night lighting, brightness of lighting, quantity of lighting, onsite and offsite glare. How will the County enforce a lighting plan when it rarely, if ever, has before? Night lighting on internal streets and driveways in the Toro Area have gone up many times before, after the project is signed off by the County, and the County has done nothing. Has the County ever enforced a lighting plan after a project has been approved? If so, please provide details.

A Lighting Plan to be produced later and generically submitted to "the Planning Department" for review may not mitigate neighborhood concerns nor comply with the County Policy. Deferral of mitigations is not permitted.

Mitigation Measure 4.1.4 (page 313) is titled "Landscape Plan"

The County has a terrible record with regard to landscape plans for subdivisions, both in general and in the project area.

a) In 2010, Mike Weaver made a public records request for a copy of the Landscape Plan of neighboring Corral de Tierra Meadows. The County could not find it or produce it -- not the Monterey County Planning Department, nor the Monterey County Public Works Department. (2010)

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- b) The County has ignored the Landscape Plan at the neighboring minor subdivision North of the Project site. The County has done nothing to enforce that plan.
 - c) The County lost the Landscape Plan for the Markham Ranch subdivision.
 - d) The County is not enforcing project mitigations and project conditions for Pasadena. Non-drought tolerant landscaping is established in Pasadena.
- The EIR preparer may argue it is outside the scope of this DEIR. However, pattern and practice, in this County, make it a relevant concern and question.

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Mitigation Measure 4.1.4 Landscape Plan references "appropriate tree species" and "rapid growth shrub and tree species". The specific concern is that this is NOT a Landscape Plan, and how is the affected community supposed to know how this will all look? Where is the EIR analysis of these key aesthetic and biological issues?

The bottom of page 88 of the DEIR has section 4.1.4 **Impact of Significance Criteria**. It is short. For the ease of the reader, the short introduction and four thresholds are copied here because the issue is very important.

Significance criteria for evaluating project impacts on aesthetic resources are based on Appendix G of the CEQA Guidelines. Implementation of the Project would have a significant impact on aesthetic resources if the Project would:

Threshold 4.1.1 Have a substantial adverse effect on a scenic vista;

Threshold 4.1.2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;

Threshold 4.1.3 Substantially degrade the existing visual character or quality of the site and its surroundings; or

Threshold 4.1.4 Create a source of substantial light or glare which would adversely affect day or nighttime views in the area.

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The answer to all of the above four CEQA thresholds would be YES. Don't you agree? If not, why not?

On page 112, Section 4.1.7 of the DEIR, titled Level of Significance PRIOR to Mitigation, the third paragraph concludes:

"The Project is not anticipated to substantially change the cumulative aesthetic environment in the immediate project area and the Project's effect on the cumulative aesthetic change to the study area would be less than significant."

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HUH? Please name the Planners and Consultants who paid a site visit to the site and determined this. The neighbors have strong opinions that the project would significantly and permanently change the immediate project area, both on an individual level and on a cumulative impact level.

The DEIR then goes on to list some mitigation measures such as eliminating eight parking spaces...and then Standard Conditions of Approval. It then lumps Biological Resources, aesthetic/visual resources, visual character, and critical viewshed together and states impacts will be less than significant! Additionally, the final sentence throws in, "Project impacts to light and glare would be reduced to below significance with implementation of the mitigation measures for the Lighting Plan."

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Who lumped these issues together and made the determination of "less than significant" based on no objective criteria? Please identify all criteria, assumptions, and data used to arrive at the conclusion that each impact would be less than significant.

There is no Lighting Plan! Mitigation measure 4.1.5 states "A Final Lighting Plan for the Project shall be submitted for review to the County of Monterey RMA-Planning Department prior to the issuance of any building permits."

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The DEIR -- and this mitigation -- does not address Scenic Highway criteria or Toro Area Plan policies, which the DEIR failed to disclose or analyze the project's consistency with. Why not?

The DEIR is inadequate in addressing Scenic Resources and addressing potential impacts to them and to the State Scenic Highway, the County Scenic Road, the traveling public, and area residents. Please provide all information and documents where County staff asked for modifications to the Project to make it less impactful.

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There are two very helpful attachments to this letter, as mentioned earlier, addressing the Scenic Highway aspect of the DEIR for the proposed Corral de Tierra Village Project. These attachments should be read as a start to addressing Scenic concerns.

Sincerely,



Mike Weaver
Chair, The Highway 68 Coalition

Attachment #1, Visual Impact Assessment Guide (Hyperlink to Chapter 27), 10 pages.

Attachment #2, Scenic Highway Guidelines, 28 pages.

([Hyperlink to Chapter 27](#))

Visual Impact Assessment Guide

The following questions, and subsequent score should be used as a guide to determine the level of detail required for a VIA. It is helpful in estimating the probable visual impacts a proposed project may have on the environment. This checklist is meant to assist the writer of the visual study in understanding the degree and breadth of the possible visual issues. The goal is to develop a suitable document strategy that is both thorough, efficient and defensible.

Consider each of the ten questions below and select the response that most closely applies to the project in question. Each response has a corresponding point value. After the checklist is completed the total score will represent the type of VIA document suitable for the project.

It is important that this scoring system be used as a preliminary guide only and should not be used as a substitute for objective analysis on the part of the user. Although the collective score may direct the user toward a certain level of analysis document, circumstances associated with any one of the ten question-areas may necessitate elevating the VIA to a greater level of detail.

Change to the Visual Environment

1. *Will the project result in a noticeable change in the physical characteristics of the existing environment?*

(Consider all project components and construction impacts - both permanent and temporary, including landform changes, structures, noise barriers, vegetation removal, railing, signage, and contractor activities)

High level of change (3) Moderate level of change (2) Low level of change (1)

2. *Will the project complement or contrast with the visual character desired by the community?*

(Evaluate the scale and extent of the project features compared to the surrounding scale of the community. Is the project likely to give an urban appearance to an existing rural or suburban community? Is the change viewed as positive or negative? Research planning documents, or talk with local planners and community representatives to get a rough idea of what type of visual environment local residents envision for their community.)

Highly incompatible (3) Somewhat incompatible (2) Somewhat compatible (1)

3. *What types of project features and construction impacts are proposed? Are bridge structures, large excavations, sound barriers, or median planting removal proposed?*

(Certain project improvements can be of special local interest, causing a heightened level of public concern, and requiring a more focused visual analysis.)

High concern (3) Moderate concern (2) Low concern (1)

4. Will the project changes likely be mitigated by normal means such as landscaping and architectural enhancement or will avoidance measures be necessary to minimize adverse change?

(Consider the type of changes caused by the project, i.e., can undesirable views be screened or will desirable views be permanently obscured?)

Project alternative may be needed (3) Extensive mitigation likely (2) Normal mitigation (1)

5. Will this project, when seen collectively with other projects, result in an aggregate adverse change in overall visual quality or character?

(Identification of contributing projects should include any projects (both departmental and local) in the area that have been constructed within the last couple of years and those currently envisioned or planned for future construction. The window of time and the extent of area applicable to possible cumulative impacts should be based on a reasonable anticipation of the viewing public's perception.)

Impacts likely in 0-5 years (3) Impacts likely in 6-10 years (2) Cumulative impacts unlikely (1)

Viewer Sensitivity

1. What is the potential that the project proposal may be controversial within the community, or opposed by any organized group?

(This can be researched initially by talking with Departmental and local agency management and staff familiar with the affected community's sentiments as evidenced by past projects and/or current information. Factor in your own judgment as well.)

High Potential (3) Moderate Potential (2) Low Potential (1)

2. How sensitive are potential viewer-groups likely to be regarding visible changes proposed by the project?

(Consider among other factors the number of viewers within the group, probable viewer expectations, activities, viewing duration, and orientation. The expected viewer sensitivity level may be scoped by applying professional judgment, and by soliciting information from other Caltrans staff, local agencies and community representatives familiar with the affected community's sentiments and demonstrated concerns.)

High Sensitivity (3) Moderate Sensitivity (2) Low Sensitivity (1)

3. To what degree does the project appear to be consistent with applicable laws, ordinances, regulations, policies or standards?

(Although the State is often not obligated to adhere to local planning ordinances, these documents are critical in understanding the importance the local communities place on aesthetic issues. The Caltrans Environmental Planning branch may have copies of the planning documents that pertain to the project. If not, this information can be obtained by contacting the local planning department. Many local and state planning documents can be found online at the [California Land Use Planning Network](#)).

Incompatible (3) Moderately compatible (2) Largely compatible (1)

4. Are any permits going to be required by outside regulatory agencies (i.e., Federal, State, or local) that will necessitate a particular level of Visual Impact Assessment?

(Anticipated permits, as well as specific permit requirements - which are defined by the permitter, may be determined by talking with the project Environmental Planner and Project Engineer. Note: coordinate with the Caltrans representative responsible for obtaining the permit prior to communicating directly with any permitting agency.)

Yes (3)

Maybe (2)

No (1)

5. Will the Project Development Team or public benefit from a more detailed visual analysis in order to help reach consensus on a course of action?

(Consider the proposed project features, possible environmental impacts, and probable mitigation recommendations.)

Yes (3)

Maybe (2)

No (1)

Determining the Type of Visual Impact Assessment Required

The total score will indicate the general level of Visual Impact Assessment that should be performed for the project. Once the level of recommended assessment is identified, the user should double-check the results by comparing each of the ten question-areas to the total score in order to confirm that the level of document appears sufficient and reasonable in each case.

Score 25-30 - Prior to preparing a VIA, a formal visual scoping study that meets or exceeds FHWA requirements is recommended to alert the Project Development Team to potential highly adverse impacts and to develop new project alternatives to avoid those impacts.

Score 20-24 - A fully developed VIA, that meets or exceeds FHWA requirements, is recommended. This technical study will likely receive extensive public review.

Score 15-19 - An abbreviated VIA would be appropriate in this case. The assessment would describe project features, impacts and mitigation requirements. Visual simulations would be optional.

Score 10-14 - A brief Visual assessment in memo form would likely be sufficient.

VISUAL IMPACT ASSESSMENT

PROJECT TITLE

Date:

District-County-Route

KP

EA

Caltrans District XX

Office

Prepared by:

Name
License #XXXX
Project Landscape Architect

Approved by:

Name
License #XXXX
Caltrans District Landscape Architect
Office/Branch
District XX

I. PURPOSE OF STUDY

The purpose of this study is to assess the visual impacts of the proposed project and to propose measures to mitigate any adverse visual impacts associated with the construction of...on the surrounding visual environment.

II. PROJECT DESCRIPTION

The project proposes to construct...

III. ASSESSMENT METHOD

The process used in this visual impact study generally follows the guidelines outlined in the publication "Visual Impact Assessment for Highway Projects", Federal Highway Administration (FHWA), March 1981.

Six steps required to assess visual impacts were performed. They are as follows:

- A. Define the project setting and viewshed.
- B. Identify key views for visual assessment.
- C. Analyze existing visual resources and viewer response.
- D. Depict the visual appearance of project alternatives.
- E. Assess the visual impacts of project alternatives.
- F. Propose methods to mitigate adverse visual impacts.

IV. VISUAL ENVIRONMENT OF THE PROJECT

A. Project Setting

The regional landscape establishes the general visual environment of the project, but the specific visual environment upon which this assessment will focus is determined by defining landscape units and the project viewshed.

(Describe project setting.)

B. Landscape Units

A landscape unit is a portion of the regional landscape and can be thought of as an outdoor room that exhibits a distinct visual character. A landscape unit will often correspond to a place or district that is commonly known among local viewers.

(Identify and describe landscape units.)

C. Project Viewshed

A viewshed is a subset of a landscape unit and is comprised of all the surface areas visible from an observer's viewpoint. The limits of a viewshed are defined as the visual limits of the views located from the proposed project. The viewshed also includes the locations of viewers likely to be affected by visual changes brought about by project features.

(Identify viewshed limits for the project.)

V. EXISTING VISUAL RESOURCES AND VIEWER RESPONSE

A. FHWA Method of Visual Resource Analysis

Identify Visual Character – Visual character is descriptive and non-evaluative which means it is based on defined attributes that are neither good nor bad in themselves. A change in visual character can not be described as having good or bad attributes until it is compared with the viewer response to that change. If there is public preference for the established visual character of a regional landscape and resistance to a project that would contrast that character, then changes in the visual character can be evaluated.

Assess Visual Quality – Visual quality is evaluated by identifying the vividness, intactness and unity present in the viewshed. The FHWA states that this method should correlate with public judgments of visual quality well enough to predict those judgments. This approach is particularly useful in highway planning because it does not presume that a highway project is necessarily an eyesore. This approach to evaluating visual quality can also help identify specific methods for mitigating each adverse impact that may occur as a result of a project. The three criteria for evaluating visual quality can be defined as follows:

Vividness is the visual power or memorability of landscape components as they combine in distinctive visual patterns.

Intactness is the visual integrity of the natural and man-built landscape and its freedom from encroaching elements. It can be present in well-kept urban and rural landscapes, as well as in natural settings.

Unity is the visual coherence and compositional harmony of the landscape considered as a whole. It frequently attests to the careful design of individual manmade components in the landscape.

B. Existing Visual Resources

1. Existing Visual Character

(Describe existing visual character of each landscape unit.)

2. Existing Visual Quality

(Describe existing visual quality of each landscape unit.)

C. Methods of Predicting Viewer Response

Viewer response is composed of two elements: viewer sensitivity and viewer exposure. These elements combine to form a method of predicting how the public might react to visual changes brought about by a highway project.

Viewer sensitivity is defined both as the viewers' concern for scenic quality and the viewers' response to change in the visual resources that make up the view. Local values and goals may confer visual significance on landscape components and areas that would otherwise appear unexceptional in a visual resource analysis. Even when the existing appearance of a project site is uninspiring, a community may still object to projects that fall short of its visual goals. Analysts can learn about these special resources and community aspirations for visual quality through citizen participation procedures, as well as from local publications and planning documents.

Viewer exposure is typically assessed by measuring the number of viewers exposed to the resource change, type of viewer activity, duration of their view, speed at which the viewer moves, and position of the viewer. High viewer exposure heightens the importance of early consideration of design, art, and architecture and their roles in managing the visual resource effects of a project.

D. Existing Viewer Sensitivity

(Predict existing viewer sensitivity.)

E. Existing Viewer Groups, Viewer Exposure, and Viewer Awareness

(Identify existing groups, describe viewer exposure, and predict viewer awareness.)

VI. VISUAL IMPACT ASSESSMENT

A. Method of Assessing Project Impacts

The visual impacts of project alternatives are determined by assessing the visual resource change due to the project and predicting viewer response to that change.

Visual resource change is the sum of the change in visual character and change in visual quality. The first step in determining visual resource change is to assess the compatibility of the proposed project with the visual character of the existing landscape. The second step is to compare the visual quality of the existing resources with projected visual quality after the project is constructed.

The viewer response to project changes is the sum of viewer exposure and viewer sensitivity to the project as determined in the preceding section.

The resulting level of visual impact is determined by combining the severity of resource change with the degree to which people are likely to oppose the change.

B. Definition of Visual Impact Levels

Low - Minor adverse change to the existing visual resource, with low viewer response to change in the visual environment. May or may not require mitigation.

Moderate - Moderate adverse change to the visual resource with moderate viewer response. Impact can be mitigated within five years using conventional practices.

Moderately High - Moderate adverse visual resource change with high viewer response or high adverse visual resource change with moderate viewer response. Extraordinary mitigation practices may be required. Landscape treatment required will generally take longer than five years to mitigate.

High - A high level of adverse change to the resource or a high level of viewer response to visual change such that architectural design and landscape treatment cannot mitigate the impacts. Viewer response level is high. An alternative project design may be required to avoid highly adverse impacts.

C. Analysis of Key Views

Because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project.

Key view locations are shown in Exhibit....

Key view #1

Orientation

Existing Visual Quality/Character

Proposed Project Features

Change to Visual Quality/Character

Viewer Response

Resulting Visual Impact

D. Summary of Project Impacts

(Describe overall project impacts including those not depicted in a key view.)

E. Cumulative Impacts

(Document any cumulative impacts caused by the project.)

VII. VISUAL MITIGATION

Caltrans and the FHWA mandate that a qualitative/aesthetic approach should be taken to mitigate for visual quality loss in the project area. This approach fulfills the letter and the spirit of FHWA requirements because it addresses the actual cumulative loss of visual quality that will occur in the project viewshed when the project is implemented. It also constitutes mitigation that can more readily generate public acceptance of the project.

Visual mitigation for adverse project impacts addressed in the key view assessments and summarized in the previous section will consist of adhering to the following

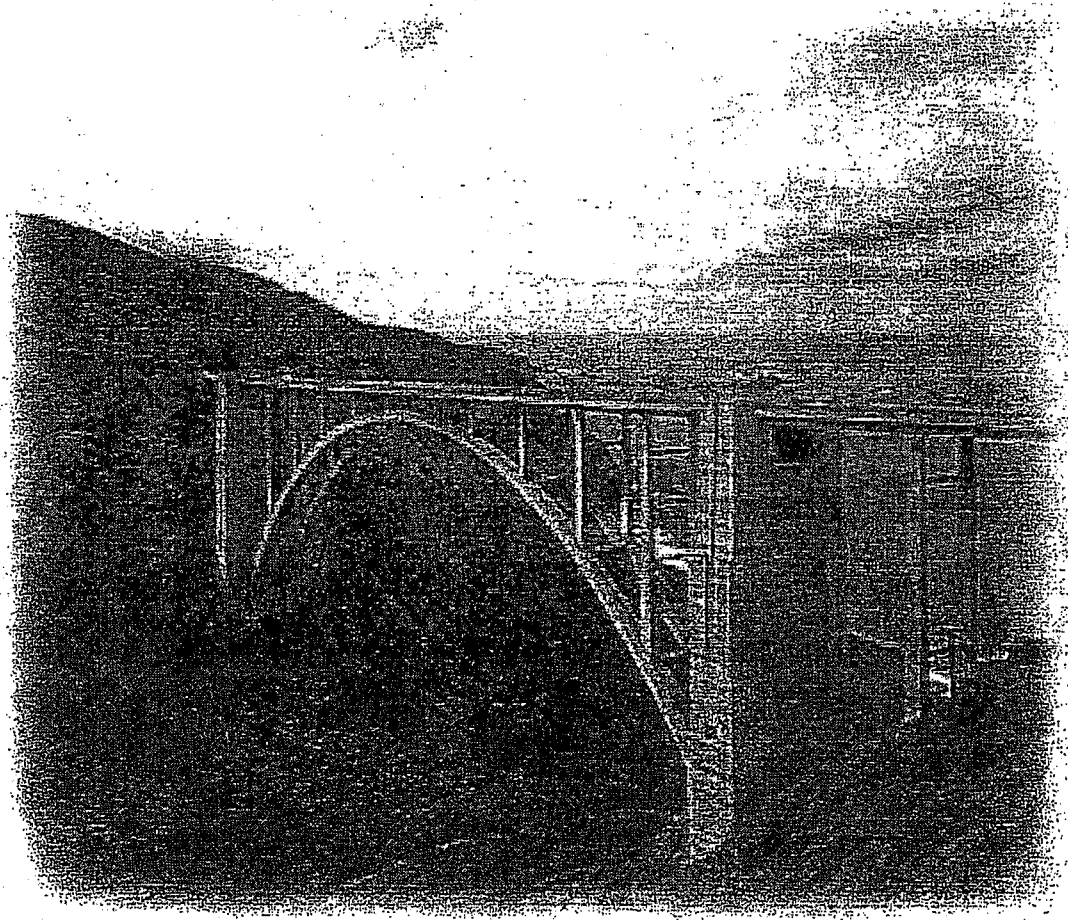
design requirements in cooperation with the District Landscape Architect. The requirements are arranged by project feature and include design options in order of effectiveness. All visual mitigation will be designed and implemented with the concurrence of the District Landscape Architect.

(Describe required visual mitigation.)

VIII. REFERENCES

U.S.D.O.T., Federal Highway Administration, Office of Environmental Policy,
Visual Impact Assessment for Highway Projects, U. S. Department of Transportation
Washington D. C. March 1981.

Scenic Highway Guidelines



Scenic Highway Guidelines

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SECTION I: INTRODUCTION AND BACKGROUND

The Department of Transportation (Caltrans) manages the State Scenic Highway Program, provides guidance, and assists local government agencies, community organizations, and citizens with the process to officially designate scenic highways. The following information includes background and criteria for the Scenic Highway Program, and describes nomination steps for the official designation of State and County Scenic Highways. In addition, this guidance discusses compliance reviews and the revocation of scenic highway designations.

Scenic Highway Program History

In 1963, the State Legislature established the California Scenic Highway Program through Senate Bill 1467 (Farr). The bill declared:

"The development of scenic highways will not only add to the pleasure of the residents of this State, but will also play an important role in encouraging the growth of the recreation and tourist industries upon which the economy of many areas of this State depend."

Senate Bill 1467 added Sections 260 through 263 to the Streets and Highways Code. In these statutes the State proclaims intent to:

"establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the State highway system which, together with adjacent scenic corridors, require special conservation treatment." (Scenic corridors consist of land that is visible from, adjacent to, and outside the highway right-of-way, and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries.)

Existing law provides Caltrans with full possession and control of all State highways. This legislation places the Scenic Highway Program under the stewardship of Caltrans.

The legislation further declares the intent of the State to assign responsibility for the regulation of land use and development along scenic highways to the appropriate State and local governmental agencies. A county highway component was later added to the Scenic Highway Program in Section 154 of the Streets and Highways Code. These and related statutes are located in Appendix A.

Scenic Highway Program Features

The following features characterize the program:

- ❖ A State Scenic Highway System list of highways eligible to become, or designated as, official scenic highways. Legislative action establishes and amends this list.
- ❖ A process for the designation of official State or County Scenic Highways whereby cities and/or counties (hereafter referred to as local governing bodies) develop and implement a Corridor Protection Program containing five legislatively required elements, generally accepted as land use planning standards.
- ❖ State and District Scenic Highway Coordinators who review and recommend eligible highways for official scenic highway designation to the Caltrans Director.

- ❖ Caltrans places scenic highway signs with the poppy logo along officially designated scenic routes (the California poppy serves as the logo for the California Scenic Highway Program).
- ❖ A process for revoking official State or County Scenic Highway designations that no longer comply with the program requirements.

SECTION II: SCENIC HIGHWAY CRITERIA

The goal of the California Scenic Highway Program is to preserve and enhance the natural beauty of California. California contains several distinct landscape regions and the merits of a particular landscape are considered within the context of its own region. Regardless of landscape region, the highway should traverse an area of outstanding scenic quality, containing striking views, flora, geology, or other unique natural attributes. Therefore, Caltrans evaluates the merits of a nominated highway on how much of the natural landscape a traveler sees and the extent to which visual intrusions impact the "scenic corridor." Visual intrusions may be natural or constructed elements, viewed from the highway, that adversely affect the scenic quality of a corridor. Adverse affects are characterized as minor, moderate, or major. Visual intrusions are evaluated in the following manner:

- ❖ The more pristine the natural landscape is and less affected by intrusions, the more likely the nominated highway will qualify as scenic.
- ❖ Where intrusions have occurred, the less impact they have on an area's natural beauty, the more likely the nominated highway will qualify as scenic.
- ❖ The extent to which intrusions dominate views from the highway will determine the significance of their impact on the scenic corridor.

State highways nominated for scenic designation must first be on the statutory list of highways eligible for scenic designation in the State Scenic Highway System. These highways are identified in Section 263 of the Streets and Highways Code (see Appendix A). A process for adding eligible highways to the statutory list is described in Section III: Obtaining Eligibility. County highways nominated for scenic designation that are believed to have outstanding scenic values are considered eligible and do not require any legislative action. Both State and county highway nominations follow the same process and have the same requirements.

Scenic highway nominations are evaluated using the following criteria:

- ❖ The State or county highway consists of a scenic corridor that is comprised of a memorable landscape that showcases the natural scenic beauty or agriculture of California (see definition for 'vividness', under Section III: Step 1, Visual Assessment).
- ❖ Existing visual intrusions do not significantly impact the scenic corridor (see definitions for 'intactness' and 'unity' below, under Section III: Step 1: Visual Assessment).
- ❖ Demonstration of strong local support for the proposed scenic highway designation.
- ❖ The length of the proposed scenic highway is not less than a mile and is not segmented.

When Caltrans determines the proposed scenic highway satisfies these qualifications, the local governing body, with citizen support, must adopt a program to protect the scenic corridor. The zoning and land use along the highway must meet the State's legislatively required elements for scenic highway corridor protection as stated in Section IV: Designation Process.

SECTION III: NOMINATION PROCESS

Obtaining Eligibility

A state route must be included on the list of highways eligible for scenic highway designation in Streets and Highways Code Section 263 (see Appendix A). State routes not listed must be added before they can be nominated for official designation. Additions and deletions can only be made through legislative action. Short (less than a mile) or segmented routes are not recommended for inclusion in the State Scenic Highway System. If several suitable routes within a jurisdiction are being considered, they may be incorporated by a single legislative action.

It is advisable for the local governing body to consult with the Caltrans District Scenic Highway Coordinator to determine suitability for scenic designation *before* seeking legislative action. Location and contact information for Caltrans Scenic Highway Coordinators is in Appendix D.

Eligible Scenic Highways

Once a state route is in Streets and Highways Code Section 263, it may be nominated for official designation by the local governing body with jurisdiction over the lands adjacent to the proposed scenic highway. The application to nominate eligible scenic highways for official designation requires the preparation of a visual assessment and Scenic Highway Proposal. The proposal must include a letter of intent from the local governing body, topographic and zoning maps, and a narrative description of the scenic elements in the corridor that includes a discussion of any visual intrusions on scenic views. Steps for completing the application are explained below. A flow chart summarizing the process and procedure is in Appendix B. The local governing body should contact the District Scenic Highway Coordinator before starting this process. See Appendix D for contact information.

STEP 1

Visual Assessment

The local governing body must prepare and submit a brief and concise visual assessment. The visual assessment must identify scenic attributes and visual intrusions, as viewed from the highway, and describe how those characteristics contribute or detract from the overall quality of the corridor's visual environment. The local governing body should consult with the District Scenic Highway Coordinator prior to preparing the visual assessment.

The visual assessment should include the following items for the proposed scenic highway:

- ❖ Identification of major landscape segments that represent unique characteristics or that correspond to previously named places or districts.
- ❖ An inventory of the natural landscape such as landforms, vegetation, water features.

- ❖ A description of visual intrusions and length of impact. Not more than one-quarter of the proposed scenic highway should be impacted by visual intrusions. For a mile segment, "one-quarter" is calculated either as 1/4 of a mile impacted by continuous intrusions on one or both sides of the highway, or intrusions occurring on one or the other side of the highway totaling 1/4 of a mile. Examples of visual intrusions are provided in Appendix E.
- ❖ Photo-images or other supporting graphics.

California contains several distinct landscape regions and the merits of a particular landscape are considered within the context of its own region. However, the highway should traverse an area of outstanding scenic quality, containing striking views, flora, geology, and other unique natural attributes.

The visual assessment should use the following terms in discussing visual quality of the proposed scenic highway:

- ❖ **Vividness** - The extent to which the landscape is memorable. This is associated with the distinctiveness, diversity and contrast of visual elements. A vivid landscape makes an immediate and lasting impression on the viewer.
- ❖ **Intactness** - The integrity of visual order in the landscape and the extent to which the natural landscape is free from visual intrusions.
- ❖ **Unity** - The extent to which visual intrusions are sensitive to and in visual harmony with the natural landscape.

STEP 2

Consultation with Caltrans

The local governing body must discuss and field review the visual assessment of the proposed scenic highway with the District Scenic Highway Coordinator before proceeding to Step 3.

STEP 3

Scenic Highway Proposal




The local governing body must prepare a Scenic Highway Proposal that consists of the following:

A. Letter of intent—The local governing body must submit a current letter of intent to seek official scenic highway designation. When more than one governing body is involved, a joint letter of intent may be submitted. The letter should cite the reason(s) (e.g., scenic protection, tourism) for seeking official scenic highway designation.

B. Topographic map and map overlay—A two-part mapping procedure is required to illustrate the visual quality of the proposed scenic highway.

A **topographic map** (USGS or comparable) should show the proposed scenic corridor boundaries and scenic highway limits. The map should show natural features in the landscape such as landforms, water, and vegetative cover.

The map overlay should be colored to indicate where minor, moderate, and major intrusions (see definitions and colors below) are visible from the highway. These colored intrusions should correspond and be identified by state highway post-mile designations. As an alternative to the map overlay, the topographic map may be colored to indicate the level of intrusions. Examples of intrusions are in Appendix E.

	Minor intrusions are those that are somewhat but not entirely compatible with the landscape or are of recognized cultural or historical significance. Color these yellow.
	Moderate intrusions are those that are not well integrated into the landscape and yet do not dominate the landscape or obstruct scenic views. Color these orange.
	Major intrusions are those that dominate the landscape, degrade or obstruct scenic views. Color these red.

C. Zoning map - A zoning map should delineate the scenic corridor and show existing and allowable land uses.

D. Narrative - A complete description of the elements that makes the route scenic, including natural features, structures of historical significance and other scenic resources that are visible from the highway. The narrative should describe the types of visual intrusions such as buildings, unsightly land uses, and noise barriers, and the percentage for minor, moderate, or major intrusions impacting the highway. In addition, provide a description of present zoning and planned zoning changes for lands in the scenic corridor. Include photo-images and other supporting graphics.

To calculate the percentage of the highway impacted by visual intrusions, determine the highway length impacted by each intrusion and divide it by the total mileage of the proposed scenic highway in one direction. When intrusions occur on both sides of the highway at the same location, measure and select only the more prominent intrusion (e.g., major over moderate, moderate over minor) for calculating length and percentage. As an example, when a 5-mile segment of proposed scenic highway has a 1/2-mile section that is impacted by moderate intrusions on one side and minor intrusions on the other, then it should be noted that approximately ten percent of the roadway is impacted by moderate intrusions.

The Scenic Highway Proposal should be placed on the agenda at a public meeting to allow public input at the beginning of the project. Include letters of support for the proposal from the public and other interested parties.

Examples of Scenic Highway Proposals are available on the Scenic Highways webpage at:
http://www.dot.ca.gov/hq/LandArch/scenic/guidelines/sr1_example.pdf
http://www.dot.ca.gov/hq/LandArch/scenic/guidelines/sr395_example.pdf

STEP 4

Caltrans Review of Scenic Highway Proposal

- ❖ Following completion of the Scenic Highway Proposal, the local governing body submits 1 electronic copy and 3 hard copies to the District Scenic Highway Coordinator.
- ❖ The District Scenic Highway Coordinator forwards a copy of the proposal to the State Scenic Highway Coordinator for concurrent review. The proposal is reviewed for

completeness and accuracy, and to ensure it complies with Section II: Scenic Highway Criteria.

- ❖ The District Scenic Highway Coordinator provides comments to the local governing body, including those by the State Scenic Highway Coordinator, for incorporating into the proposal.
- ❖ After the final package is accepted and the Scenic Highway Coordinators determine the route meets scenic highway criteria, the District Scenic Highway Coordinator directs the local governing body to begin the next step; preparation and adoption of the Corridor Protection Program as described in Section IV: Designation Process.

SECTION IV: DESIGNATION PROCESS

STEP 1

Corridor Protection Program

This step requires the local governing body to develop and adopt protection measures in the form of ordinances, zoning, and/or planning policies that apply to the area of land within the scenic corridor (see definition in Section I: Scenic Highway Program History). When there is more than one governing body involved, each jurisdiction shall jointly submit protection measures. Such ordinances and/or policies may already exist. They should be assembled in an easy-to-read format and arranged under the headings of the five legislatively required elements¹ listed below. They should be written in sufficient detail to avoid broad discretionary interpretation and demonstrate a concise strategy to effectively maintain the scenic character of the corridor. An effective protection program ensures that activities within the scenic corridor are compatible with scenic resource protection and consistent with community values, while still allowing appropriate development.

The five legislatively required elements of corridor protection² are:

- 1) Regulation of land use and density of development (i.e., density classifications and types of allowable land uses),
- 2) Detailed land and site planning (i.e., permit or design review authority and regulations for the review of proposed developments),
- 3) Control of outdoor advertising (i.e., prohibition of off-premise advertising signs³ and control of on-premise advertising signs),
- 4) Careful attention to and control of earthmoving and landscaping (i.e., grading ordinances, grading permit requirements, design review authority, landscaping and vegetation requirements), and

¹ See Appendix A, Section 261 of the Streets and Highways Code, Planning and Design Standards.

² For additional requirements on scenic highways see Appendix A, Section 320 of the Public Utilities Code, Undergrounding of Electric and Communication Distribution Facilities near State Scenic Highways.

³ See Appendix A, Section 5440.1 of the Business and Professions Code, Outdoor Advertising Act.

5) The design and appearance of structures and equipment (i.e., design review authority and regulations for the placement of utility structures, microwave receptors, wireless communication towers, etc.).

Examples of Corridor Protection Programs are available on the Scenic Highways webpage at:
http://www.dot.ca.gov/hq/LandArch/scenic/guidelines/sr1_example.pdf
http://www.dot.ca.gov/hq/LandArch/scenic/guidelines/sr395_example.pdf

STEP 2

Public Participation

Public participation is important for the preparation of a Corridor Protection Program. Affected property owners, local citizens' committees, environmental groups and other stakeholders who might be impacted or interested in the proposed designation should be involved as early as possible to afford ample time for review and comment before official action is taken. Direct notification of affected parties by the local governmental body is strongly suggested. Effective citizen participation results in a protection program that meets local desires and reduces the probability of controversy.

STEP 3

Caltrans Review of Corridor Protection Program

Following adoption of the Corridor Protection Program, the local governing body(s) submits a request for official designation to the District Scenic Highway Coordinator. The submittal must include 1 electronic version and 3 hard copies of each:

- ❖ The adopted Corridor Protection Program, arranged under the headings of the five legislatively required elements;
- ❖ A brief description of the process employed for public participation, and
- ❖ Evidence of protection program adoption such as official resolution, copy of local ordinances, or planning policies.

The Corridor Protection Program is reviewed as follows:

- ❖ The District Scenic Highway Coordinator forwards a copy of the Corridor Protection Program to the State Scenic Highway Coordinator for concurrent review. The coordinators check for compliance with the five legislatively required elements and indicate to the local governing body any deficiencies of the Corridor Protection Program.
- ❖ After receiving an acceptable submittal that includes any deficiency corrections, the District Scenic Highway Coordinator submits a recommendation for official designation to the Caltrans District Director for concurrence.
- ❖ Upon District Director concurrence, a recommendation to designate the route is submitted to the State Scenic Highway Coordinator. If the State Scenic Highway Coordinator concurs with the District recommendation, then a final recommendation to designate the route is submitted to the Caltrans Director for approval.

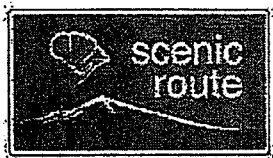
STEP 4

Official Designation of Scenic Highways

If the Caltrans Director approves the scenic highway recommendation, the route becomes an official State Scenic Highway. In the case of a recommendation to designate a county highway, the Director authorizes the county to designate the highway as an official County Scenic Highway. State and County Scenic Highways are on the Caltrans scenic highway map and included with other information made available to the public.

SECTION V: SCENIC HIGHWAY SIGNS

Upon official designation, Caltrans places and maintains scenic highway signs on *State Scenic Highways*. For *County Scenic Highways* the District, at its discretion, furnishes scenic highway signs to the county at no cost. The county is responsible for the installation and maintenance of these signs. Standards for scenic highway signing are published in the *Manual of Uniform Traffic Control Devices (MUTCD) California Supplement* and include guidance for:



Posting G30 scenic highway signs (48" x 26"), when appropriate, with the words "scenic route," to identify routes that have been designated as official State Scenic Highways. The sign is installed on the right at the beginning of the scenic route. A standard sign indicating "begin" (26" x 12") may be used with this sign.



Posting G30A scenic highway signs (12" x 18" or 18" x 27") at beginning, end and/or intermittent locations on the State Scenic Highway. These signs are posted below and on the same post as the route shields. On conventional highways, these signs will be installed at important urban and rural intersections and at three- to five-mile intervals in rural areas. G30C signs indicating "begin" (26" x 12") and/or G30D signs indicating "end" (18" x 12") may be used in combination with these signs.



Posting G30B five-sided scenic highway signs (18" x 18" or 24" x 24") at beginning and/or intermittent locations on the County Scenic Highway.

All requests for new or replacement signs must be ordered and approved by the Caltrans District Traffic Engineer.

SECTION VI: COMPLIANCE REVIEW

The degree to which a Corridor Protection Program is successful depends on enforcement of the protection measures. This requires that the District Scenic Highway Coordinator remains familiar with the requirements of the protection program and any significant visual changes to the corridor. Caltrans is authorized by statute to revoke an official scenic highway designation if it

determines that the Corridor Protection Program or the scenic quality of the corridor is no longer in compliance.

Caltrans defines non-compliance for a Corridor Protection Program as a program that:

- ❖ No longer complies with the five legislatively required elements under Section 261 of the Streets and Highways Code, or
- ❖ No longer affords protection because required elements have been amended or changed, or
- ❖ No longer is being enforced by the local governing body.

Non-compliance for scenic quality is defined as a route or route segment that has been significantly degraded due to visual intrusions.

To maintain the consistency and integrity of the California Scenic Highway Program, Caltrans conducts a compliance review of each designated scenic highway and its Corridor Protection Program every five years, or more often if the corridor has significant scenic degradation issues. The District Scenic Highway Coordinator initiates this effort and conducts a field review to assess the effectiveness of the route's protection program. At this time the local governing body(s) is asked to provide a copy of the protection program, that includes any amendments or updates, approved variances or exceptions that are relevant. If the local governing body chooses to forego this review it may request, by letter of intent, revocation of the scenic highway designation. For the complete process under this circumstance see Section VII: Revocation Process.

If it is determined that no scenic degradation or protection program infractions exist, or if infractions have been identified and are resolved, the District Scenic Highway Coordinator informs the State Scenic Highway Coordinator and certifies route compliance. When protection program infractions are identified, the District Scenic Highway Coordinator will notify the local governing body(s) to discuss a possible resolution. The local governing body(s) will be given a period of one year from the date of notification to remedy the infraction(s). The District Scenic Highway Coordinator documents the protection program infractions and whether or not they are resolved.

SECTION VII: REVOCATION PROCESS

Initiated by Caltrans

- ❖ When significant scenic degradation has occurred or when there are protection program infractions that cannot be resolved, the District Scenic Highway Coordinator informs the State Scenic Highway Coordinator.
- ❖ The District Scenic Highway Coordinator prepares the appropriate documentation and, with concurrence from the District Director, notifies the local governing body of the Department's intent to revoke the scenic highway designation.
- ❖ Following a meeting between the District and the local governing body to discuss this action, the District Scenic Highway Coordinator submits a recommendation for revocation to the State Scenic Highway Coordinator.

- ❖ If the State Scenic Highway Coordinator concurs with the District recommendation, then a final recommendation for revocation is submitted to the Caltrans Director for approval.
- ❖ The Director makes the final decision to revoke the scenic highway designation. If the Director approves revocation, the local governing body(s) receives official notification of this action. Caltrans removes scenic highway signs along the route and references in maps and other program materials.
- ❖ For County Scenic Highways the Director rescinds authority of the county to designate the highway as scenic and officially requests that the county remove the scenic highway signs along the route. References in maps and other program materials are removed.
- ❖ The appropriate portions of these State and county routes are no longer considered eligible and the local governing body (s) is no longer required to maintain its Corridor Protection Program.

Initiated by Local Governing Body

- ❖ A local governing body may request that Caltrans revoke a scenic highway designation within its jurisdiction at any time. The revocation proposal should be placed on the agenda at a public meeting to allow public input.
- ❖ A letter of intent by the local governing body must be submitted to the District Scenic Highway Coordinator. When more than one governing body is responsible for the scenic highway, a joint letter must be submitted. The letter should cite the reason(s) for the jurisdiction's desire to revoke the scenic highway designation.
- ❖ The District Scenic Highway Coordinator informs the Caltrans District Director and forwards the request, including documentation, to the State Scenic Highway Coordinator.
- ❖ After receiving the revocation request the State Scenic Highway Coordinator reviews and then forwards it to the Caltrans Director for approval.
- ❖ The Director approves the revocation and officially notifies the local governing body(s). Caltrans removes scenic highway signs along the State routes and for county routes requests that the county remove its scenic highway signs. References in maps and other program materials are removed.

SECTION VIII: CONFLICT RESOLUTION PROCESS

The Chief, Division of Design facilitates the resolution of Department or external conflicts regarding scenic highway designation or revocation proposals. Conflicts may arise from opposing recommendations between the District and the Landscape Architecture Program (LAP) for scenic highway designation or revocation proposals. Similarly, a local governing body may not agree with the Department's position on the merits of a designation or revocation proposal. The elevation of a conflict to the Chief, Division of Design, should be done only after both parties have consented to this course of action and all reasonable efforts have been made to reach agreement at the lowest level possible. Elevation of the issue should occur in a timely manner.

Initiated by Caltrans

For internal Department conflicts, issues are documented in memorandum form and forwarded to the Chief, Division of Design for discussion. The District and LAP describe their opposing positions in this memo, and provide the appropriate background, discussion, time factor, and recommendation. The Chief, Division of Design facilitates a meeting between the District and LAP representatives, and ensures that each party make a concerted effort to reach a consensus. If consensus cannot be reached, the Chief Engineer reviews the issue and determines the Department's official position for designation or revocation. The goal is to provide a unified Department response to the local jurisdiction for designation or revocation proposals.

Initiated by Local Governing Body

When the local governing body does not agree with the Department's position regarding scenic highway designation or revocation proposals, it requests a meeting with the Chief, Division of Design. The Chief, Division of Design facilitates a meeting between the local agency and the Department's representatives. Each party presents their case, and after careful consideration of this information, including scenic highway program guidance and statutes, the Chief, Division of Design recommends a resolution. If the local governing body does not agree to the resolution then they may submit an appeal to the Chief Engineer for reconsideration. The Chief Engineer reviews the appeal and makes a final determination on recommending scenic highway designation or revocation to the Director. If a revocation recommendation is forwarded to the Director for approval, full disclosure of any opposition by the local governing body is included.

SECTION IX: MISCELLANEOUS

Route Realignments and Relocation

When a route is realigned from its original location, scenic designation or eligibility status is not automatically carried over to the new location. A route may be eligible for designation when the new alignment is within the same corridor, or when the alignment is outside of the existing corridor and in an area of outstanding scenic quality. Scenic designation may be transferred if the new alignment remains within the protected scenic corridor. The Caltrans District Scenic Highway Coordinator makes these determinations with concurrence from the State Scenic Highway Coordinator.

Undergrounding of Utility Lines

Section 320 of the California Public Utilities Code requires the undergrounding of all new or relocated electric and communication distribution facilities within 1,000 feet of any highway designated an official scenic highway and visible from that highway where feasible. Appendix A provides the full text of Section 320. Copies of the Public Utilities Commission's Order and Court Decisions Relating to Section 320 are available from the Caltrans District Scenic Highway Coordinator, and provide more detail on utility undergrounding. The California Public Utilities Commission makes final determinations regarding exceptions to undergrounding utilities.

Effects of Official Designation on Highway Construction, Emergency Repairs and Maintenance Activities

Highway construction and emergency repairs proposed on designated State Scenic Highways are evaluated for visual impact to scenic views as part of the environmental process. If impacts occur, then appropriate mitigation measures are necessary. Generally, the designation of a route as an official scenic highway does not substantially alter the type of project proposed but it may limit the use of statutory or categorical exemption from the California Environmental Quality Act⁴ (CEQA).

Caltrans works with appropriate agencies to ensure the protection of scenic corridors to the maximum extent feasible. It identifies impacts to scenic corridors such as degradation and obstruction of scenic views as an integral part of its project planning, project development and maintenance operations.

⁴ See Appendix A, Public Resources Code Sections 21080.33 and 21084(b)

APPENDIX A

STATUTES RELATING TO THE CALIFORNIA STATE SCENIC
HIGHWAY PROGRAMSTREETS AND HIGHWAY CODE
Division 1, Chapter 2, Article 2.5**260. LEGISLATIVE INTENT**

It is the intent of the Legislature in designating certain portions of the state highway system as state scenic highways to establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the state highway system which, together with the adjacent scenic corridors, require special scenic conservation treatment. It is further declared to be the intent of the Legislature in designating such scenic highways to assign responsibility for the development of such scenic highways and for the establishment and application of specific planning and design standards and procedures appropriate thereto and to indicate, in broad statement terms, the location and extent of routes and areas requiring continuing and careful coordination of planning, design, construction, and regulation of land use and development, by state and local agencies as appropriate, to protect the social and economic values provided by the State's scenic resources.

261. PLANNING AND DESIGN STANDARDS; COMPLETE HIGHWAY

The department shall establish and apply pertinent planning and design standards for development of official scenic highways. In establishing and applying such standards for, and undertaking the development of official scenic highways, the department shall take into consideration the concept of the "complete highway," which is a highway which incorporates not only safety, utility, and economy, but also beauty. The department shall also take into consideration in establishing such standards that, in a "complete highway," pleasing appearance is a consideration in the planning and design process. In the development of official scenic highways, the department shall give special attention both to the impact of the highway on the landscape and to the highway's visual appearance. The standards for official scenic highways shall also require that local governmental agencies have taken such action as may be necessary to protect the scenic appearance of the scenic corridor, the band of land generally adjacent to the highway right-of-way, including, but not limited to, (1) regulation of land use and intensity (density) of development; (2) detailed land and site planning; (3) control of outdoor advertising; (4) careful attention to and control of earthmoving and landscaping; and (5) the design and appearance of structures and equipment.

262. DESIGNATION OF SCENIC HIGHWAYS

Whenever the department determines that the corridor protection program for any state highway in the state scenic highway system established by this article has been implemented by local governmental agencies and a plan and program has been developed by the department for bringing the highway up to the standards for official scenic highways established by the department, including the concept of the "complete highway," as described in Section 261, the department shall designate the highway as an official state scenic highway and shall so indicate the highway in any publications of the department or in any maps which are issued by the department to the public.

The department shall cause appropriate signs to be placed and maintained along the portions of the state scenic highway system which the department has designated as official state scenic highways that indicate that the highways are official state scenic highways.

If at any time the department determines that the corridor protection program of local governmental agencies, with respect to any highway which has been designated as an official state scenic highway, no longer adequately carries out responsibility of the local governmental agencies for the protection of the scenic corridor, it may revoke the designation of the highway as an official state scenic highway and remove the signs which so indicate the highway.

262.1 LOCATION AND CONSTRUCTION OF NEW DISTRICT FACILITY OF LOCAL AGENCY WITHIN SCENIC CORRIDOR; APPROVAL

A local agency as defined in subdivision (c) of Section 65402 of the Government Code, shall coordinate its planning with, and obtain the approval from, the appropriate local planning agency on the location and construction of any new district facility that would be within the scenic corridor of any state scenic highway.

263. SCENIC HIGHWAY SYSTEM; ESTABLISHMENT; COMPOSITION

The state scenic highway system is hereby established and shall be composed of the highways specified in this article. The highways listed in Sections 263.1 to 263.8, inclusive are either eligible for designation as state scenic highways or have been so designated.

263.1 THE STATE SCENIC HIGHWAY SYSTEM SHALL INCLUDE:

Routes 28, 35, 38, 52, 53, 62, 74, 75, 76, 89, 96, 97, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 209, 221, 236, 239, 243, 247, 254; and 330 in their entirety.

263.2 ADDITIONAL INCLUSIONS; PORTIONS OF ROUTES 1 TO 4

The state scenic highway system shall also include:

- Route 1 from: (a) Route 5 south of San Juan Capistrano to Route 19 near Long Beach, (b) Route 187 near Santa Monica to Route 101 near El Rio, (c) Route 101 at Las Cruces to Route 246 near Lompoc, (d) Route 227 south of Oceano to Route 101 near Pismo Beach, (e) Route 101 near San Luis Obispo to Route 35 near Daly City, (f) Route 35 in San Francisco to Route 101 near the approach to the Golden Gate Bridge in San Francisco, (g) Route 101 near Marin City to Route 101 near Leggett.
- Route 2 from Route 210 in La Canada Flintridge to Route 138 via Wrightwood.
- Route 3 from: (a) Route 36 near Peanut to Route 299 near Douglas City, (b) Route 299 near Weaverville to Montague.
- Route 4 from: (a) Route 160 near Antioch to Route 84 near Brentwood, (b) Route 49 near Angels Camp to Route 89.

263.3 ADDITIONAL INCLUSIONS; PORTIONS OF ROUTES 5, 8 TO 10, 12, 14 TO 18, 20, 24, 25, 27, 29, 30, 33 AND 36

The state scenic highway system shall also include:

- Route 5 from: (a) The international boundary near Tijuana to Route 75 near the south end of San Diego Bay, (b) San Diego opposite Coronado to Route 74 near San Juan Capistrano, (c) Route 210 near Tunnel Station to Route 126 near Castaic, (d) Route 152 west of Los Banos to Route 580 near Vernalis, (e) Route 44 near Redding to the Shasta Reservoir, (f) Route 89 near Mt. Shasta to Route 97 near Weed, (g) Route 3 near Yreka to the Oregon state line near Hilts.
- Route 8 from Sunset Cliffs Boulevard in San Diego to Route 98 near Coyote Wells.
- Route 9 from: (a) Route 1 near Santa Cruz to Route 2 near Boulder Creek, (b) Route 236 near Boulder Creek to Route 236 near Waterman Gap, (c) Route 236 near Waterman Gap to Route 35, (d) Saratoga to Route 17 near Los Gatos, (e) Blaney Plaza in Saratoga to Route 35.
- Route 10 from Route 38 near Redlands to Route 62 near Whitewater.
- Route 12 from Route 101 near Santa Rosa to Route 121 near Sonoma.
- Route 14 from Route 58 near Mojave to Route 395 near Little Lake.
- Route 15 from: (a) Route 76 near the San Luis Rey River to Route 91 near Corona, (b) Route 58 near Barstow to Route 127 near Baker.
- Route 16 from Route 20 to Capay.
- Route 17 from Route 1 near Santa Cruz to Route 9 near Los Gatos.
- Route 18 from Route 138 near Mt. Anderson to Route 247 near Lucerne Valley.
- Route 20 from: (a) Route 1 near Fort Bragg to Route 101 near Willits, (b) Route 101 near Calpella to Route 16, (c) Route 49 near Grass Valley to Route 80 near Emigrant Gap.
- Route 24 from the Alameda-Contra Costa county line to Route 680 in Walnut Creek.
- Route 25 from Route 198 to Route 156 near Hollister.
- Route 27 from Route 1 to Mulholland Drive.

- Route 29 from: (a) Route 37 near Vallejo to Route 221 near Napa, (b) The vicinity of Trancas Street in northwest Napa to Route 20 near Upper Lake.
- Route 30 from Route 330 near Highland to Route 10 near Redlands.
- Route 33 from: (a) Route 101 near Ventura to Route 150, (b) Route 150 to Route 166 in Cuyama Valley, (c) Route 198 near Coalinga to Route 198 near Gilfields.
- Route 36 from: (a) Route 101 near Alton to Route 3 near Peanut, (b) Route 89 near Morgan Summit to Route 89 near Deer Creek Pass.

263.4 ADDITIONAL INCLUSIONS; PORTIONS OF ROUTES 37, 39 TO 41, 44, 46, 49, 50, 57, 58, 68, 70 AND 71

The state scenic highway system shall also include:

- Route 37 from: (a) Route 251 near Nicasio to Route 101 near Novato, (b) Route 101 near Ignacio to Route 29 near Vallejo.
- Route 39 from Route 210 near Azusa to Route 2.
- Route 40 from Barstow to Needles.
- Route 41 from: (a) Route 1 near Morro Bay to Route 101 near Atascadero, (b) Route 46 near Cholame to Route 33, (c) Route 49 near Oakhurst to Yosemite National Park.
- Route 44 from Route 5 near Redding to Route 89 near Old Station.
- Route 46 from: (a) Route 1 near Cambria to Route 101 near Paso Robles, (b) Route 101 near Paso Robles to Route 41 near Cholame.
- Route 49 from: (a) Route 41 near Oakhurst to Route 120 near Moccasin, (b) Route 120 to Route 20 near Grass Valley, (c) Route 20 near Nevada City to Route 89 near Sattley.
- Route 50 from Route 49 near Placerville to the Nevada state line near Lake Tahoe.
- Route 57 from Route 90 to Route 60 near Industry.
- Route 58 from Route 14 near Mojave to Route 15 near Barstow.
- Route 68 from Monterey to Route 101 near Salinas.
- Route 70 from Route 149 near Wicks Corner to Route 83 north of Corona.
- Route 71 from Route 91 near Corona to Route 83 north of Corona.

263.5 ADDITIONAL INCLUSIONS; PORTIONS OF ROUTES 78 TO 80, 84, 88, 91, 92 AND 94

The state scenic highway system shall also include:

- Route 78 from Route 79 near Santa Ysabel to Route 86 passing near Julian.
- Route 79 from: (a) Route 8 near Descanso to Route 78 near Julian, (b) Route 78 near Santa Ysabel to Route 371 near Aguanga.
- Route 80 from: (a) Route 280 near First Street in San Francisco to Route 61 in Oakland, (b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.
- Route 84 from Route 238 to Route 680 near Sunol.
- Route 88 from Route 49 in Jackson to the Nevada state line via Pine Grove, Silver Lake, and Kirkwood.
- Route 91 from Route 55 near Santa Ana Canyon to Route 15 near Corona.
- Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.
- Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

263.6 ADDITIONAL INCLUSIONS; PORTIONS OF ROUTES 101, 108, 111, 116, 118, 120, 121, 125 AND 126

The state scenic highway system shall also include:

- Route 101 from: (a) Route 27 (Topanga Canyon Road) to Route 46 near Paso Robles, (b) Route 156 near Prunedale northeasterly to Route 156, (c) A point in Marin County opposite San Francisco to Route 1 near Marin City, (d) Route 37 near Ignacio to Route 37 near Novato, (e) Route 20 near Calpella to Route 20 near Willits, (f) Route 1 near Leggett to Route 199 near Crescent City, (g) Route 197 near Fort Dick to the Oregon state line.
- Route 108 from Route 49 near Sonora to Route 395.
- Route 111 from: (a) Bombay Beach in Salton Sea State Park to Route 195 near Mecca, (b) Route 74 near Palm Desert to Route 10 near Whitewater.
- Route 116 from Route 101 near Cotati to Route 1 near Jenner.
- Route 118 from Route 23 to DeSoto Avenue near Browns Canyon.

- Route 120 from: (a) Route 49 near Chinese Camp to Route 49 near Moccasin, (b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.
- Route 121 from: (a) Route 37 near Sears Point to Route 12 near Sonoma, (b) Route 221 near Napa State Hospital to near the vicinity of Francas Street in northeast Napa.
- Route 125 from Route 94 near Spring Valley to Route 8 near La Mesa.
- Route 126 from Route 150 near Santa Paula to Route 5 near Castaic.

263.7 ADDITIONAL INCLUSIONS; PORTIONS OF ROUTES 138 TO 140, 142, 146, 152, 160, 163, 166, 168, 174, 178, 180, 190 AND 266

The state scenic highway system shall also include:

- Route 138 from Route 2 near Wrightwood to Route 18 near Mt. Anderson.
- Route 139 from Route 299 near Canby to the Oregon state line near Hatfield.
- Route 140 from Route 49 at Mariposa to Yosemite National Park near El Portal.
- Route 142 from the Orange-San Bernardino county line to Peyton Drive.
- Route 146 from Pinnacles National Monument to Route 25 in Bear Valley.
- Route 152 from: (a) Route 1 to the Santa Clara county line at Hecker Pass, (b) Route 156 near San Felipe to Route 5.
- Route 160 from Route 4 near Antioch to Sacramento.
- Route 163 from Ash Street in San Diego to Route 8.
- Route 166 from Route 101 near Santa Maria to Route 33 in Cuyama Valley.
- Route 168 from: (a) Route 65 near Clovis to Huntington Lake, (b) Camp Sabrina to Route 395, (c) Route 395 at Big Pine to Route 266 at Oasis.
- Route 174 from the Bear River to the Grass Valley city limits.
- Route 178 from the east boundary of Death Valley National Monument to Route 127 near Shoshone.
- Route 180 from: (a) Route 65 near Minkler to General Grant Grove section of Kings Canyon National Park, (b) General Grant Grove section of Kings Canyon National Park to Kings Canyon National Park boundary near Cedar Grove.
- Route 190 from Route 65 near Porterville to Route 127 near Death Valley Junction.
- Route 266 from the Nevada state line easterly of Oasis to Route 168 at Oasis.

263.8 ADDITIONAL INCLUSIONS; PORTIONS OF ROUTES 198, 210, 215, 251, 280, 299, 395, 580 AND 680

The state scenic highway system shall also include:

- Route 198 from: (a) Route 101 near San Lucas to Route 33 near Coalinga, (b) Route 33 near Oilfields to Route 5, (c) Route 99 near Goshen to the Sequoia National Park line.
- Route 210 from Route 5 near Tunnel Station to Route 134.
- Route 215 from Route 74 near Romoland to Route 74 near Perris.
- Route 251 from Route 37 near Nicassio to Route 1 near Point Reyes Station.
- Route 280 from Route 17 in Santa Clara County to Route 80 near First Street in San Francisco.
- Route 299 from: (a) Route 101 near Arcata to Route 96 near Willow Creek, (b) Route 3 near Weaverville to Route 5 near Redding, (c) Route 89 near Burney to Route 139 near Canby.
- Route 395 from Route 14 near Little Lake to Route 89 near Coleville.
- Route 580 from Route 5 southwest of Vernalis to Route 80.
- Route 680 from the Santa Clara-Alameda county line to Route 24 in Walnut Creek.

STREETS AND HIGHWAYS CODE
Division 1, Chapter 1, Article 3

154. COUNTY SCENIC HIGHWAYS; ENCOURAGEMENT; DESIGNATION; REVOCATION OF DESIGNATION

The department shall encourage the construction and development by counties of portions of the county highways as official county scenic highways and may furnish to the counties any information or other assistance which will aid the counties in the construction or development of such scenic highways.

Whenever the department determines that any county highway meets the minimum standards prescribed by the department for official scenic highways, including the concept of the "complete highway," as described in Section 261, it may authorize the county in which the highway is located to designate the highway as an official county scenic highway and the department shall so indicate the highway in publications of the department and in any maps which are prepared by the department for distribution to the public which show the highway.

If the department determines that any county highway which has been designated as an official county scenic highway no longer meets the minimum standards prescribed by the department for official scenic highways, it may, after notice to the county and a hearing on the matter, if requested by the county, revoke the authority of the county to designate the highway as an official county scenic highway.

PUBLIC UTILITIES CODE
Division 1, Part 1, Chapter 2

320. UNDERGROUNDING OF ELECTRIC AND COMMUNICATION DISTRIBUTION FACILITIES NEAR STATE SCENIC HIGHWAYS

The Legislature hereby declares that it is the policy of this State to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground. The commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy and the policy and the rules of the commission relating to the undergrounding of facilities.

The commission shall coordinate its activities regarding the plan with local governments and planning commissions concerned.

The commission shall require compliance with the plan upon its adoption.

This section shall not apply to facilities necessary to the operation of any railroad.

PUBLIC RESOURCES CODE
California Environmental Quality Act (CEQA)
Chapter 2.6: General

21080.33. EMERGENCY PROJECTS TO MAINTAIN, REPAIR OR RESTORE EXISTING HIGHWAYS; APPLICATION OF DIVISION; EXCEPTIONS (TO CEQA)

This division does not apply to any emergency project undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage.

This section does not exempt from this division any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsistence, gradual movement, or landslide.

21084. LIST OF EXEMPT CLASSES OF PROJECTS; PROJECTS DAMAGING SCENIC RESOURCES

b) No project which may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway designated as an official state scenic highway, pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, shall be exempted from this division pursuant to subdivision (a). This subdivision does not apply to improvements as mitigation for a project for which a negative declaration has been approved or an environmental impact report has been certified.

BUSINESS AND PROFESSIONS CODE

Outdoor Advertising Act

Division 3, Chapter 2. Advertisers

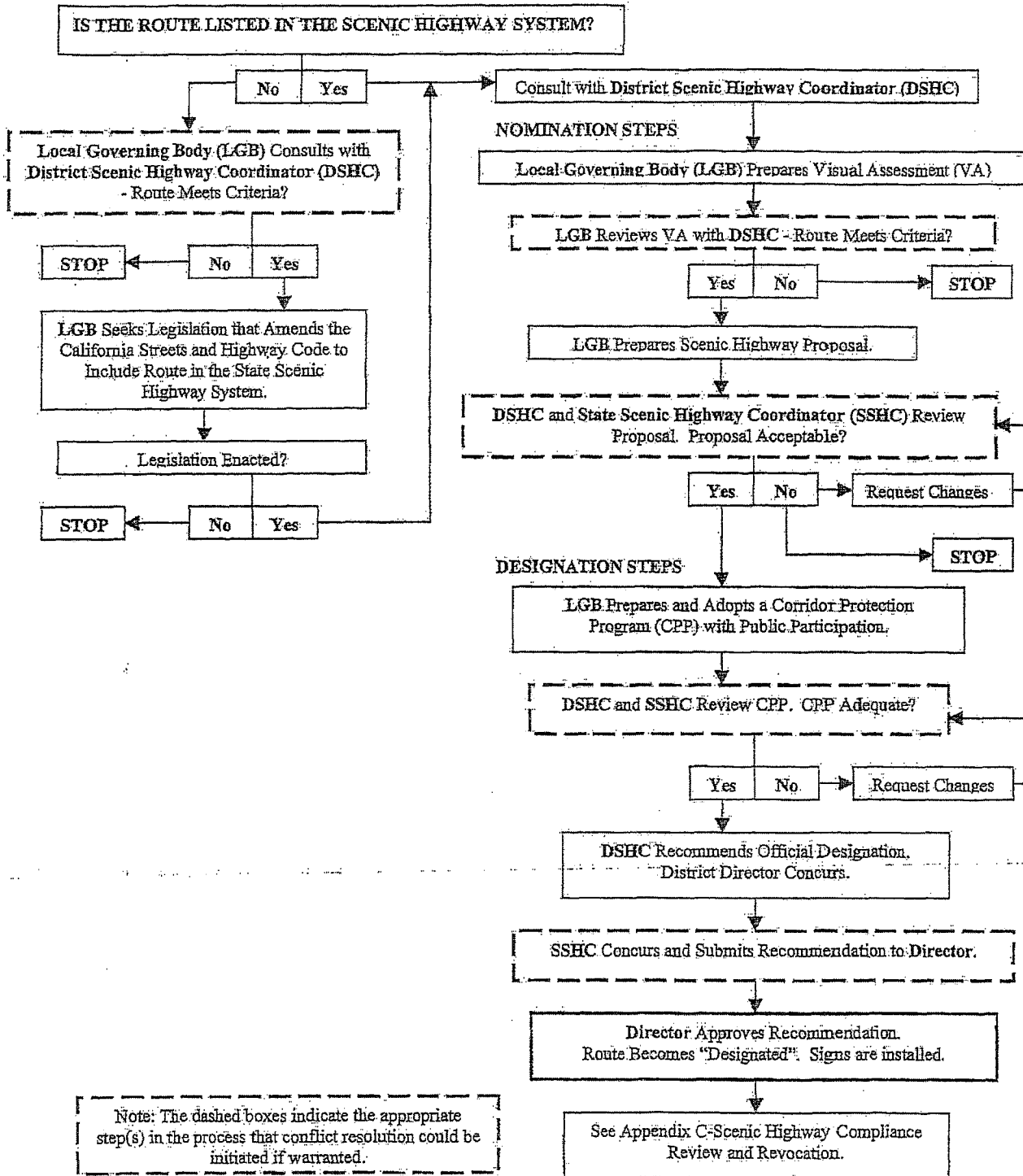
Article 8. Landscaped Freeways

5441. Removal of Structures, Signs

Except as provided in Section 5442.5, no advertising display may be placed or maintained along any highway or segment of any interstate highway or primary highway that before, on, or after the effective date of Section 131(s) of Title 23 of the United States Code is an officially designated scenic highway or scenic byway.

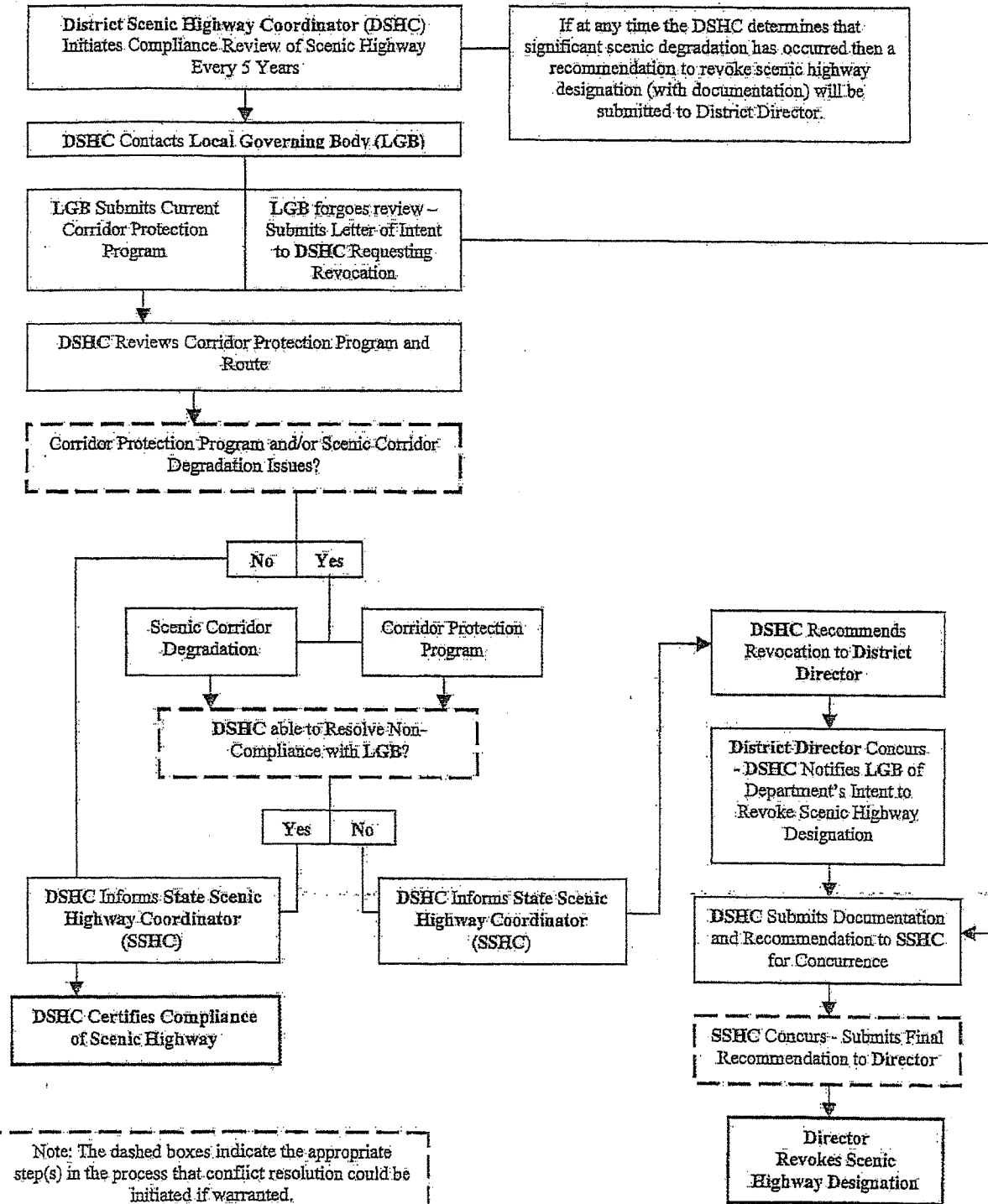
Appendix B

Scenic Highway Designation



Appendix C

Scenic Highway Compliance Review and Revocation



APPENDIX D

CALTRANS HEADQUARTERS AND DISTRICT OFFICES

Below are the streets and mailing addresses for the Caltrans District Offices, and phone numbers of the District Scenic Highway Coordinators. Contact the District Scenic Highway Coordinator regarding general questions and prior to initiating the scenic highway nomination process. You may also contact the State Scenic Highway Coordinator at Caltrans Headquarters.

Caltrans Headquarters
1120 N Street, Sacramento CA 95814
Dennis Cadd
(916) 654-5370
TTY (916) 653-4086

District 1
1656 Union Street, Eureka CA 95501
(P.O. Box 3700, 95502)
Lindsay Walker
(707) 441-4680

District 2
1657 Riverside Drive, Redding CA 96001
(P.O. Box 496073, 96049-6073)
Roberta McLaughlin
(530) 225-2848

District 3
703 B Street, Marysville CA 95901
(P.O. Box 911)
I. D. Adams
(530) 741-4436

District 4
111 Grand Avenue, Oakland CA 94612
(P.O. Box 23660, 94623-0660)
Bryan Walker
(510) 286-4833

District 5
50 Higuera Street, San Luis Obispo CA 93401-5415
Bob Carr
(805) 549-3083

District 6
1352 West Olive Avenue, Fresno CA 93728
(P.O. Box 12616, 93778-2616)
Michael Mills
(559) 230-3135



District 7
120 South Spring Street, Los Angeles CA 90012
Dahlia Persoff
(213) 897-0463

District 8
464 West Fourth Street, San Bernardino CA 92401-1400
Ray Desselle
(909) 381-4529

District 9
500 South Main Street, Bishop CA 93514
Bart Godett
(760) 872-1355

District 10
1976 East Charter Way, Stockton CA 95205
(P.O. Box 2048, 95201)
Kathleen McClaflin
(209) 948-7647

District 11
4050 Taylor Street, San Diego CA 92110
Tom Ham
(619) 688-6719

District 12
3337 Michelson Drive, Suite 380, Irvine CA 92612-8894
Sandy Ankhasirisan
(949) 724-2449

APPENDIX E

EXAMPLES OF VISUAL INTRUSIONS ALONG SCENIC CORRIDORS

The following examples do not include all visual intrusions possible within the corridor. These examples illustrate many of the typical built elements, and should be used as a guide when developing the mapping for the Scenic Highway Proposal. Where more than one example is listed, only one example needs to occur for an intrusion to be applicable. The District Scenic Highway Coordinator may be consulted for assistance in defining specific levels of visual intrusions:

LEVEL OF INTRUSION AND COLOR: Minor Moderate Major

BUILDINGS:

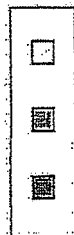
Residential Development, Commercial Development, Industrial Development



- Minor** - Widely dispersed buildings. Natural landscape dominates. Wide setbacks and buildings screened from roadway. Forms, exterior colors and materials are compatible with landscape. Buildings have cultural or historical significance.
- Moderate** - Increased numbers of buildings, not well integrated into the landscape. Smaller setbacks and lack of roadway screening. Buildings do not dominate the landscape or obstruct scenic view.
- Major** - Dense and continuous development. Highly reflective surfaces. Buildings poorly maintained. Visible blight. Development along ridgelines. Buildings dominate the landscape or obstruct scenic view.

UNSIGHTLY LAND USES:

Dumps, Quarries, Concrete Plants, Tank Farms, Auto Dismantling



- Minor** - Screened from view so that most of facility is not visible from the highway.
- Moderate** - Not screened and visible but programmed/funded for removal and site restoration. Land use is visible but does not dominate the landscape or obstruct scenic view.
- Major** - Not screened and visible by motorists. Will not be removed or modified. Land use dominates the landscape or obstructs scenic view.

COMMERCIAL RETAIL DEVELOPMENT



- Moderate** - Neat and well landscaped. Single story. Generally blends with surroundings. Development is visible but does not dominate the landscape or obstruct scenic view.
- Major** - Not harmonious with surroundings. Poorly maintained or vacant. Blighted. Development dominates the landscape or obstructs scenic view.

PARKING LOTS

- Minor** - Screened from view so that most of the vehicles and pavement are not visible from the highway.
- Moderate** - Neat and well landscaped. Generally blends with surroundings. Pavement and/or vehicles visible but do not dominate the landscape or degrade scenic view.
- Major** - Not screened or landscaped. Pavement and/or vehicles dominate the landscape or degrade scenic view.

OFF-SITE ADVERTISING STRUCTURES

- Major** - Billboards degrade or obstruct scenic view.

NOISE BARRIERS

- Moderate** - Noise barriers are well landscaped and complement the natural landscape. Noise barriers do not degrade or obstruct scenic view.
- Major** - Noise barriers degrade or obstruct scenic view.

POWER LINES AND COMMUNICATION FACILITIES

- Minor** - Not easily visible from road.
- Moderate** - Visible, but do not dominate scenic view.
- Major** - Towers, poles or lines dominate view. Scenic view is degraded.

**AGRICULTURE:
Structures, Equipment, Crops**

- Minor** - Generally blends in with scenic view. Is indicative of regional culture.
- Moderate** - Not compatible with the natural landscape. Scale and appearance of structures and equipment visually competes with natural landscape.
- Major** - Scale and appearance of structures and equipment are incompatible with and dominates natural landscape. Structures, equipment or crops degrade or obstruct scenic view.

EXOTIC VEGETATION

- Minor - Used as screening and landscaping. Generally is compatible with scenic view.
- Moderate - Competes with native vegetation for visual dominance.
- Major - Incompatible with and dominates natural landscape. Scenic view is degraded.

CLEARCUTTING

- Moderate - Clearcutting or deforestation is evident, but is in the distant background.
- Major - Clearcutting or deforestation is evident. Scenic view is degraded.

EROSION

- Minor - Minor soil erosion. (i.e., rill erosion)
- Moderate - Rill erosion starting to form gullies.
- Major - Large slip outs and/or gullies with little or no vegetation. Scenic view is degraded.

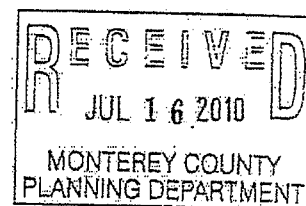
GRADING

- Minor - Grading generally blends with adjacent landforms and topography.
- Moderate - Some changes, less engineered appearance and restoration is taking place.
- Major - Extensive cut and fill. Unnatural appearance, scarred hillsides or steep slopes with little or no vegetation. Canyons filled in. Scenic view is degraded.

ROAD DESIGN

- Minor - Blends in and complements scenic view. Roadway structures are suitable for location and compatible with landscape.
- Moderate - Large cut and fill slopes are visible. Scale and appearance of roadway, structures, and appurtenances are incompatible with landscape.

EEE



Highway 68 Coalition
c/o 52 Corral de Tierra Rd
Salinas, CA 93908

County of Monterey
Resource Management-Planning Department
168 W. Alisal St, 2nd Floor
Salinas, CA 93901
Attn: Luis Osorio, Project Planner

July 14, 2010

Re: Comments to DEIR, Section 4.12 Traffic and Transportation Element

Dear Mr. Osorio,

1) Section 4.12.1 Existing Environmental Setting

The DEIR states York Road is a RURAL two-lane road located west of the project that serves the business park.

a) Please correct this. As we understand, there are plans for tying a fourth leg of the York intersection into the Monterra Ranch subdivision driveway across the road on Highway 68.

b) There is a planned connecting road known as the "York Road Punch Through" to former Fort Ord. As this York Road Punch Through will serve former Fort Ord, it will affect the amount of traffic and traffic patterns on Highway 68. It may also connect into the Parker Flats area. This road will have an effect on Highway 68 traffic. How did the County evaluate the impacts of this road on Highway 68 traffic? Please provide all calculations and the identify of the people who did the analysis. How much will this road affect Highway 68 traffic? How will it affect the current RURAL two-lane road?

EEE-51

2) Background Setting, page 373, includes in the list of "approved but not built" projects the Laguna Seca Business Park, 104 apartment/condominium units. Please explain whether this is currently potential office space or potential condos, and how the resultant traffic impacts were taken into consideration in this DEIR. We do not believe they have been adequately considered, identified or explained.

EEE-52

3) Again, under Background Setting, page 374, middle of the page, there is the following statement:

"In addition to adding traffic volumes from approved projects to the existing traffic volumes, planned and funded geometric improvements, and one unfunded improvement identified by the SR-68 Advisory Committee, were also accounted for in the background condition lane configurations at study intersections."

EEE-53

There is confusing and erroneous information in this statement.

a) The Highway 68 Coalition does not believe that all "approved projects" listed are fully funded. Are they? What is their current status? Please be specific. What is the unfunded improvement? What is a "geometric improvement"? Please specifically identify all "planned and funded geometric improvements" and the "one unfunded improvement."

b) There was no "SR-68 Advisory Committee." Please explain to what the DEIR is referring.

There was a Highway 68 Improvement Advisory Committee that was a result of a condition placed on approval of the Bishop Ranch Subdivision. The condition was imposed so that Highway 68 residents could have a voice in how best to spend the \$2 Million Developer Traffic Impact Fees from the Bishop Ranch. Former Supervisor Pennycook, with the approval of the rest of the Board of Supervisors, selected members from some of the Homeowner's Associations along Highway 68 for this task. Residents not in a homeowner's association were not selected, nor were all Homeowner's Associations represented. For example, no Homeowner's Association representative from Corral de Tierra was appointed. Only one representative was appointed for all of San Benancio. Only selected members got a vote on what to do with the \$2 Million.

After meeting for approximately a year it was apparent to all concerned that \$2 Million wasn't much money to make a difference. At one meeting, a CalTrans representative suggested an exercise whereby a number of highway suggestions would be rated. These were not funded. This was also beyond the scope of the condition placed on the Bishop Ranch that the Highway 68 Improvement Advisory Committee had been tasked with. It was also an exercise that was voted on by those who had been selected to vote, as described above. The suggestions were ranked one through nine, suggestions were added up, the total was divided by the number of voting members in attendance that night, and a prospective "wish list" was created.

There was no science to it. There was no opportunity for extended study of the proposals. The recommendation of the Committee for spending the \$2 Million, WAS for safety. Opticom lights at the signals, to benefit the fire department, was the overwhelming choice of the Highway 68 Improvement Advisory Committee. By the way, building the South Fort Ord Bypass was also a recommendation of the Highway 68 Improvement Advisory Committee. There was no recommendation to four-lane Highway 68 from Toro Park Estates to Corral de Tierra. Please respond to this information regarding this Committee.

If the DEIR was referring to this selected "Advisory Committee", please explain why the information is reliable. Please also explain what you understand the Committee's charge and scope to be.

a) Why wasn't the information above about the Committee disclosed in the DEIR?

4) Existing traffic counts use old data from 2004. Please see Attachment #1 that analyzes this traffic section of the DEIR. Pang Engineers, Inc. was retained by the Highway 68 Coalition to perform peer review of the traffic and transportation section of the DEIR. Pang Engineers, Inc. was selected because of their expertise in this area.

EEE-54

5) Cumulative Traffic

The DEIR failed to add the following to Background Setting:

Here is a list of projects on former Fort Ord that have either been approved or are undergoing consideration. The economy now has slowed things to a stop. But projects wait in the wings.

Monterey County

East Garrison, 1,400 houses plus 70 second units

City of Seaside

Kaufmann & Broad, 384 houses now exist, some are empty

Resort, 125 houses

Timeshares, 170

City of Marina

Cypress Knolls Retirement, 712 units (now being reviewed for possible changes)

Marina Heights, 1,050 houses

University Villages, 1,237 houses

Armstrong Ranch (Creekbridge), 1,400 houses

EEE-55

City of Del Rey Oaks

Golf Villas, Timeshares, Condos 691 units (now being reviewed for possible changes)

Total 7,239 units

The Fort Ord Reuse Authority reallocated the Fort Ord Redevelopment traffic impact fees in April of 2005, to spend them onsite, on former Fort Ord. This left offsite traffic mitigations unfunded. For example FORA sent Monterey County a one-time check for approximately \$251,000 for offsite "improvements" to Highway 68.

There are other projects being considered and processed for former Fort Ord.

These are:

a) Whispering Oaks Business Park/Contractor yards

b) Veteran's Cemetery

c) Monterey Downs Horse Park (390 acres)



d) Monterey Downs opportunity parcel, High End Housing (60 acres)

The projects listed above will all have a traffic impact on State Highway 68. Don't you agree? If not, why not? How was each of the traffic impacts for the projects listed above quantified and considered in the EIR for the Omni project? Please be specific.

EEE-55

In addition to the projects listed above, there are an additional two close-by projects on Highway 68 whose vesting tentative map subdivision applications are being processed by Monterey County. We could not find these in the DEIR. They are:

e) Ferrini Ranch subdivision: As of July 14, 2010 there is uncertainty as to the underlying land use on this parcel that stretches from San Benancio to River Road adjacent to Highway 68. There is an application for a residential subdivision being processed and being actively promoted by Monterey County Planning. It would be for 212 residential units plus other land uses. Is the underlying land use 5.1 ac min. or 2.5 ac. min. lot size? This known and foreseeable subdivision was not considered in the DEIR.

f) Harper Canyon/Encina Hills is a subdivision application for 17 new lots located up narrow Meyer Road off San Benancio Road.

EEE-56

Not accounting for the approved and pending projects listed above skews the traffic analysis for the Corral de Tierra Village Project. Why wasn't this accounted for? What are the estimated Average Daily Trips for all the above? Please be specific, and disclose the source of your information.

How will these impact State Highway 68 in the vicinity of the Omni Shopping Center project?

Further, there is a current shift of East-West traffic off of Highway 68 and onto Imjin Road, between Reservation Road and the 12th St. Gate. When the economy improves and some of the thousands of houses begin to be built, Imjin Parkway will become increasingly congested, and there will be a shift of traffic back to Highway 68, including the segment adjacent to the project. Do you agree? If not, why not?

There is no discussion of the Official Highway 68 Plan Lines, or its history. This is important information that affects the EIR analysis. The information should be included. Why was the information omitted? Did the EIR preparer have the Plan Lines when it prepared the DEIR?

EEE-57

6) Page 372, last paragraph, begins with the statement:

"The peer review of the traffic study prepared for this Project, found that the methodology used in the report for the Project to be in keeping with accepted professional practice."

EEE-58

Who performed the Peer Review, what is their qualifications, and how much was the peer reviewer paid? After reading Mr. Pang's comments (attached), do you agree with the DEIR statement above? If so, why?

The Highway 68 Coalition believes the Traffic and Transportation Element of this DEIR is so POOR that the County should ask for their money back! We believe the Traffic and Transportation Element should be redone as it is so heavily flawed. If a consultant's work is deemed shoddy, they should not be compensated. Additionally, to correct any previous deficiencies, omissions, and inaccuracies, the consultant should make good on their original agreement and redo whatever is necessary for the Traffic Report and the DEIR to be acceptable.

EEE-59

7) Section 4.12.4 Impact Significance Criteria. (page 376) California Environmental Quality Act Guidelines.

The DEIR lists Thresholds 4.12.4.A through 4.12.4G (inclusive) on page 376, but then fails to answer yes or no as to whether the Threshold is exceeded.

The answers to: "Will Threshold 4.12.4A, Threshold 4.12.4B, Threshold 4.12.4D, Threshold 4.12.4E and Threshold 4.12.4G be exceeded, is YES.

Don't you agree? If not, why not? Please provide all your data and analysis that supports your conclusion, and identify the people who made the determination.

EEE-60

Further, regarding 4.12.4G it doesn't identify how many times a day the bus picks up or drops-off passengers at Corral de Tierra. Why not?

8) Page 377, 4.12.5 Direct Project Impacts

Threshold 4.12.1 is not answered but rather given a confusing sales pitch that attempts to make a desired result match the alleged Project's purpose.

Threshold 4.12.1 states: "Would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system?"

The simple answer is YES! Don't you agree? If not, why not?

The part in parenthesis i.e.:

result in substantial increase in either the number of vehicle trips? YES!

result in a substantial increase in the volume-to-capacity ratio on roads? YES!

result in substantial increase of congestion at intersections? YES!

Don't you agree? If not, why not?

EEE-61

9) The suggested mitigation for 4.12.1 is paying a fee to TAMC that would go towards widening Highway 68 outside of the adopted Official Plan Lines. Further, it proposes to widen a section of Highway 68, leaving the roadway west of it not widened. This would constipate traffic at this location, and encourage driver confusion, idling engines, air pollution and things like road rage. Further, this scheme of TAMC is apparently tied into the projects of Encina Hills and Ferrini Ranch, both of which are being processed at about the same time.

EEE-62

What are the impacts of widening Highway 68 outside of the adopted Official Plan Lines? The DEIR failed to investigate or disclose this important issue.

10) Project Impacts on Traffic Operations at SR-68 * Corral de Tierra Intersections (page 382)

The answers to Threshold questions 4.12.2 and 4.12.4 is YES. Don't you agree, If not, why not?

EEE-63

11) Page 383, last sentence, bottom of the page states:

"The parcel on the corner of SR-68 and Corral de Tierra poses a concern for the safe circulation of the site, SR-68 and Corral de Tierra Road. It is currently a separate parcel and not a part of this."

This parcel is also owned by the same owner, Phelps. This parcel has a building that was an Exxon gas station for years. A previous tenant operated a business there for ten years on a month to month basis because Phelps told him that the gas station was going to be tied in to the shopping center proposal they were working on.

This .684 acre parcel was converted to a Real Estate Office in the former tube bay by Phelps. The request for a use permit to modify the building and open a business other than a gas station came before then Monterey County Zoning Administrator Dale Ellis. The approval was conditioned that no through traffic be allowed to go through the .684 acre parcel to any shopping center behind it. This was because of the traffic concern. The DEIR failed to disclose or investigate this important on-the-ground restriction, or the impacts of it on the project or the project on it.

EEE-64

More recently, the Highway 68 Coalition received unsolicited questions asking if the Highway 68 Coalition would have an objection to an ARCO AM-PM MINIMART to be built and operated there on the .684 acre parcel. The Highway 68 Coalition's overwhelming response was yes, they would have an objection to a 24 hour a day, lit up all night, Gas Station-MiniMart in that location. The resulting traffic patterns would be intense and dangerous. Also, would it involve liquor sales with gasoline sales? It is also a piecemeal concern, given the shopping center proposal by the same applicant/owner.

Traffic impacts from a gas station, as it was for years, should be factored in to the traffic background and cumulative traffic analysis for the Project. Likewise, if it is to remain a Real Estate Office the estimated traffic should be factored in. Please explain what approach the EIR analysis took toward this site and its current and future development, the reasons for that approach, and how those development impacts were investigated and considered in the EIR here.

12) Page 384 lists potential changes to Corral de Tierra Road to accommodate what is referred to as:

"significant increase in additional turning movements throughout the Project frontage". It goes on to say that to safely accommodate these turning movements, Project improvements on Corral de Tierra Road will need to be made. It then goes on to list Items A through M (inclusive). They are vague and there is no explanation as to the need or size of the "improvements". There is no engineering report we could find. There is no clear area sketch of the improvements and their location.

EEE-65

Curiously, the neighbors immediately across the road who would be most impacted have never been contacted about these "improvements".



EEE-65

However, Item D is "Construct a raised center divide to prevent left turn movements." If the center divide goes down the length of the frontage it creates significant traffic impacts, including encouraging cars needing to make a U-turn having to do so in a residential driveway. This creates safety, circulation, and liability concerns. Where are those impacts addressed in the DEIR? We did not find them investigated or disclosed.

Corral de Tierra road is a two-lane rural road. There is no room on the west side to widen and expand. On the east side, this Project plans to build out to the property line bordered with a 5 foot concrete sidewalk in a rural residential area. Where is the room for the bike trail? Why are there not better sketches and schematics? The ones in the DEIR are very difficult to decipher. They are barely legible. Why are there not more details to this problematic set of improvement suggestions?

EEE-66

13) Page 385, Adopted Policies Relating to Operational Impacts/Project Access on SR-68.

It begins, "Because of relatively high speeds on SR-68, there is greater potential for serious collisions if there are too many points of access onto the highway, and if the throat depths of the driveways along SR-68 are inadequate."

EEE-67

Why isn't there discussion of the varied speeds on SR-68? Sometimes there are high speeds. Sometimes there are slow speeds. During the times there are higher speeds, eastbound traffic, slowing suddenly to access the shopping center, by making a right turn off of SR-68 will be creating a hazardous traffic situation for those cars behind. It is similar to what used to happen when the gas station was open. Squealing brakes were not uncommon, as the neighbors confirm. How does the Project plan to prevent this? Where is the EIR analysis of these safety and circulation issues?

14) Section 4.12.6 Cumulative Impacts

Please note the entirety of the discussion above. Cumulative impacts are woefully understated in this DEIR.

What is the Corral de Tierra Convenience Market and Service Station?

(Top of page 386, third item down)

Is this the proposed ARCO AM-PM MiniMart on the corner of the shopping center?

This is the .684 acre parcel also owned by Phelps?

Isn't this piecemealing the overall project? All impacts of this development by Phelps—shopping center and convenience market/service station—should be considered and evaluated in a single EIR.

EEE-68

15) Please reference the attached Pang Engineers, Inc. Traffic Analysis peer review of this element.



EEE-69

EEE

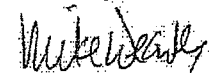
Page 8

Because Hexagon's analysis is so poor in this DEIR, trying to determine the depths of the levels of significance and the inadequacies of the suggested mitigations cannot be adequately done.

↑
EEE-69

The Highway 68 Coalition again requests that the Traffic Element be redone and recirculated.

Sincerely,



Mike Weaver

Chair, The Highway 68 Coalition

Attachment:

Letter dated July 13, 2010

Pang Engineers, Inc. Traffic and Transportation Consultants

Re: Corral de Tierra Village Shopping Center

Southeast Quadrant, State Route 68/Corral de Tierra Road

Monterey, County, CA

3 page cover of credentials

17 pages of commentary analysis

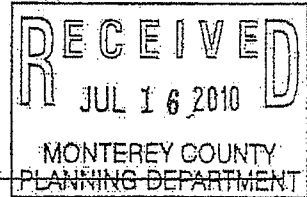
10 pages charts and calculations

EEE



PANG ENGINEERS, INC.

TRAFFIC AND TRANSPORTATION CONSULTANTS



201003

July 13, 2010

GAY LAWRENCE PANG, C.E., T.E.

Mr. Michael Weaver
Chairperson, Highway 68 Coalition
52 Corral de Tierra Road
Salinas, CA 93908

Re: Corral de Tierra Village Shopping Center
Southeast Quadrant, State Route 68/Corral de Tierra Road
Monterey County, CA

Dear Mr. Weaver:

Pursuant to your request and authorization, we have "peer reviewed" and critiqued the Hexagon Transportation Consultants, Final Traffic Report (TR) dated September, 2009 for the Corral de Tierra Village Shopping Center Mixed Use Development. The project is located at the southeast quadrant of the State Route (SR) 68 and Corral de Tierra Road intersection. The report is contained as Appendix H within the Draft Environmental Impact Report (DEIR) dated May, 2010 by LSA Associates, Inc. The goal is to critique the Traffic Report and the appropriate sections within the DEIR that relate to the Traffic and Transportation evaluation and the findings and conclusions.

EEE-70.1

As part of our work, we have reviewed and researched background material related to the development of the project site. We have also had contact with the Highway 68 Coalition regarding other potential "approved" or "future" projects in the vicinity of the site for background information.

Our review comments are referenced with the Item #, and the appropriate sub-category, e.g. A, B, C etc. if necessary. The comments or questions are as follows:

I. Traffic Report (Appendix H):

Item #1, page iv: Executive Summary, Project Trip Generation

The proposed project is defined as 12,338 square feet of office space and a 114,185 square feet shopping village. The total square footage is not indicated but it should be 126,523. Elsewhere in the TR, the numbers are rounded to the nearest hundred square feet, which is acceptable. However, the shopping village which is a "shopping center" designation in the Institute of Transportation Engineers (ITE) "Trip Generation" reference, excludes a supermarket/grocery component of roughly 40,100 square feet out of the 114,185 square feet. The supermarket/grocery component is mentioned in the TR as one of the shopping centers' potential occupants. The supermarket/grocery designation has a higher trip rate for the daily, AM and PM peak hours than a shopping center. Similarly, there is an unspecified component of restaurant space within the

EEE-70.2

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shopping center that is mentioned. For example, if a fast food restaurant with a drive-thru window is constructed, it would also have a higher trip rate for the daily AM and PM peak hours than a shopping center. Use of an appropriate "passby" percentage to account for trips already on the street network is an acceptable assumption for shopping centers. However, the "passby" percentage should be capped at a 15% maximum based on the "Guide for the Preparation of Traffic Impact Studies" published by Monterey County. The "passby" percentage should not be applicable for the AM peak hour for the shopping center. The "passby" percentage should also not be applicable for the office use. The TR does not define what length of trip which would qualify as a "passby" trip. In other reference documents, a "passby" trip is normally at or less than a one mile distance per the San Diego Association of Governments (SANDAG) "Trip Generation" document. The TR does not estimate the projects' daily traffic due to a number of additions and subtractions that are difficult to follow. This information should be clearly stated so it can be peer reviewed. Thus, the reported net 95 AM and 235 PM peak hours are UNDERSTATED. Utilizing a similar methodology of a reduction for the "passby" trips, we have estimated that there will be 188 AM and 599 PM peak hour trips. This more conservative estimate is between 2 and 2.5 times higher than what is utilized in the TR. That information is contained on Table IB by Pang Engineers, Inc. (PEI).

↑
EEE-70.2

Item #2, page v, Direct Project Traffic Impacts and Mitigation Measures:

For the SR-68/Corral de Tierra Road intersection, why is the mitigation measure solely the "fair share" impact fee under the Transportation Agency for Monterey County (TAMC)? This intersection is at the entrance/exit to and from the project site and should be mitigated in its entirety, along with the projects' frontal street improvements. The street improvements should include but not be limited to approach widening for the eastbound and westbound lanes on SR-68, and on the Corral de Tierra Road northbound approach, plus traffic signal modifications to accompany the street widening at the intersection. All of the improvements should receive a review by CalTrans District 5 to ascertain that these "interim" improvements would "fit" within the overall 4 lane future widening of SR-68.

EEE-70.3

Item #3, page v, Effect of Highway 68 Widening:

The SR 68 future widening from 2 lanes to 4 lanes from the existing segment at Toro Park should extend westerly beyond Corral de Tierra Road to include the widening of the eastbound approach leg at the signalized intersection.

EEE-70.4

Item #4, page vi, Effect of Highway 68 Widening:

The net reduction in travel time of approximately 286 seconds does not address what the time savings represents. Based on 3049 AM and 3036 PM peak hour trips for a total of 6085 AM and PM peak hour trips along SR 68 (reference is the CalTrans counts of 10/21/04 in the DEIR), then one would assume that there is a 0.047 (286/6085) seconds per vehicle "savings". This appears to be an insignificant time savings given the cost to construct the future SR 68, 4 lane widening project. Additional clarification is desired on this topic.

EEE-70.5

Item #5, page vi, Vehicle Miles Traveled:

The calculation would be incorrect if the amount of assumed local project trips (286) is inaccurate. It should be noted that there already are "hand marked" corrections to the calculations in the DEIR. The calculation is confusing and unclear.

EEE-70.6

Item #6, page vii, Cumulative Impacts and Mitigation Measures:

For the SR 68/Corral de Tierra Road intersection, the payment of a fair share of TAMC fees does not ensure that street capacity would be available to mitigate the proposed projects' traffic impacts.

EEE-70.7

Item #7, page vii, Cumulative Conditions with Regional Projects:

There may be an issue with the projects that are contained in the "Cumulative" condition. It appears that several pending projects may have been inadvertently omitted and an update of those projects and their estimated trips should be included in the TR. Also, the payment of a fair share of the TAMC fees per se, does not provide the street capacity for the future volumes.

EEE-70.8

Item #8, page viii, Table ES 1:

The intersection Level of Service Summary utilizes counts during September thru November, 2004. The LOS results have issues related to the estimated trip generation with the use of "trip reductions" due to higher than acceptable "passby" percentages, potential omission of several "Approved Projects" e.g. from the Fort Ord Reuse Area (FOR A), the potential omission of several "Pending Projects", and a growth factor for the Cumulative condition. The Cumulative condition also does not state a potential future year.

EEE-70.9

Additionally, the counts in August, 2007 that are in a Higgins TR (3/09/07) for the Harper Canyon project, had higher "Existing" volumes. While the assumption is that the summer months would have volumes lower than when school is in session commencing around September of each year, those counts proved otherwise. Since they were higher and more recent than the Fall of 2004, then that traffic data should have been considered and utilized for this TR. While seasonal variations are a known variable, the facts are that the higher counts indicate a higher baseline, which results in a worsened LOS for many of the intersections. The higher "Existing" base volumes from August, 2006 were not utilized in this TR, and in our opinion, should have.

EEE-70.10

Since there is much confusion within the TR itself with respect to what is included (or not), and the use of lower instead of higher base line counts, the Table ES 1 summary contains deficiencies, inaccuracies, and omissions. The TR and the LOS calculations should be modified. The proposed mitigation measures should be adjusted accordingly, to arrive at the proper findings and conclusions.

EEE-70.11

Item #9, page 4:

For Scenario 2: "Background" conditions, it appears that if and when an updated "Approved Projects" list is included, then those improvements from those projects should also be included. Unfortunately, it appears that some improvements are "funded" but may not be constructed. If that occurs, then the street capacity for those "Approved Projects" would not be available and the traffic impacts will be exacerbated. Similarly, for Scenario 4, "Cumulative Conditions", the "probable" future projects may be incomplete. There should be included a future Cumulative year, with traffic growth, and probable or pending projects.

EEE-70.12

Item #10; page 5, Data Requirements:

The data utilized was suppose to be from the new counts. Unfortunately, the data in the TR is from the older 2004 counts and not the 2006 counts at several intersections.

EEE-70.13

Item #11, page 7, Existing Roadway Network:

For State Highway 68, it is part of the Monterey County Congestion Management Program (CMP). Are there any special studies or analyses desired for SR-68 to satisfy the CMP requirements?

EEE-70.14

Item #12, page 8, Existing Traffic Volumes:

The TR indicates that the existing counts in the Fall of 2004 are "representative". We would respectfully disagree since more recent counts in August, 2006 were available. A comparison of those counts indicate that the August, 2006 counts, while more recent and occurring during a summer month, were higher. A higher base line count would result in a worsening of the LOS. While normally, one would select a count that occurs when school is open, the scenic nature of SR 68 indicates that a summer month had a higher count. Thus, that count should have been utilized. Also, since the counts used in the TR were from 2004, they would be nearly 6 years old and would appear to have limitations. Since the TR was written sometime in 2009, would it not be plausible to have traffic counts from at least 2008 or early 2009?

EEE-70.15

Item #13, page 10, Figure 4:

The Existing Traffic Volumes shown on Figure 4 is understated. The counts are nearly 6 years old and may not be representative of the current condition.

EEE-70.16

Item #14, page 11, Existing Intersection Levels of Service, and page 12, Table 2:

The LOS results are understated since lower and older volumes were utilized.

EEE-70.17

Item #15, page 13 and 14, Approved Developments:

The "Approved Projects" list should be reviewed more thoroughly by the Highway 68 Coalition. The TR includes 6 projects:

1. Pasadena Development, with 153 unconstructed/unoccupied single family residential units;
2. Monterra Ranch, with 188 unconstructed/unoccupied single family residential units;
3. Oaks Subdivision, with 9 unconstructed/unoccupied single family residential units;
4. Harper Canyon, with 14 unconstructed/unoccupied single family residential units;
5. Ryan Ranch Business Park, with 226,000 square feet of unoccupied space (not defined if it is office or hospital);
6. Laguna Seca Business Park, with 104 unconstructed/unoccupied apartment/condominium units.

Are there other projects omitted e.g. the Fort Ord Reuse Authority and others?

The Highway 68 Coalition has indicated a partial list of these "Approved Projects" which are shown below:

1. Monterey County, East Garrison with 1400 single family residential units plus 70 secondary units;
2. City of Seaside, Kaufman & Broad, with 384 single family residential units constructed, but a portion unoccupied;
3. City of Seaside, 125 resort homes;
4. City of Seaside, 170 units of timeshare;
5. City of Marina, Cypress Knolls Retirement, facility with 712 units;
6. City of Marina, Marina Heights, with 1050 single family residential units;
7. City of Marina, University Villages, 1237 single family residential units;
8. City of Marina, Armstrong Ranch (Creekbridge), with 1400 single family residential units;
9. City of Del Rey Oaks, Golf Villas, Condominium Timeshare with 691 units.

The question is what was actually built in 2004 or 2006? It would depend on which counts would be utilized in any future revisions. For example, when the counts were taken, what were the actual number of unconstructed or unoccupied units in 2004? Were they the same numbers as indicated in the TR? If there was zero development in 2004, then the entire "Approved Project" trips, not partial "Approved Project" trips, should be included. If the data for the number of unconstructed or unoccupied units were collected in 2008 or 2009, then the trips from the "Approved Projects" list would not match when the existing counts were actually taken, and the "Approved Projects" estimated trips would be considered inaccurate.

EEE-70.18

EEE-70.19

Item #16, page 14, Background Roadway Network:

The concern is that if there are roadway improvements funded that are included for the "Background" condition analysis, then the actual improvements are assumed in place. If the improvements are funded but not constructed, then there would not be the assumed available capacity. The funded improvements, if not constructed in a timely manner, may result in a near term impact. This assumes that the occupancy of the residential units and other developments would generate the "Approved Project" trips. Perhaps an analysis of the "Background" condition without and then with the funded improvements should be performed. In this manner, if the roadway capacity is not present, then a worse LOS would be the result and that could be reported.

EEE-70.20

Item #17, page 15, Background Traffic Volumes, and Background Intersection Levels of Service; page 16, Figure 5; page 16, Table 3:

Since the "Existing" volumes utilized are lower (2004 counts), and the trips from the "Approved Projects" have some issues/concerns (see above), and with the funded improvements assumed which may or may not actually produce the assumed roadway capacity, the "Background" condition volumes and LOS analyses are suspect. We respectfully disagree with the results, and indicate that what is shown on Table 3 is BETTER than what it should be. For example, since the SR 68/Corral de Tierra Road intersection will be at an unacceptable 38.3 seconds of average delay or a "D" LOS, it is worse than the acceptable "C" LOS for the PM peak hour. With the concerns illustrated above, the intersection would operate either at a worsened "D" or perhaps even an "E" or "F" LOS.

EEE-70.21

The Higgins Report for the Harper Canyon project, albeit with the 2006 counts, indicates 144.5 seconds of delay for a "F" LOS for the PM peak hour. It confirms our interim conclusions that the LOS results are understated, and that this intersection, along with others studied, are reported as BETTER than they should be.

Item #18, page 19, Intersection Lane Configurations Under Project Conditions:

The issue of the Cypress Community Church on the north side of SR 68 at Corral de Tierra Road should be included. There is confusion in the TR as to if and when the north leg of the intersection will be improved e.g. is it in the "Background" condition, or which specific condition analyzed?

EEE-70.22

Item #19, page 19, Project Trip Estimates; page 20, Table 4, Project Trip Generation Estimates; page 21, Local and Regional Project Trips:

We have read this section and Table 4 in its entirety several times and respectfully disagree with the methodology to arrive at a reasonable estimate of the expected daily, and AM and PM peak hour trips for the proposed project. The confusion is contained in several elements e.g. retail passby trips, local and regional project trips, etc. The goal should be to arrive at a conservative trip generation estimate. The tone of the text appears to reflect the intent to lower the project trips e.g. "Net New Trips on Street" for

EEE-70.23

the purpose of the LOS calculations. While that may be an admirable goal, it does not reflect what is or what may occur at the critical study intersections and more specifically at the SR 68/Corral de Tierra Road intersection which is at the project site itself. By allocating a substantial amount of the initial gross AM and PM peak hour estimated trips to different segments such as Customer Local Primary, Customer Regional Primary, Customer Passby, and Employees for the shopping center, and Local and Regional for the office use, confusion reigns supreme. Table 4 is very confusing and does not present clearly why the trip reductions have occurred. When the trip reductions are made, the "Net New Trips on Street" are substantially reduced. For example, we have confirmed that the "Total Trips At Site" numbers of 188 AM and 701 PM peak hour trips are correct on Table 4. Curiously, no Average Daily Traffic (ADT) numbers are included. We have prepared an ADT estimate of 7538 daily trips, which is shown on Table IB (attached).

If these estimated reductions are reasonable, then why are the reductions so large e.g. AM peak hour is reduced from 188 to 95 trips or nearly 50%, and the PM peak hour is reduced from 701 to 235 trips or more than 66%. We respectfully disagree that these reductions are reasonable.

The passby percentage of 34% for shopping centers which is utilized in the TR exceeds the 15% recommended in the Monterey County "Guide for the Preparation of Traffic Impact Studies", dated October, 2003, Section 4, Traffic Data, Subsection A, Trip Generation, Passby Trips, where anything greater than 15% requires consultation and acceptance by the Monterey County Public Works. If the 34% was deemed acceptable, then what proof is presented to indicate that it is applicable for this shopping center portion of the project? Additionally, the passby trip normally is for a trip length of less than one mile. Given the open area and the scenic corridor of SR 68, is it justifiable to have a large percentage of trips deemed passby? The 15% maximum in the Monterey County guidelines appears more reasonable.

The concept of Local and Regional Project Trips in the Economics Research Associates (ERA) market analysis is valid for the expected economic development of the project site. It is a prediction of possible and probable outcomes from an economic perspective. How that information is translated into estimated traffic volumes by the estimated trip distribution and the length of trip is highly speculative. The TR should have worked toward a more reasonable and conservative approach, with lower passby rates. These lower passby trips would account for the local trips. To attempt to differentiate the trips into the many segmentations, while laudable, results in confusion and highly suspect results on Table 4. The market study utilizes many assumptions. Apparently, the Transportation Consultant attempted to translate those assumptions and findings into other assumptions, which may or may not be substantiated. Table 4 is unreadable and confusing.

EEE-70.23

In an attempt to lend some clarity for the Trip Generation estimate, we have prepared several scenarios to try to indicate where the potential differences are when compared with the results in the TR on Table 4. We have prepared two alternative scenarios. The first utilizes the "average" trip generation rates in the ITE "Trip Generation" reference, while the second utilizes the "fitted curve" rates for the shopping center portion only. The second alternative results are contained in the TR, but our calculation has a different subset of assumptions.

Alternative I utilizes a retail commercial shopping center with 114,200 square feet of gross floor area (GFA), and offices with 12,300 square feet of GFA. There is no separate distinction for a 40,100 square feet supermarket/grocery, even though it is mentioned in the TR. Also, there is no separate restaurant land use category, even though it is mentioned in the TR. When utilizing the 15% maximum passby rate for only the shopping center and for only the PM peak hour, and with the average trip rates, the proposed project is estimated to generate 5039 daily trips, and 137 AM and 446 PM peak hour trips. With the 15% passby reduction, the Net Project trips are estimated at 4303 daily trips, and 137 AM and 382 PM peak hour trips. Refer to Table IA which is attached.

Alternative II utilizes a retail commercial shopping center and offices with the same square footages. However, the "fitted curve" trip generation rates are utilized for the shopping center and the average rates for the offices. Those two assumptions are identical to what is in the TR. However, instead of the 34% passby and other reductions, only a 15% maximum passby reduction per the Monterey County guidelines is included. The proposed project is estimated to generate 7538 daily trips, and 188 AM and 701 PM peak hour trips. The AM and PM peak hour trips are identical to what is shown on Table 4 of the TR for "Total Trips at Site". Curiously, no daily trip estimate was contained in the TR, Table 4. With the 15% passby reduction, the Net Project trips are estimated at 6428 daily trips, and 188 AM and 599 PM peak hour trips. These AM and PM peak hour trip estimates are different than what is shown in the TR, Table 4. Refer to Table IB which is attached.

EEE-70.24

Table II reconstructed what is in the TR, Table 4 and made an estimate of the daily trips for comparison purposes only. The daily trips were estimated based on the assumption that the largest peak hour represents about 10% of the daily traffic. The TR, Table 4 results are 2350 daily trips, and 95 AM and 235 PM peak hour trips after all of the reductions were taken into account. Refer to Table II, which is attached.

The trip generation estimates in the TR, Table 4, are very confusing. With the extraction of the relevant information as shown above, a Trip Generation Comparison between what is in the TR and what we have estimated may be performed. We prepared the comparisons for the two alternatives. For Alternative I, with the assumed average trip rates, there is an UNDERSTATEMENT of 1953 daily trips or 45.4%, an UNDERSTATEMENT of 42 AM peak hour trips or 30.7%, and an UNDERSTATEMENT of 147 PM peak hour trips or 38.5%. Refer to Table IIIA, which is attached.

For Alternative II, which replicates what is in the TR with the assumed "fitted curve" trip rates for the shopping center and the "average" rates for offices, there is an UNDERSTATEMENT of 4078 daily trips or 63.4%, an UNDERSTATEMENT of 93 AM peak hour trips or 49.5%, and an UNDERSTATEMENT of 364 PM peak hour trips or 60.8%. Refer to Table IIIB, which is attached.

Alternative II mirrors the data presented in the TR, Table 4. The conclusion from this exercise is that there is a substantive understatement of the estimated volumes for the proposed project. When these understated volumes are distributed and assigned to the street network, the LOS results would be worsened. This implies that the LOS calculations are invalid with the estimated lower project volumes which are utilized in the TR.

The above conclusions may be impacted even more negatively if other land uses that have higher trip generation rates are included in the analysis. For example, the TR indicates that there would be a 40,100 square foot GFA supermarket/grocery store. The TR indicates that there could be restaurants, but the number, size, and type of restaurants were not indicated. We have attempted to indicate the potential traffic volume differences that these two land uses would have, if constructed with the assumed shopping center trip rates. The retail commercial with "fitted curve" trip rates which are utilized in the TR is the base line. Table IV is attached, and contains that data, along with the average trip rates for a supermarket/grocery store, and the average trip rates for a typical restaurant for fast food with drive-thru. When comparing the retail commercial with the supermarket/grocery store, there is an UNDERSTATEMENT of 37.413 trips per 100 square feet for the daily trip rate or 57.7%, an UNDERSTATEMENT of 1.766 trips per 1000 square feet for the AM peak hour trip rate or 119%, and an UNDERSTATEMENT of 4.466 trips per 1000 square feet for the PM peak hour trip rate or 74.6%.

The trip rate comparison indicates that there is a high probability that there will be a higher number of trips than what is estimated in the TR, because of the higher supermarket/grocery trip rates.

When comparing the retail commercial with a restaurant, fast food with drive thru land use, there is an UNDERSTATEMENT of 431.293 trips per 1000 square feet for the daily trip rate or 665.3%, an UNDERSTATEMENT of 51.626 trips per 1000 square feet for the AM peak hour trip rate or 3478.8%, and an UNDERSTATEMENT of 28.656 trips per 1000 square feet for the PM peak hour trip rate or 478.9%.

While the number, sizes, and types of restaurants are unknown, the trip rates clearly indicate that there is a high probability that additional trips not currently included within the TR will be generated. The additional trips would be a function of the number, type, and size of the restaurant land uses.

EEE-70.24

EEE-70.25

Clearly, the TR, Table 4 results do not represent a reasonable estimate of the project traffic. We are of the opinion that the trip generation estimate should be on the conservative side, and respectfully disagree with the estimates contained in the TR.

↑
EEE-70.25

Item #20, page 21, Trip Distribution; page 22, Figure 6; page 23, Figure 7; page 24, Figure 8:

EEE-70.26

The trip distribution should identify the method for the estimated distribution. No information is provided except for the passby estimate.

Item #21, page 25, Project Traffic Volumes:

With the project traffic volumes within TR, Table 4 under scrutiny, the project traffic volumes should be revised. This implies that the LOS calculations for the "Project" condition are incorrect. The results are also understated similar to the "Background" condition for the PM peak hour at the SR 68/Corral de Tierra Road intersection. Refer to Item #17 above.

EEE-70.27

Item #22, page 28, Figure 10:

The Net Project Trip Assignment on Figure 10 shows "negative" trips for some movements:

EEE-70.28

Item #23, page 29, Figure 11:

The total "New Project Trips at Site" shows "negative" numbers for some movements. Curiously, for the unsignalized and most easterly intersection of the project site driveway with SR 68, left turns are shown as permitted. This means that on SR 68 for westbound traffic there are 8 AM and 25 PM peak hour trips that must cross SR 68 eastbound traffic to enter the site. Similarly, for the left turns out of the site with a westbound direction on SR 68, there are 5 AM and 32 PM peak hour trips shown which must cross SR 68 eastbound traffic and merge into the SR 68 westbound traffic.

EEE-70.29

This unsignalized intersection creates a potential unsafe and hazardous condition, if certain turn movements are not prohibited. Additionally, channelization islands should be designed and constructed, and a median island along SR 68 from its intersection at Corral de Tierra Road easterly along the entire project frontage, e.g. to beyond the westbound left turn lane at the most easterly project site driveway, should be designed and constructed.

Item #24, page 30, Figure 12; page 31, Table 5:

The Project Traffic Volumes on Figure 12 are suspect based on earlier comments regarding the differences in the trip generation rates and passby percentages. The Table 5 LOS results for the Project condition indicates that the SR 68/Corral de Tierra Road intersection will operate with an "E" LOS and with 65.8 seconds of average delay for the PM peak hour. Notwithstanding, that this result is a significant negative impact since the LOS is worse than "C"; the TR by Higgins for the Harper Canyon project showed a 146 seconds of average delay with a "F" LOS. The differences are significant and adverse.

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EEE-70.30

Additionally, when a critical intersection has a significant traffic impact, mitigation measures should be proposed e.g. increased number of thru, and left and right turn lanes etc, which would fit within the overall future 4 lane widening of SR 68. Apparently, at this critical project intersection which is at or along the project frontage, mitigation measures with actual street improvements were not proposed.

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EEE-70.30

Item #25, page 32, Direct Project Impacts and Mitigation measures:

The SR 68/Corral de Tierra Road intersection has a significant traffic impact. There are no mitigation measures proposed that would improve the actual operations-e.g. additional thru, and left and right turn lanes, etc. An intersection improvement plan which would fit within the future 4 lane SR 68 widening project should be included as a mitigation measure. The mitigation measure of paying a fair share to TAMC for a future project is acceptable. However, it does not provide actual street capacity on the ground.

EEE-70.31

Item #26, page 32, Effect of Highway 68 Widening:

The future 4 lane widening of SR 68 should include a transition segment that would end beyond and to the west of the Corral de Tierra Road intersection. The westbound and eastbound approach legs along SR 68 should be at the full four thru lanes with the appropriate number of left and right turn lanes, and any median islands within a prescribed future right of way or official plan line.

EEE-70.32a

Item #27, page 36, Figure 13:

The improvements at the SR 68 and Corral de Tierra Road intersection are shown on Figure 13. Unfortunately, the drawing was small and difficult to read. However, the drawing should also depict the SR 68 widening along the project frontage as two thru lanes and with an acceleration and deceleration lane eastbound, along with a median island. The street widening should be part of the frontage improvements regardless of the results of the revised LOS analysis at the SR 68/Corral de Tierra Road intersection, and should fit within the future right of way and official plan line for the future SR 68 4 lane widening project. Other improvements should be indicated e.g. channelization and median islands at the SR 68/ east project driveway which is unsignalized. That intersection is considered a potential safety hazard. One suggestion would be to have that easterly driveway have only right turn in and out movements to increase the safety potential. Should that occur, then some of those volumes that were assigned to that unsignalized intersection would be moved to the SR 68/Corral de Tierra Road intersection. Thus, the need for a comprehensive improvement plan at the SR 68/Corral de Tierra Road intersection should be a part of this project and included as a mitigation measure.

EEE-70.33

Additionally, the interim and final lane patterns should be known at the SR 68/Corral de Tierra Road intersection. The SR 68 legs, both westbound and eastbound, should be designed and constructed in their ultimate positions. For the Corral de Tierra Road northbound leg, the official plan line should be determined. The question is whether Corral de Tierra Road ultimately would be a two thru lane facility, or is there a need to

↓
EEE-70.32b

have a 3 or 4 lane segment from SR 68 southerly along the project frontage for a roadway transition section. To the best of our knowledge, the pavement and right of way widths and number of lanes on Corral de Tierra Road has not been addressed. Similarly, the SR 68 eastbound approach may need to be widened with this project to mitigate the LOS results. A transition segment for the widening of SR 68 from Corral de Tierra Road westerly beyond the required right turn lane requirement of around 400 feet is suggested. The 400 feet number is contained in the TR on page 37, Table 7 Vehicle Queuing at SR 68/Corral de Tierra Road.

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EEE-70.32b

Once an acceptable street improvement plan at the SR 68/Corral de Tierra Road intersection is presented, then the traffic signal modification may be planned and designed which would place signal poles at their ultimate locations where feasible.

Item #28, page 42, Parking:

The proposed parking assumes that the entire site will include a parking stall per 250 square feet of GFA for both the shopping center and the office use. The parking requirement appears to be satisfied. However, a separate calculation should be performed to include a supermarket/grocery store with the appropriate parking ratio. Also, any restaurants with parking ratios based on number of seats instead of square footage should be analyzed for a potential parking impact. The intent is to verify that there will not be a parking shortage with those two more specific land uses.

EEE-70.34

Item #29, page 45, Cumulative Conditions, Probable Future Developments:

There are four projects listed:

1. Wang Subdivision;
2. Miller Property Development;
3. Corral de Tierra Convenience Market and Service Station;
4. Cypress Community church.

EEE-70.35

These probable projects should be updated as additional projects are proposed. The Highway 68 Coalition may have a more complete future project listing.

Item #30, page 45, Cumulative Traffic Volumes:

With an updated Probable Future Development list, the volumes were distributed and the LOS calculations performed. The Cumulative condition does not indicate a potential future year, nor does it include any growth factor for projects that may be in the pipeline or under consideration. Additionally, it appears that the Cumulative condition in the TR is not the same as the General Plan Buildout as defined in the Monterey County guide, Section III, Scope of Traffic Impact Study, Section B, subsection (g) and (h) where the General Plan Buildout is the "Cumulative" condition, and the General Plan Buildout with proposed project is the "Cumulative with Proposed Project" condition. Thus, it appears that the Monterey County guidelines were not followed.

EEE-70.36

Item #31, page 47, Table 8, Cumulative Intersection Levels of Service:

Notwithstanding all of the previous comments about the concerns with the Cumulative LOS calculations, a comparison of the results for the SR 68/Corral de Tierra Road intersection for the PM peak hour with the results by Higgins for the Harper Canyon project indicates the following:

This TR has 98.7 seconds of average delay with a "F" LOS vs. the TR by Higgins has 268.9 seconds of average delay with a "F" LOS. The conclusion is that the traffic impact is significant. One could argue that the LOS of "F" has not changed. However, the intersection appears to have a larger incremental increase in average delay per vehicle. Just because an intersection operates at "F", does not mean that it would not operate deeper within the "F" LOS category. The increase in average delay per vehicle is greater than 172%. This is considered a significant increase with no adequate mitigation measures proposed.

EEE-70.37

Item #32, page 48, Cumulative Impacts and Mitigation Measures:

Similar to previous comments, the SR 68/Corral de Tierra Road intersection should be mitigated with actual street improvements e.g. adding thru and left and right turn lanes, plus a traffic signal modification. Additionally, the frontage street widening along SR 68 to two eastbound thru lanes plus an acceleration and deceleration lane, with a median along SR 68 and the restriction of certain turn movements at the unsignalized SR 68/east project driveway intersection, should all be part of the proposed mitigation measures. Additionally, the TAMC requirements should be fulfilled.

EEE-70.38

Item #33, page 50, Conclusions:

We respectfully disagree with the Conclusions as evidenced by the previous comments. In summary, there were questions raised regarding:

1. the actual turning movement counts utilized at the critical intersections;
2. the trip generation estimates that appear to reflect a substantial understatement of the estimated project trips;
3. the "Approved Projects" list that is apparently incomplete;
4. the LOS calculations and results for all of the conditions analyzed with incorrect data;
5. the lack of proposed mitigation measures to improve the LOS at the critical intersections;
6. the omission of a set of mitigation measures for the proposed project with actual street improvements, such as street widenings to increase street capacity;
7. the implementation of project frontage improvements within SR 68 for the ultimate or cumulative condition;
8. the general confusing tone of the Traffic Report.

EEE-70.39

II. DEIR

After the "peer review" of the Traffic Report (TR), we reviewed the applicable sections of the DEIR. Most of the comments would replicate what was commented upon earlier. Some of the TR results are shown in a different format and could be interpreted differently when re-transcribed from the TR to the DEIR. The focus is on the Executive Summary of the DEIR as well as Section 4.12 Traffic and Transportation.

EXECUTIVE SUMMARY:

- | | |
|---|------------------|
| <p>Item #34, page 1, Executive Summary, Section 1.1 Summary of Project Description:
 The project description is very detailed. The square footages are to the nearest square foot. The TR utilizes square footage which is rounded to the nearest hundreds for the trip generation estimate. However, as mentioned in this section, there is a "one-story market building (grocery store)", as well as the potential to include "various small restaurants". Those two more specific land uses were not included in the TR trip generation estimates. We have made an attempt to estimate the potential increase in the estimated trip generation on Tables IA, IB, II, IIIA, IIIA, and IV which are attached.</p> | <p>EEE-70.40</p> |
| <p>Item #35, page 2, Section 1.4 Significant Unavoidable Adverse Impacts:
 The list of potential significant traffic impacts is incomplete. Within the TR there is no mention of the potential improvements at the SR 68/Corral de Tierra Road intersection, nor SPECIFIC street improvements and street widening along the SR 68 frontage and along the Corral de Tierra Road frontage. There is also no mention of the potential unsafe and hazardous condition at the planned unsignalized SR 68/east project driveway where left turning vehicles on SR 68 westbound into the site would conflict with heavy eastbound SR 68 traffic. Also, the TR does not address at that same intersection, the left turn vehicles from the project site with a westbound destination which must cross the heavy eastbound SR 68 traffic. There is also no mention of an acceleration and deceleration lane along the project frontage on SR 68 for the eastbound direction.</p> | <p>EEE-70.41</p> |
| <p>Item #36, page 3, Table 1.A Summary Comparison of Alternatives:
 The Traffic and Transportation section mentions that there will be "Potentially Significant Impacts". We concur with that finding.</p> | <p>EEE-70.42</p> |
| <p>Item #37, page 21, Table 1.B, Summary of Mitigation Measures:
 Section 4.12, Traffic and Transportation: the proposed mitigation measures are incomplete. There is no actual traffic capacity that will be available. We respectfully disagree with the "Less Than Significant" findings.</p> | <p>EEE-70.43</p> |

Item #38, page 22, Table 1.B, Section 4.12 Street Frontage and Accessways:
 The proposed mitigation measures are incomplete. For example, the following list adds to the A thru M proposed improvements, and includes but is not limited to:

1. Full street widening for the SR 68/Corral de Tierra Road intersection for the eastbound and westbound approach legs on SR 68, for the potential widening to 3 or 4 lanes on Corral de Tierra Road along the project frontage, and the accompanying traffic signal modifications; full street widening to be consistent with the future SR 68, 4 lane widening project;
2. SR 68 eastbound widening with 2 full thru lanes and an acceleration and deceleration lane along the project frontage; the SR 68 south side and eastbound traffic widening along the future convenience store site should be planned and constructed with this project;
3. Median island construction along SR 68 from Corral de Tierra Road easterly along the entire project frontage;
4. East project driveway to operate only with right turns in and out;
5. Other?

EEE-70.44

Item #39, page 23, Table 1.B, Summary of Mitigation Measures, Section 4.12.4 Impact Fee etc:

While the impact fee would enable the SR 68 widening project to be evaluated, it does not provide for actual street capacity to alleviate the future projected traffic volumes and significant traffic impacts.

EEE-70.45

Item #40, page 40, Table 3.B, Proposed Building Uses:

The Grocery store/Market use is indicated in the table. In the paragraph below Table 3.B is mentioned "various small restaurants". As previously indicated, the grocery store and restaurant uses generate substantially more trips than a shopping center.

EEE-70.46

SECTION 4.12, TRAFFIC AND TRANSPORTATION:

Item #41, page 367, DEIR, Section 4.12 Traffic and Transportation:

Section 4.12.1 indicates that SR 68 is designated as a Scenic Route and is part of the Monterey County Congestion Management Program (CMP) highway network. The question is what additional and specific analysis of SR 68 is required since that facility is on the CMP network? We have not been able to discern whether there was any analysis performed to satisfy the CMP requirements.

EEE-70.47

Item #42, page 371, Existing Traffic Counts:

Refer to Item #12 comment above.

Item #43, page 372, Table 4.12A Existing Level of Service; page 373, Table 4.12.B Harper Canyon LOS:

Refer to Item #14 comment above. Additionally, at the SR 68/Corral de Tierra Road intersection, for the PM peak hour, the TR indicates a "C" LOS, while the Harper Canyon report shows an "E" LOS. We respectfully disagree that the use of the lower base line counts in 2004 is justified when the 2006 counts were available at the time of the analysis. The resultant difference represents a worsening by TWO letter grades from "C" to "E", and indicates approximately a 20% difference in the baseline "Existing Conditions". If a 10% range per letter grade is assumed based on the volume to capacity ratios, where each change of about 10% changes one letter grade, then the 20% difference is a conservative estimate. Since the lower "Existing" volumes from 2004 are utilized, that difference in the counts from those of 2006 and the LOS results, is considered adverse and significant.

EEE-70.48

Item #44, page 373, 374, Background Setting and Table 4.12.C Background LOS:

Refer to Item #15, #16, #17 comments above.

Item #45, page 377, 378, Section 4.12.5 Direct Project Impacts, Table 4.12.E "Trip Generation":

Refer to Item #19 comment above.

Item #46, page 378 Trip /distribution:

Refer to Item #20 comment above.

EEE-70.49

Item #47, page 378, 379, Background Plus Project Traffic Conditions, Table 4.12.F Background Plus Project Traffic LOS:

Refer to Item # 21, 22, 23, 24, 25, 27 comments above. Additionally, it should be noted that the SR 68/Corral de Tierra Road intersection is not adequately mitigated.

Item #48, page 380 Effect of SR 68 Widening:

Refer to Item #26 comment above.

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Item #49, page 385, Threshold 4.12.6,parking capacity:
Refer to Item #28 comment above.

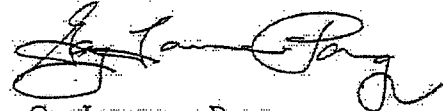
Item #50, page 385, 386, 387, Section 4.12.6 Cumulative Impacts:
Refer to Item #29, 30, 31, 32 comments above.

↑
EEE-70.49

We trust that we have adequately responded to your concerns during this "peer review" process of the Traffic Report (Appendix H) and the applicable sections of the DEIR, e.g. Section 4.12 Traffic and Transportation. We have perused but not thoroughly reviewed the appendices to the Traffic Report due to time constraints. Our review indicates that there are significant deficiencies, omissions, and inaccuracies within the Traffic Report as indicated in our summary comment on Item #33 above. It is our opinion that the deficiencies, omissions, and inaccuracies would require substantial revisions to arrive at an acceptable Traffic Report with reasonable and appropriate mitigation measures, and with the appropriate findings and conclusions.

We would be pleased to discuss any of the above items at your earliest opportunity.

Very Truly Yours,



Gay Lawrence Pang
Civil Engineer #20,203
Traffic Engineer #073

Enclosures:

Tables IA, IB, II, IIIA, IIIB, IV (by PEL)

Reference Attachments:

Traffic Report, Appendix H
DEIR, applicable sections

Table I A
TRIP GENERATION

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS	
				IN	OUT	IN	OUT
1. Retail Commercial							
	114,200 sq. ft.	42.94 ^(a)	4904	61%	39%	48%	52%
AM	.....	1.03 ^(b)	.....	72	46		
				118			
PM	.....	3.75 ^(b)	.....	.....	.....	205	223
						428	
2. Offices							
	12,300 sq. ft.	11.01 ^(a)	135	88%	12%	17%	83%
AM	.....	1.55 ^(b)	.....	17	2		
				19			
PM	.....	1.49 ^(b)	.....	.....	.....	3	15
						18	
TOTAL			5039				
AM	.....	.....	.....	89	48		
				137			
PM	.....	.....	.....	.....	.....	208	238
						446	
Passby 15% Retail Commercial							
			(736)	61%	39%	48%	52%
AM	.....	.....	.....	0	0		
				0			
PM	.....	.....	.....	.....	.....	(31)	(33)
						(64)	

Table I.A
TRIP GENERATION
(continued....)

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS		
				IN	OUT	IN	OUT	
NET PROJECT:								
	DAILY		4303					
	AM			89	48			
					137			
	PM					177	205	
							382	

AM = Morning Peak Hour
PM = Evening Peak Hour
Sq.ft. = square feet

1. Ref.: Institute of Transportation Engineers, Trip Generation, Seventh Edition, 2003, with "Average" rate for a shopping center, and "Average" rate for offices.
2. Ref.: "Guide For The Preparation of Traffic Impact Studies", Monterey County Public Works Department, October, 2003, with 15% passby for commercial retail.
3. Ref.: San Diego Association of Governments, Traffic Generators, 2002 with "Pass-by" defined as a trip LESS than 1 mile in length and only used for the PM peak hours.

(a) Per 1,000 square feet per day
(b) Per 1,000 square feet per peak hour

Table I B
TRIP GENERATION

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS	
				IN	OUT	IN	OUT
1. Retail Commercial							
	114,200 sq. ft.	64.827 ^(a)	7403	61%	39%	48%	52%
AM		1.484 ^(b)		103	66		
					169		
PM		5.984 ^(b)				328	355
							683
2. Offices							
	12,300 sq. ft.	11.01 ^(a)	135	88%	12%	17%	83%
AM		1.55 ^(b)		17	2		
					19		
PM		1.49 ^(b)				3	15
							18
TOTAL			7538				
AM				120	68		
					188		
PM						331	370
							701
Passby 15% Retail Commercial							
			(1110)	61%	39%	48%	52%
AM				0	0		
					0		
PM						(49)	(53)
							(102)

Table I B
TRIP GENERATION
(continued...)

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS		
				IN	OUT	IN	OUT	
NET PROJECT:								
	DAILY		6428					
	AM			120	68			
				188				
	PM					282	317	
						599		

AM = Morning Peak Hour

PM = Evening Peak Hour

Sq.ft. = square feet

1. Ref.: Institute of Transportation Engineers, Trip Generation, Seventh Edition, 2003, with "Fitted curve" for a shopping center, and "Average" rate for offices.
2. Ref.: "Guide For The Preparation of Traffic Impact Studies", Monterey County Public Works Department, October, 2003, with 15% passby for commercial retail.
3. Ref.: San Diego Association of Governments, Traffic Generators, 2002 with "Pass-by" defined as a trip LESS than 1 mile in length and only used for the PM peak hours.

^(a) Per 1,000 square feet per day

^(b) Per 1,000 square feet per peak hour

Table II
TRIP GENERATION

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS	
				IN	OUT	IN	OUT
TOTAL PROJECT (with Passby and Other Reductions):							
	DAILY		2350 ^(a)				
	AM			63	32		
	PM				95	108	127
							235

AM = Morning Peak Hour
 PM = Evening Peak Hour
 Sq.ft. = square feet

1. Ref.: "Project Trip Generation Estimates", Table 4, page 20, Final Traffic Report, September, 2009, Hexagon Transportation Consultants.
2. Daily Trips estimated with peak hour traffic of 235 representing 10% of the daily volumes; daily trips equals 2350

^(a) Per 1,000 square feet per day
^(b) Per 1,000 square feet per peak hour

Table III A

TRIP GENERATION COMPARISON

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS	
				IN	OUT	IN	OUT
DIFFERENCES (VOLUMES):							
Table II less Table IA ⁽¹⁾							
	DAILY		(1,953)				
	AM	.....	.....	(26)	(16)		
				(42)			
	PM	.....	.....			(69)	(78)
							(147)
DIFFERENCES (PERCENTAGES):							
(Table II less Table IA) / Table IA ⁽¹⁾							
	DAILY		(45.4%)				
	AM	.....	.....	(30.7%)			
	PM	.....	.....			(38.5%)	

AM = Morning Peak Hour
 PM = Evening Peak Hour

- (1) Final Traffic Report "Trip Generation Estimates" LESS "Trip Generation Estimates with 15% maximum passby per Monterey County Public Works Department Guidelines and only for the PM peak hour for the Shopping Center.
- (2) Percentages calculated with "Differences" / Table IA.
- (3) Excludes any "special" inclusion of restaurants.

Table III B

TRIP GENERATION COMPARISON

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS	
				IN	OUT	IN	OUT

DIFFERENCES (VOLUMES):

Table II less Table I B ⁽¹⁾

DAILY		(4078)					
AM				(57)	(36)		
					(93)		
PM						(174)	(190)
							(364)

DIFFERENCES (PERCENTAGES):

(Table II less Table I B) / Table I B ⁽¹⁾

DAILY		(63.4%)					
AM				(49.5%)			
PM							(60.8%)

AM = Morning Peak Hour

PM = Evening Peak Hour

- (1) Final Traffic Report "Trip Generation Estimates" LESS "Trip Generation Estimates with 15% maximum passby per Monterey County Public Works Department Guidelines and only for the PM peak hour for the Shopping Center.
- (2) Percentages calculated with "Differences" / Table I B.
- (3) Excludes any "special" inclusion of restaurants.

Table IV
TRIP GENERATION

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS	
				IN	OUT	IN	OUT
1. Retail Commercial (Fitted Curve, excluding 15% Passby)							
DAILY		64.827 ^(a)					
AM	1.484 ^(b)					
PM	5.984 ^(b)					
2. Supermarket/ Grocery (Average Rates)							
DAILY		102.24 ^(a)					
AM	3.25 ^(b)					
PM	10.45 ^(b)					
3. Restaurant, Fast Food with Drive-Thru (Average Rates)							
DAILY		496.12 ^(a)					
AM	53.11 ^(b)					
PM	34.64 ^(b)					

Table IV
TRIP GENERATION
(continued...)

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS	
				IN	OUT	IN	OUT

DIFFERENCES (TRIP RATES):

Retail Commercial less Supermarket / Grocery ⁽¹⁾

DAILY	(37,413) ^(a)
AM	(1,766) ^(b)
PM	(4,466) ^(b)

DIFFERENCES (PERCENTAGES):

Retail Commercial less Supermarket / Grocery ⁽¹⁾

DAILY	(57.7%)
AM	(119.0%)
PM	(74.6%)

Table IV
TRIP GENERATION
(continued...)

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR TRIPS		PM PEAK HOUR TRIPS	
				IN	OUT	IN	OUT

DIFFERENCES (TRIP RATES):

Retail Commercial less Restaurant ⁽¹⁾

DAILY	(431,293) ⁽⁶⁾
AM	(51,626) ⁽⁶⁾
PM	(28,656) ⁽⁶⁾

DIFFERENCES (PERCENTAGES):

Retail Commercial less Restaurant ⁽¹⁾

DAILY	(665.3%)
AM	(3478.8%)
PM	(478.9%)

AM = Morning Peak Hour

PM = Evening Peak Hour

1. Percentages calculated with "Differences" / Retail Commercial (Base)

^(a) Per 1,000 square feet per day

^(b) Per 1,000 square feet per peak hour



PANG ENGINEERS, INC.

TRAFFIC AND TRANSPORTATION CONSULTANTS

GAY LAWRENCE PANG, C.E., T.E.

P-1766/201003

July 13, 2010

Mr. Michael Weaver
 Chairperson, Highway 68 Coalition
 32 Corral de Tierra Road
 Salinas, CA 93908

Re: Corral de Tierra Village Shopping Center
 Southeast Quadrant, State Route 68/Corral de Tierra Road
 Monterey County, CA

Dear Mr. Weaver:

Pursuant to your request, we have attached the resume of Gay Lawrence Pang, CE, TE. In addition to what is stated on the resume, Mr. Pang has completed in the last four years the following projects:

1. A Traffic Handling Plan on El Camino Real, a CalTrans facility within the City of Santa Clara for a sanitary sewer replacement;
2. An Extinguishable Message Sign (EMS) addition to modifying six traffic signals adjacent to the CalTrain facility in Santa Clara County;
3. A traffic signal design modification at Orchard Parkway/Component in San Jose and at Middlefield/Alvin in Mountain View;
4. A parking study in downtown Los Altos;
5. A Traffic Impact Analysis (TIA) report for the San Jose Earthquakes use of the Buck Shaw Stadium on the Santa Clara University campus;
6. A vehicular access analysis for Sequoia Union High School District in Redwood City;
7. A TIA for an Autism School in Los Altos;
8. A TIA for a Bed & Breakfast motel in Los Altos;
9. The review of a TIA for the Poor Clares property in Aptos;
10. As an expert witness for an accident in the City of Fremont;
11. The review of a TIA for the Patterson Ranch residential development in Fremont;
12. A TIA for the Summerwinds residential condominiums in the City of San Jose;
13. A parking analysis for a Peet's Coffee & Tea in the City of Saratoga;
14. A TIA for a Day Care Center on Blossom Hill Road in San Jose;
15. A TIA for a Day Care Center on Bercaw and Wyrick in San Jose;
16. A parking supply, demand and accumulation analysis for Magnussen Car West in Mountain View;
17. A TIA for the conversion of a United States Postal Service (USPS) facility into residential condominiums in Los Altos;

PO BOX 4255
 MOUNTAIN VIEW
 CA 94040

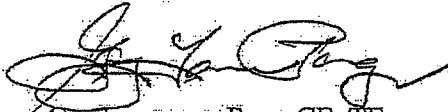
(650) 948-1030
 FAX: (650) 941-PANG

18. A TIA with a parking accumulation study for the Palo Alto Hills Golf & Country Club in the City of Palo Alto;
19. A TIA for a residential development on South Main Street in Milpitas;
20. A TIA for an Early Childhood Learning facility in Palo Alto;
21. A partial listing of Santa Clara County Valley Transportation Authority (VTA) projects include the CalTrain Safety Improvement project in the northern portion of Santa Clara County, the Capitol Avenue corridor Light Rail Transit (LRT) project with traffic signal designs at several intersections, and many traffic signal designs along State Route 85, State Route 87, and U.S. 101 at Shoreline Boulevard.

The above is a partial listing of completed projects.

We appreciate the opportunity to work with you in reviewing the Traffic Report (TR) for the proposed Corral de Tierra Shopping Center and Office mixed use development on Highway 68 in Monterey County.

Very Truly Yours,



Gay Lawrence Pang CE, TE

Enclosure: Resume

GAY LAWRENCE PANG, C.E., T.E.
Principal Engineer

Education

B.S. Civil Engineer, University of Notre Dame, 1965;
Certificate in Highway Transportation (M.S.), Yale University, 1966;
MBA, Santa Clara University, 1972.

Professional Registrations

Civil Engineer - California #20203, 1971
Traffic Engineer - California #073, 1975
Professional Engineer - Hawaii #3517, 1973

Key Qualifications

Gay Lawrence Pang is the principal owner of Pang Engineers, Inc., an engineering consulting firm with specialized experience in traffic operations, transportation planning, and civil engineering design. He has performed traffic impact analysis for land developments and traffic signal designs for more than 30 years in the South Bay Area and the State of California. He has completed numerous traffic impact reports for various land development projects with trip generation, distribution and modal split data, intersection capacity analysis with the City of San Jose Methodology, Highway Capacity Manual, and TRAFFIX Methodology, near and long term mitigation measures, and Congestion Management Program requirements. He has designed and implemented numerous stage construction and traffic handling plans on freeways, expressways, and local arterials for CalTrans, Traffic Authorities, Counties and Cities. He has designed numerous traffic signal plans with interconnect systems throughout the Bay Area.

Relevant Experience

- Directed the Junipero Serra Boulevard Transportation Study which included an origin-destination survey and analysis of historical accident data for Santa Clara County.
- Designed numerous traffic signals for Cities, Counties, the State and for private developers such as SR-85 / Stevens Creek Boulevard, Shoreline Boulevard / US-101, Route 85 / Saratoga Avenue, SR-17 ramps / Lark Avenue, SR-85 ramps / Bascom Avenue, SR-82 at Lafayette, Monroe, Civic Center and Scott Boulevard in the City of Santa Clara, Route 1 / Bay-Porter interchange in Santa Cruz County, I-680 / Ygnacio Valley Road and I-880 / Hegenberger Road.
- Prepared the "Future Width Line Study" of a major county roadway system.
- Master planned 18 miles of Route 85 overhead guide signs.
- Conceived and implemented traffic handling plans for construction on a four bridge project on Lawrence Expressway, on a light rail transit grade separation with the Southern Pacific Railroad, on SR-152 Leavesley Road at Llagos Creek, on eight bridge widenings in Palo Alto.
- Prepared stage construction plans at major interchanges, e.g. SR-17 / Lark Avenue, I-880 / Hegenberger Road, and along significant freeway segments, e.g. I-280 from Seventh Street to McLaughlin Avenue, I-680 (Boyd to Treat).
- Author of Chapter 18, "Traffic Signal Design Criteria", for the Santa Clara County Transportation Agency, included specific LRT signal phasing and LRT signal heads.
- Data collection and reduction for signal timing study in the San Jose Downtown Transit Mall for the Santa Clara County Transportation Agency.
- Prepared conceptual and final designs for Segment 6 - Lick Spur of the Guadalupe Corridor LRT Project.
- Circulation and access studies at the Park 'n Ride facilities at the Alma (Tamien) LRT station and at the Route 85 / 87 interchange.
- LRT traffic signal designs on the Tasman Corridor Project at Capitol Avenue from Cropley Avenue to Hostetter Road.
- Traffic Control Plan on El Camino Real from Flora Vista Avenue to Calabazas Boulevard in the City of Santa Clara for a CalTrans Encroachment Permit.
- VTA / CalTrain Safety Improvement Project, Phase 2 with 6 traffic signal modifications in Palo Alto, Mountain View, Sunnyvale and Santa Clara County, and preliminary advanced signal pre-emption calculations for the CalTrain crossings.

Mr. Pang has received commendations for his work from both the Santa Clara County Traffic Authority and the City of San Jose, Department of Public Works, Design and Construction Division. He served for fifteen years as a member of the Minority Citizens Advisory Committee of the Metropolitan Transportation Commission.

EEE. RESPONSES TO COMMENTS FROM MIKE WEAVER

- EEE-1: The commenter expresses concerns with the process and quality of the Draft Environmental Impact Report (DEIR). The commenter states that Planning Staff agreed to provide the community with a CEQA Scoping Hearing prior to the preparation of the DEIR, however this meeting never occurred. The commenter questions why information provided by commenter was not included in the DEIR. The County held a meeting of the Toro LUAC on August 26th 2002 and the public provided comments relative to the scope of environmental review for the Project. The County also issued two separate Notices of Preparation on the scope of the EIR. (April 2004 and September 2007). All information in the record was provided to the consultant. The DEIR included information in the DEIR that it believed was accurate and relevant.
- EEE-2: The commenter expresses concerns relative to the length of the discussion in Existing Environmental Setting, Biotic Characteristics of the Site and Adjacent Lands sections (p. 131) of the DEIR. The commenter also expresses concerns relative to the role and involvement of Ms. Denise Duffy as a consultant for both the developer and for the Fort Ord Reuse Authority. The commenter also questions the amount of contact the County of Monterey has had with Ms. Duffy. The discussion on the referred sections of the DEIR is complemented by more extensive descriptions of the botanic and biologic make up of the Site contained in the technical reports in Appendix D of Volume II of the DEIR. With respect to the role of Ms. Duffy, she is a consultant to the applicant. Ms. Duffy has represented her client during the process of the preparation of the DEIR. Her involvement with the Fort Ord Reuse Authority is not relevant to the adequacy of the DEIR.
- EEE-3: The commenter states that project site and surround areas have been used as a wildlife corridor for at least 6 decades. Commenter states that the existing wildlife corridor use is not analyzed in the DEIR and inquires as to why this analysis seems to be omitted. A biological assessment was conducted and prepared for the project site, by Denise Duffy and Associates, wherein the project site was not identified as a wildlife corridor. The biological assessment was independently reviewed by the consultant preparing the DEIR. The existence of wildlife on a site and the designation of an area as a wildlife corridor are separate matters. There are several recognized wildlife corridors on Highway 68.
- EEE-4: The commenter states that numerous trees within and adjacent to the project site have been removed, specifically, redwood, pine eucalyptus and oak trees. The commenter asks if permits were required and/or issued for such tree removal. Removal of non-native trees within the Toro Area Plan does not require a tree removal permit. The referenced removal of the Oak tree did not occur on the project site, rather on an adjacent parcel (53 Corral de Tierra); therefore is not related to proposed project or project site.
- EEE-5: The commenter expresses concerns relative to a "seeping" septic leech line located on an adjacent parcel, and potential impacts to the neighboring Hargis Mutual Water well, located on the project site. Commenter states the referenced well has had water quality issues "off and on,

for years”, and inquires if the location of the leech line could be a contributing factor. The water system samples for nitrates (NO₃) for the Hargis Well, maintained by the Bureau of Environmental Health from 1988 up to today, have indicated between 6 and 8 Milligrams of nitrates per Liter (MG/L) with an average of 7 MG/L. The maximum contaminant level (MCL) for nitrates is 45 MG/L. Also, since 1988 there has not been a positive test for E-coli at this well, another indication of possible septic impacts. Based on these records, there is no "septic influence on the Hargis well.

- EEE-6: The commenter expresses concern that the Draft Environmental Impact Report (DEIR) fails to mention impacts on raptor species *Cathartes aura* (Turkey Vulture). The commenter questions why *Cathartes aura* (Turkey Vulture) was not analyzed in any of the Impact Significance Threshold questions. A biological assessment was conducted and prepared for the project site, by Denise Duffy and Associates, which did not identify *Cathartes aura* as within the area. In addition, the Department of Fish and Game does not identify *Cathartes aura* as a special status species.
- EEE-7: The commenter expresses concerns over the analysis of the Draft Environmental Impact Report (DEIR) related to Cultural Resources and archaeological sites in the within the vicinity. Commenter states that artifacts have been previously found within the project site, as a result of past dry farming dating back to 1919, by previous owner of the project site. An archaeological report was prepared for the project by Archaeological Consulting, Inc., which concluded that “the project area does not contain evidence of potentially significant prehistoric or historic cultural resources.” Specific preparation and background study references are detailed in the technical study (Appendix E of Volume II of the DEIR).
- EEE-8: The commenter expresses concerns over the preparation and content of hydrogeologic studies submitted for the DEIR. The commenter questions the impacts resulting from the development of the proposed project relative to already falling groundwater levels. The commenter is referred to Master Response 5 regarding the status of groundwater resources for the area.
- EEE-9: The commenter states an opinion that the format and layout of the DEIR makes it difficult to read and sort out important information. The format of the DEIR is typical for a project of this nature. Since the comment does not contain any substantive statement or questions about the DEIR or the analysis therein, and no further response is necessary.
- EEE-10: The commenter provides information on the surrounding water purveyors and amount of service connections in the surrounding vicinity of the project location. The Geosyntec Report (2007) chronicles the demand that is relevant to the analysis of the El Toro Study Area and is provided as a reference to the DEIR. Therefore, the County does not believe that an additional detail on all of the service providers is necessary.
- EEE-11: Relative the information provided in EEE-10, the commenter claims that the DEIR fails to quantity current pumping and foreseeable demand resulting from the aforementioned connections. The commenter is referred to Response to Comment II-22 and II-26 for a discussion of the cumulative analysis with respect to water demand.

- EEE-12: The commenter claims the Ambler Water Service supply information (DEIR pg 394) intentionally mixes analysis from three separate hydrogeologic reports (Worley Parsons Komex, Geosyntec, and Klienfelder) in an attempt to confuse the reader. The DEIR text is not intended to confuse the analysis but to provide a discussion of the available sources of information on the subject leading to a conclusion about water supply product in the Ambler Park system.
- EEE-13: The commenter asks if Worley Parsons Komex has been excluded from further EIR review in Monterey County. Worley Parsons was not excluded; however, the Geosyntec Report(2007) is considered the most up to date information on the topics initially discussed by Worley Parson.
- EEE-14: The commenter provides information relative to the drilling of a well (#6) in approximately 1986. The commenter states that at the time this well was being drilled, no mention of a future shopping area was mentioned. The County has not way to verify the conversation that occurred nor has the commenter suggested the relevance of the information to the content of the DEIR. Therefore, no further response is necessary.
- EEE-15: The commenter provides a personal account of why an additional well (#6) was being drilled (circa 1986), and information on the acquisition of the Ambler Park system by Cal-Am years later. The commenter states that the previously owner was not aware of yearly fluctuations in water levels for the Ambler Park system, prior to transfer to Cal-Am's acquisition. See response to EEE-14.
- EEE-16: The commenter questions the ability and efforts the DEIR preparer made to get information relative to annual production for the Ambler Park Water System for years 2006 and 2007. This commenter questions why this information was not obtained. The annual production for Ambler Park was 264.5 acre feet in 2006 and 268.57 acre fee in 2007.
- EEE-17: The commenter states the DEIR fails to report past imposed water connection moratoriums, by the Monterey County Environmental Health Bureau, in Corral de Tierra in the 1970's. The history of the area is chronicled in the prior reports regarding water supply for this area. The County has relied on the Geosyntec Report which is the most up to date for its conclusions.
- EEE-18: The commenter provides data on the history and the application of a B-8 overlay in the Toro Area, as well as information on the continued process of the previous water purveyors adding of additional service connections to an estimated total of 408 connections, information on Cal-Am's acquisition of Toro Water Service. The commenter has provided his views of the extensive history regarding water use in the area, but has not indicated its relevance to the conclusions reached in the DEIR, which are that there would be a significant unavoidable impact to groundwater resources. An EIR is not intended to be an exhaustive history, but to summarize the critical information necessary for reaching a conclusion.
- EEE-19: The commenter inquiries whether the DEIR preparer was aware of previous water connection moratoriums in the El Toro Groundwater Basin in the 1970's and 1980's. The County does not believe that the DEIR preparer was aware of prior moratoria. Nor has the commenter demonstrated why this would result in a different conclusion than what was reached.

- EEE-20: The commenter inquires why a site source, Finnegan (2007), makes no mention nor is identified as the Applicant's Attorney, and why such information isn't disclosed in the DEIR. The text on page 403 of the DEIR shall be revised in the errata to indicate that Mr. Finnegan represents the applicant.
- EEE-21: The commenter provides information on how an 8" water main was installed to project site. This information details hearsay from a backhoe operator, and a personal account of correspondence between the current property owner and representatives from Monterey County Regional (formerly Salinas Rural Fire) Protection District. The commenter questions why this information was not included in the DEIR. The comment does not contain any substantive statement or questions about the DEIR or the analysis therein, and no further response is necessary.
- EEE-22: The commenter provides data on the acquisition history of the project site and surrounding lands; history on current and past applications submitted for the project site; application of a B-8 overlay in the Toro Area; and history of the pending lawsuit, filed by the applicant, against the County of Monterey. The County believes that there is sufficient background information in the DEIR necessary for an analysis of impacts. No additional comment is necessary.
- EEE-23: The commenter provides a comparative size analysis of the proposed Phelps/Omni project (project site) to the a nearby already constructed shopping center (Stone Creek Shopping Center) further down Highway 68, near Del Rey Oaks. Comment noted.
- EEE-24: The commenter asks why a chart contained in Appendix J to Exhibit 1 of Appendix H in Volume II of the DEIR, titled "Analysis of Main Site Driveway on Corral de Tierra Road" contains the header "FedEx Facility – Watsonville, CA 11/8/2007." The graphic contained at the end of Appendix J to Exhibit 1 of Appendix H in Volume II of the DEIR, reflects the Peak Hour Volume Signal Warrant analyzed for the Corral de Tierra Road and Site Driveway as identified on the top of the graphic. The graphic contains traffic count data for the proposed main driveway at Corral de Tierra Road. The graphic is a standard electronic work sheet from the "Manual on Uniform Traffic Control Devices" (MUTCD) and the "FedEx Facility – Watsonville, CA 11/8/2007" heading was inadvertently not deleted. The graphic correctly reflects the traffic counts for the identified driveway as identified in the tables below the graphic.
- EEE-25: Referring to the same document, the commenter asks as to the professional engineering certification and licensing that "Hexagon Transportation Consultants, Inc.", cited at the bottom of the page, has for the noise analysis. The preparer of the noise analysis for the DEIR relies in part on the information provided by the traffic consultant. Hexagon did not provide the noise analysis for the Project. That was provided by LSA.
- EEE-26: Referring to the same document as in items EEE-24 and EEE-25 above, the commenter states that certain text has been added to the chart using a different font and letter size. The commenter inquires as to the meaning of the acronym "MUTCD", the "over 40 MPH" reference, and as to the registered engineer who produced this page and the edits contained within. The text referred to by the commenter was added to the chart (Graphic) by the

consultant preparing the traffic report for the project. As stated under the response to Comment EEE-24, "MUTCD" stands for "Manual on Uniform Traffic Control Devices." The information on this page was prepared by the consultant who prepared the traffic report.

EEE-27: The commenter asks for the location in the DEIR of the technical data of sound measurements, when, where, what times of day, and what time of the year the measurements were taken. The existing noise environment is described on page 331 of the DEIR, including the identification of noise sensitive land uses in the project vicinity and the existing traffic noise levels based on existing traffic counts. No ambient background noise measurements were taken as there are no other major noise sources other than traffic in the project vicinity. Therefore, the traffic noise modeling provides the best description of the existing background ambient noise conditions for the project vicinity.

The Noise Analysis Worksheets, which were used to assess project-related noise impacts, are contained in Appendix G of Volume II – of the DEIR. The noise worksheets were based on traffic information contained in the traffic report prepared by Hexagon Transportation Consultants, Inc. (Appendix H of Volume II – of the DEIR). Traffic count data was gathered throughout the day during the months of September 2004 and October 2004 from the intersection of Olmsted Road and SR-68 in the western part of the traffic study area to the intersection of San Benancio Road and SR-68 in the eastern part of the traffic study area.

EEE-28: The commenter states the trip generation estimates contained in the traffic report are confusing, that the estimate total project trips are significantly "UNDERSTATED" and that therefore the noise calculations are incorrect. The trip generation rates are consistent with accepted methodology. The trip generation is not understated and is reliable for completion of the noise prediction model.

EEE-29: The commenter provides a detailed list of existing residential developments and a golf course located in the general vicinity of the site. The commenter asks why these developments were not mentioned in the DEIR and why a map with the location of these developments, was not provided in the DEIR. The commenter states that the DEIR fails to perform individual sound impact analysis on these sensitive receivers. Page 331 described the existing noise sensitive land uses in the vicinity of the proposed project. All project-related short-term (construction) and long-term (operational and stationary) noise impacts on noise sensitive uses in the project vicinity were analyzed and shown to be less than significant with implementation of the standard conditions of approval and the prescribed mitigation measures (refer to pages 336 through 342 of the DEIR). As shown in the analysis, implementation of the proposed project would not result in a perceptible increase in ambient noise levels above existing levels without the project at any of the nearest noise sensitive land use in the project vicinity, and would, therefore, similarly not result in any increase in ambient noise levels at locations further from the project site nor in exceed any of applicable standards of the County of Monterey.

EEE-30: The commenter states that since no specific project uses are identified, the noise table (Table 4.9.B) on page 330 is irrelevant to the surrounding area. The commenter lists "potential noises, noise times, and noise levels" for a variety of uses, and asks why these uses were not included in the table or analyzed. Table 4.9.B provides a list of typical A-weighted sound levels from various sources at specified distances. The purpose of this table is not meant to provide analysis

for the proposed project, but rather to provide reference noise levels so that the public and reviewing agencies can readily relate to noise levels as they are presented in the impact analysis discussions that follow. The DEIR analyzes impacts from what would be the loudest project-related stationary noise sources on page 338 of the DEIR. The analysis shows that no significant impact would occur from these noise sources, and therefore, no impacts would result from any project-related “quieter” stationary noise sources.

EEE-31: The commenter asks why the DEIR does not include cumulative noise of nearby Laguna Seca Racetrack, and its numerous “unrestricted loud days” and “race days”.

The project site is located approximately 1.5 miles (aerially) from Laguna Seca Racetrack. The topography of the surrounding area (rolling hills) provides relief from noise generated at Laguna Seca Racetrack. Given the distance from the racetrack to the project site and the fact that noise from the racetrack originates only during a number of days during the year, the noise from the proposed Project would not be considered cumulatively significant when considered in conjunction with Laguna Seca Racetrack.

EEE-32: The commenter references Threshold 4.9.3 of Section 4.9.4 (Impact Significant Criteria, page 335) stating that the project will exceed this threshold by producing either a permanent, temporary, or periodic increase in ambient noise levels in the vicinity. This concern is addressed specifically under “Threshold 4.9.3” on page 339, in which the DEIR states that a potential noise increase of approximately 3.4 dBA will be experienced along the portion of Corral de Tierra road that lies just south of SR-68. However, the closest residence is located approximately 100ft from the centerline of the roadway, and existing terrain shielding provides a noise reduction of approximately 5 dBA, reducing the project related traffic noise to 57.9 dBA CNEL; thus meeting the County’s “normally acceptable” standard of 60 dBA CNEL for residential land use development. Therefore, project-related increases in traffic noise levels along the roadway segment in the Project vicinity would be considered less than significant.

EEE-33: The commenter questions the analysis relative to “line of sight” and noise impacts to surrounding residences. The commenter questions who made the determination that surrounding residence do not have a direct line of sight, as stated in the DEIR. The commenter states that noise impacts are “understated”, due to the belief that the traffic calculations are wrong. The discussion and analysis of “line of sight” to the surrounding residence is found on pages 338 and 339 of the DEIR and briefly summarized in the above response (EEE-32). Whether or not a sensitive receptor had a direct line of sight to the proposed project was based on comparing the location of a sensitive receptor with the surrounding topography and location and orientation of proposed project structures.

As noted on page 335, project-related traffic noise levels were calculated for the Project using the FHWA Highway Traffic Noise Prediction Model (RD-77-108) with traffic volume data obtained from the Final Traffic Report prepared by Hexagon Transportation Consultants for this project. The roadway segments that would experience the highest percentage of project trips were analyzed. Traffic noise was evaluated using existing conditions (2009), the background (existing traffic levels) plus project, and the cumulative plus project PM peak hour traffic volumes to calculate the average daily traffic. The traffic noise model printouts are provided in Appendix G of Volume II of the DEIR.

- EEE-34: The commenter questions the validity of the measurements in Table 4.9.H, and who made these measurements and when. According to the DEIR the measurements were taken by staff from LSA Associates in September 2009.
- EEE-35: The commenter expressed concerns relative to noise impacts to the closed residential unit (230 feet) to the proposed loading dock. The commenter disputes the claim that this residence (49 Corral de Tierra) does not have direct line of sight to the proposed dock area, and an “intervening hill” does not exist between the two reference points. See answer to Comment EEE-33.
- EEE-36: The commenter states that the increasing noise level of up to “3.9 dBA” over existing conditions of the lower Corral de Tierra roadway segment is a significant impact. The commenter expresses concern relative to line of sight to Corral de Tierra Road from surrounding residences, both “on the hill” and “not on the hill”. The analysis of “line of sight” to the surrounding residences is found on pages 339 and 340 of the DEIR and briefly summarized in the above response (EEE-32). The DEIR considered the increase of 3.9 dBA as significant and provided mitigation to reduce noise from the Project.
- EEE-37: The commenter provides a description of property on each side of Corral de Tierra road, along with a brief history of grading work done by the County on the west side (Weaver’s property) of Corral de Tierra. The comment does not contain any substantive statement or questions about the DEIR or the analysis therein, and no further response is necessary. The commenter is referred to Section 4.5 which addresses grading and erosion on the Project site. The county also will impose conditions of approval relative to erosion.
- EEE-38: The commenter inquires how traffic generated from/to the proposed project site will be accommodated on a rural two-lane road (Corral de Tierra). The commenter states that no additional frontage is available on the west side (Weaver’s) of Corral de Tierra Road for additional road improvements. Recommended Mitigation Measure 4.12.2 of the DEIR includes a number of improvements to Corral de Tierra Road along the project site’s frontage. There will be some improvements necessary to accommodate the traffic patterns of the future SR-68 Intersection Improvements with the needs of the development of this site. Improvements to Corral de Tierra Road determined necessary by the Monterey County Public Works Department are included in Mitigation Measure 4.12.2. These improvements will either need to be constructed completely within the existing right of way, or the applicant will need to modify their plans to accommodate these improvements.
- EEE-39: The commenter provides a detailed history of development and subdivision of the Weaver property located on the west side of Corral de Tierra Road and conditions imposed to allow such development. The commenter then compares allowed development on the Weaver property to the proposed project and potential development. The commenter states that both properties should be held to the same standard and conditions. The Proposed Project is a commercial project located on a flat site. The Weaver project is a residential subdivision on a steep hillside where development could be considered ridgeline development. There is limited comparability between the two projects other than their common location on Corral de Tierra Road. The

Proposed Project will be fully mitigated and conditions should the County approve development on the site.

- EEE-40: The commenter claims and inquires why the DEIR did not follow the proper procedure for conducting a Visual Impact Assessment (VIA). The project and associated visual impacts were assessed by applying CEQA Guideline for thresholds of significance and the policies and objectives found in the Monterey County General Plan, Toro Area Plan and Caltrans Standard Environmental Reference (SER) guidelines, Chapter 27. The California Department of Transportation (The Department) conducts visual studies using the Federal Highway Administration (FHWA) method as a guide. These methods are outlined in *Visual Impact Assessment for Highway Projects (March 1981)*, which was reviewed and followed in the preparation of the projects VIA. The overall VIA is extensively detailed in pages 87-114 of the DEIR.
- EEE-41: The commenter inquired about the qualification of the individual(s) of all Visual Impact Assessment preparers for the DEIR. The commenter requests the preparer's license number, questions which other Scenic Highway and/or Scenic County Road projects the preparer has assessed, if he/she/they are registered to do business in California. The Visual Impact Assessment was prepared by The Planning Center, as stated on page 88 of the DEIR. The Planning Center was hired as sub-consultant by the consultant preparing the DEIR, and is a recognized planning consulting firm with experience with the preparation of Visual Impact Assessments.
- EEE-42: The commenter asks how the proposed project would affect the official State Scenic Highway designation of State Route 68, and how the Project is consistent with the State Scenic Highway . The commenter states that the project has the potential to affect the scenic highway, that the DEIR failed to adequately disclose related issues, that the DEIR fails to provide a complete list of the General Plan and Toro Area plan policies and County Ordinances that apply to the scenic designation of State Route 68 and asks for the Scenic Resource Evaluation for the project, who prepared it and their qualifications.

The proposed Project's potential impacts on the State Scenic Highway are addressed in Chapter 4.1 (Aesthetic Resources) of the DEIR. Section 4.1.1 (Environmental Setting, p.77) correctly discloses the designation of SR- 68 as a Scenic Corridor and the designation of Corral de Tierra Road as a County Scenic Route. Section 4.1.2 (Regulatory Setting, p.83) correctly discloses all General Plan and Toro Area Plan policies applicable to the scenic corridors; additionally, the Project's consistency with these and all other applicable policies of the General Plan and the Toro Area Plan is discussed in Chapter 4.8 (Land Use and Planning) of the DEIR. The designated Critical Viewshed and Areas of Visual Sensitivity on the property per the Toro Area Plan are clearly illustrated in Figure 4.1.4 of the DEIR.

The proposed Project's impacts on the State-designated scenic corridor are analyzed in the DEIR per the guidance contained in Chapter 27 of Caltrans' Standard Environmental Reference Guidelines. As stated in Chapter 4.1.3 of the DEIR (Methodology, p. 88), the Project's impacts to visual resources are discussed based on a visual analysis completed using the guidelines contained in the *Visual Impact Assessment for Highway Projects* published by the Federal Highway Administration which are acceptable under Chapter 27 of Caltrans' guidelines. The

visual analysis was prepared by the Planning Center –a land use planning consulting firm with extensive experience in the preparation of visual impact analyses; the methodology of the analysis was coordinated with staff from the Planning Department. The steps in the preparation of the visual analysis are clearly stated under Chapter 4.1.3 (p.88) of the DEIR.

The Project's impacts on the Scenic Corridors are described in Chapter 4.1.5 (Project Impacts, p.89), based on visual simulations of the site from three different vantage points (Figures 4.1.7, 4.1.8 and 4.1.9 of the DEIR) which illustrate before- and after-development conditions of the site. The discussion (p.99) clearly states the definition of Visual Impact Levels from low to moderate, moderately high and high levels. The Analysis of View Simulations (p. 100-108) clearly describes the impacts of the development on the visibility from the designated scenic corridors from the three vantage points; and discusses those impacts according to the CEQA-required Thresholds of Significance (p. 108-111). The DEIR concludes that development of the Project would result in potentially significant impacts requiring mitigation. Recommended mitigation measures are clearly listed (p.112-114) which would reduce those impacts to less than significant levels and make the project to fully comply with the applicable policies of the General and Area Plan.

EEE-43: The commenter states that the State Scenic Highway Analysis requires analysis of views from the road and views of the road, that the DEIR makes a poor attempt at the analysis of the views from the road but skips the views of the road from surrounding perspectives, and that the proposed Project will have a substantial impact on the view of the road from private and public hilltops and hillsides. The commenter is referred to Chapter 4.1 (Aesthetic Resources) for an analysis of the Project's impacts on the designated scenic corridors and the proposed mitigation measures. It is not anticipated that the road improvements would result in changes to the view of the road since all improvements would be constructed within the existing right-of-way.

EEE-44.A: The commenter asks for an explanation of the logic of the conclusion stated in the third paragraph under Section 4.1.7 of the DEIR that "The Project is not anticipated to substantially change the cumulative aesthetic environment in the immediate project area and the Project's effect on the cumulative aesthetic change to the study area would be less than significant." The question is asked in view of earlier statements in this Section of the DEIR –also cited by the commenter– that the Project would cause significant modifications of existing views of the site from public vantage points and that potential impacts from new lighting on the Site would be potentially significant.

The statement by the commenter refers to the cumulative impacts of the project on the general area of the Project site. For purposes of the cumulative impact analysis of the project on aesthetics and visual resources, the DEIR (Section 4.1.6, p.111) states that "The cumulative study area for aesthetic/visual resources includes the highway corridor along SR-68 from approximately one mile east of the Site to a quarter mile west of the Site." The DEIR continues to state that "the study area encompasses the view corridors of the highway and roadway and adjacent properties and immediate hills." The analysis clearly states the natural and man-made elements existing within the study area. The area to be included for purposes of the cumulative impact analysis needs to be confined and the area included in this case was determined given the topographic make up of the area around the Site and the visibility from the view corridors of the highway and roadway and adjacent properties and immediate hills (p.111).

The statement referred to by the commenter must be understood based on the conclusion in the DEIR (p.112, first paragraph) that the Project's contribution to cumulative visual effect in the study area, "would not be considerable given the relatively narrow visibility corridors, the short time of visibility of the Project for road travelers, road topography and terrain features, the short view depth of the visual study area as defined by the State highway, as well as the existence of commercial development at the SR-68/Corral de Tierra Road."

EEE-44.B – The commenter states that the DEIR fails to adequately analyze the Toro Area Plan Policy for "The quality of Darkness," that the DEIR does not present any data regarding night lighting, brightness and quantity of lighting, or on-site and off-site glare. The commenter asks how a lighting plan would be enforced by the County and that deferring review of a lighting plan is not permitted.

The commenter refers to Policy No. 26.1.20.1 (T) of the Toro Area Plan which states that "*Lighting of outdoor areas shall be minimized and carefully controlled to preserve the quality of darkness. Street lighting shall be as unobtrusive as practicable and shall be consistent in intensity throughout the Toro Area.*" The project application includes a lighting plan which consists of a site plan with the location of the light fixtures in the parking areas and a narrative of the specific features of the lighting design; the parking lighting is designed in a manner that would make the parking lighting compatible with the surrounding areas. The site plan with the location of fixtures in the parking areas was included in the DEIR (Figure 3.9) but the narrative was not included; the narrative will be added to the technical appendices as part of the Final EIR.

The consistency of the proposed Project with the referred Policy is analyzed under Chapter 4.8.5 (Project Impacts, p.298). The analysis refers to the Conceptual Lighting Plan (Plan) included in the DEIR (Figure 3.9). The Plan includes cut off lighting fixtures throughout the Site which would eliminate sky glow. The Plan also includes high pressure sodium light bulbs which reflect less glare than other type of light bulbs and the specific location of light poles in the parking areas. The light poles are proposed with a height of 14 feet mounted on two-foot high concrete bases at a scale more like residential street lighting than commercial shopping center lighting. The DEIR (p.111) correctly states that "additional new sources of light, especially lighting of parking areas, would create an adverse change in nighttime views of the Site and could result in a significant source of lighting in a rural area enjoying significant darkness at night time;" the DEIR further concludes that "This would be considered a potentially significant visual impact."

The DEIR recommends Mitigation Measure No. 4.1.5 (p.114) which requires submittal of a final lighting plan by the applicant to be reviewed by the County, consistent with standard Planning Department practice.

EEE-45: Referring to recommended Mitigation Measure No. 4.1.4 on page 113 of the DEIR (the commenter erroneously cited p. 313), the commenter states that the County has a terrible record with regard to landscape plans for subdivisions both in the general and in the project area. The commenter then gives several examples of the County's purported failure to follow up on the implementation of approved landscaping plans. Mitigation Measure 4.1.4 is recommended to

mitigate the significant impacts on visual resources identified in Section 4.1.5 of the DEIR. The Mitigation Measure would require preparation and submittal of the conceptual landscaping plan submitted by the applicant (Figure 3.7 of the DEIR); the revised plan shall address the project changes identified in Mitigation Measure Nos. 4.1.1 and 4.1.2 to mitigate the Project's impacts on the designated State and County scenic corridors. The Mitigation Monitoring and Reporting Plan would have to include specific actions and follow up to assure that the landscaping plan include appropriate drought-tolerant plant species and species that upon growth would buffer the visibility of the project as intended in the mitigation measure. The County has adequate provisions for monitoring and would require the developer to pay for such monitoring into the future as a condition of approval.

EEE-46: The commenter cites the thresholds of significance for evaluating the Project's impacts on aesthetic resources listed on page 88 of the DEIR, and states that the answer to all of the thresholds would be YES. The County agrees with the commenter. The DEIR (P. 108-111) assesses the potential visual and aesthetic changes and/or impacts that the Project would have pursuant to these thresholds of significance. The analysis in the DEIR concludes that the impacts of the project under each one of the threshold would be potentially significant and would require mitigation. Full implementation of the recommended mitigation measures in Chapter 4.1 of the DEIR, through specific actions to be listed in the Mitigation Monitoring and Reporting Plan, would reduce those impacts to less-than-significant levels.

EEE-47: The commenter cites the statement on page 112 of the DEIR that "The Project is not anticipated to substantially change the cumulative aesthetic environment in the immediate project area and the Project's effect on the cumulative aesthetic change to the study area would be less than significant." (Emphasis added by the commenter). The commenter asks for the names of the Planners and Consultants who visited the site and made such determination, and states that the neighbors have strong opinions about the Project's individual and cumulative impacts in the immediate project area.

As stated in the response to Item EEE-44.A above, the statement referred to by the commenter must be understood based on the conclusion in the DEIR (p.112, first paragraph) that the Project's contribution to cumulative visual effect in the study area, "would not be considerable given the relatively narrow visibility corridors, the short time of visibility of the Project for road travelers, road topography and terrain features, the short view depth of the visual study area as defined by the State highway, as well as the existence of commercial development at the SR-68/Corral de Tierra Road."

The analysis contained in pages 88 to 112 of the DEIR, on which the conclusion stated on page 112 is based, was completed by the Planning Center, a recognized land use planning and design consulting firm working as a subconsultant to the consulting firm hired by the County for the preparation of the EIR. Again, the Project's impacts to visual resources are discussed based on a visual analysis completed using the guidelines contained in the *Visual Impact Assessment for Highway Projects* published by the Federal Highway Administration which are acceptable under Chapter 27 of Caltrans' guidelines.

EEE-48: Referring to the last paragraph on page 114 of the DEIR –which states that recommended mitigation measures in Chapters 4.1 (Aesthetics) and 4.3 (Biological Resources) would reduce

project-related impacts to aesthetics/visual resources, visual character and areas of visual sensitivity and critical viewshed to less than significant– the commenter asks why these issues are lumped together and who made the determination of “less than significant” impacts based on no objective criteria. The commenter then asks for the specific criteria used in reaching such conclusion. The reference to biological resources was a typographic error and shall be corrected in the errata to the FEIR.

EEE-49: The commenter states that there is no Lighting Plan and states that recommended Mitigation Measure 4.1.5 –which requires submittal and review by the County of a Final Lighting Plan– does not address Scenic Highway Criteria or Toro Area Plan Policies and that the DEIR failed to disclose or analyze the Project’s consistency with those policies. See response to EEE-44.B above.

EEE-50: The commenter states that the DEIR is inadequate in addressing Scenic Resources and in addressing potential impacts to them and to the State Scenic Highway, the County Scenic Road, the traveling public and area residents. The commenter asks whether County staff asked for modifications to the Project to make it less impactful. See response under Item EEE-42 above. Note also that the County has proposed an Alternative- The Reduced Density/Redesigned Alternative which would further reduce any potential aesthetic impacts.

EEE-51: The commenter asks for the DEIR reference to York Road as a “rural” road to be corrected because of two potential “tie-ins” to York Road, and asks how the County evaluated the impacts of these “tie-ins” to SR-68, and how traffic on York Road will be affected. The forth leg to the SR-68 and York Road Intersection has been included in a recent development application, but this intersection modification has many issues to resolve and it is premature to assume that it will be built. The Regional Circulation Element of the Fort Ord Base Reuse Plan (FOR A 1997) identified a number of gateway roads to the former military base. These roads would connect to South Boundary Road and include connector roads at York Road, Upper Ragsdale Drive and Ryan Ranch Road all located within the City of Monterey. The construction of these improvements is planned in three phases (*Fort Ord Transportation Network Elements and State Route 68 Improvements from State Route 218 to York Road Draft Environmental Impact Report/Environmental Assessment, Fort Ord Reuse Authority/City of Monterey, August, 2001*). Only the First Phase of the improvements (widening of Highway 68 from Ragsdale Drive to Highway 218, traffic light and connector road from Upper Ragsdale Drive to South Boundary Road) has been completed. The construction of the connector road between York Road and South Boundary Road is the responsibility of the City of Monterey and has not been and would not be completed in the foreseeable future due to a lack of funding. Therefore, the DEIR did not address these projects as they are not considered foreseeable.

EEE-52: The commenter asks how the “approved but not built” Laguna Seca Business Park of 104 apartment/condominium units was treated in the Traffic Analysis. The commenter asks if this was treated as office space or as residential units. First is it important to clarify that the list of projects includes “approved and probably future” projects which includes projects which have not been built. The Laguna Seca Business Park approved in 1982 was a subdivision to create 19 lots. Six (6) of those lots are currently undeveloped. These are zoned V/O “Visitor Servicing/Office Space” which allows a mixture of commercial and residential development. An application is on file with the County of Monterey to develop apartment/condominium units

on these remaining lots (PLN020332). The placement of this project in the background conditions indicates that the traffic study identified this probable future development as residential.

- EEE-53: The commenter questions whether the planned, “funded and one unfunded traffic improvement(s) along SR-68” referenced on Page 374 of the DEIR are truly funded. The commenter states that no “SR-68 Advisory Committee” ever existed, as stated in the DEIR, however a “Highway 68 Improvement Advisory Committee” was formed as a condition of approval for the Bishop Ranch (Pasadera) subdivision, and gives a history of this committee. This comment refers to three improvements to intersections along SR-68. The Laureles Grade intersection has been completed, so the DEIR reference to that as a funded project is correct. The County of Monterey, Public Works Departments shows the intersection improvement at Corral de Tierra to be fully funded. The intersection at San Benancio Road is partially funded. The author of the DEIR understood the improvements to these intersections to have been recommendations of the Highway 68 Improvement Advisory Committee.
- EEE-54: The commenter states that existing traffic counts use old data from 2004. The commenter refers to an attachment (Pang Engineers) for a peer analysis of the traffic section of the DEIR. Responses to the Pang Engineers letter can be found at the end of these comments (EEE-70.1 through EEE-70.49)
- EEE-55: The commenter lists approved or developing projects in the former Fort Ord lands, and from Seaside, Marina and Del Rey Oaks and questions why they were not included within the background section. The commenter also references projects being considered and/or processed in former Fort Ord lands. The commenter states all referenced projects will have traffic impacts on SR-68. The commenter questions how the referenced projects were quantified and considered in the EIR. The projects listed in the Background section of the DEIR are projects “in the vicinity” of the proposed project. Development in Fort Ord, Marina, Del Rey Oaks, and Seaside were not considered in the vicinity of the proposed project. These projects have been considered as part of the Cumulative condition.
- EEE-56: The commenter mentions two residential subdivision applications being processed along SR-68 (Ferrini Ranch and Harper Canyon) are not found in the DEIR. The commenter states that the DEIR did not account for these projects therefore the traffic analysis for the Proposed Project is skewed. The commenter asks how these projects will affect traffic in the vicinity of the Proposed Project. The commenter further states that recent improvements in traffic flow on SR-68 can be attributable to alternative traffic routes through the former Fort Ord and then questions whether as projects in the former Fort Ord area are developed will increased traffic along Imjin Parkway push traffic back to SR-68? The Ferrini Ranch Subdivision and the Harper Canyon Subdivision were included in the Traffic Study for the proposed project. The Ferrini Ranch Subdivision and the Harper Canyon Subdivision were included in the Traffic Study for the proposed project. They were omitted from the list of projects considered, and this was an error which has been corrected in the errata. The decrease in traffic can be attributed to alternative east-west routes. As Fort Ord continues to develop, additional improvements will continue to be made to the regional transportation network to address the increased traffic.

- EEE-57: The commenter states that the DEIR fails to discuss the Official Highway 68 Plan Lines inquiring why this information was omitted and whether the DEIR preparer had the Plan Lines when preparing the EIR. It is not clear how this is relevant to the project. The official plan lines are not in conflict with the project, and no improvements are being required of this project for which right of way is not available.
- EEE-58: The commenter sites page 372 of the DEIR which states “that the peer review of the traffic report found the methodology used in the report to be in keeping with accepted professional practice”. The commenter questions who performed the peer review, what qualifications are held, and much the peer reviewer was paid. The traffic report was peer reviewed by the Environmental Consultant and reviewed by the County of Monterey Public Works Department.
- EEE-59: The commenter states their belief that the Traffic and Transportation element of the DEIR is poorly done and should be redone. Comment Noted.
- EEE-60: The commenter states that the DEIR (page 376) outlines CEQA Thresholds (4.12.4.A through 4.12.4.G) relative to traffic impacts, and yet fails to answer the question of whether each is exceeded. Commenter further asks how many times a day the bus picks up or drops off passengers at Corral de Tierra. The analysis of each threshold is found in the DEIR on the following pages:

CEQA Threshold 4.12.4.A – page 377 – DEIR Threshold 4.12.1
CEQA Threshold 4.12.4.B – page 382 – DEIR Threshold 4.12.2
CEQA Threshold 4.12.4.C – page 382 – DEIR Threshold 4.12.3
CEQA Threshold 4.12.4.D – page 383 – DEIR Threshold 4.12.4
CEQA Threshold 4.12.4.E – page 384 – DEIR Threshold 4.12.5
CEQA Threshold 4.12.4.F – page 385 – DEIR Threshold 4.12.6
CEQA Threshold 4.12.4.G – page 385 – DEIR Threshold 4.12.7

Threshold 4.12.7 addresses how the project would conflict with policies related to alternative transportation. The number of stops per day is not relevant to this as a policy issue. Page 373 of the DEIR addresses existing transit service. The errata contain clarification of the existing bus service along the SR-68 corridor.

- EEE-61: The commenter states that the DEIR does not directly answer Threshold 4.12.1 found on page 377. The commenter states that all aspects of the threshold would be exceeded, asks if the County agrees. Section 4.12.5 of the DEIR discusses the project trip generation, background condition, direct project impacts and required mitigation. The discussion does identify that there are significant impacts to three intersections prior to mitigation. It is identified that the project impact to Corral de Tierra even after the mitigation would still be significant.
- EEE-62: The commenter refers to the TAMC project cited as mitigation and asks what the impacts of widening outside of Official Plan Lines are and why the DEIR failed to investigate and disclose these impacts. It is not clear that the Widening SR-68 would occur outside of adopted plan lines.

- EEE-63: The commenter references discussion of thresholds on page 382-383 of the DEIR and states that the answers to Threshold 4.12.2 and 4.12.4 are “yes”. As stated in the DEIR Threshold 4.12.2 is not applicable and 4.12.4 is mitigation with Mitigation Measure 4.12.2.
- EEE-64: The commenter references the parcel on the corner of SR-68 and Corral de Tierra Road, and expresses that traffic impacts for the future use of the site (gas station) and present use (real estate office) parcel should be factored into the traffic analysis. The commenter correctly states that the adjacent 0.684 acre parcel is not a part of the Proposed Project. No current application to change the existing use of this parcel (real estate) office to a gas station has been submitted for consideration to the County of Monterey. The existing use of the site is evaluated in the traffic analysis because its traffic is included within the existing traffic counts..
- EEE-65: The commenter references DEIR page 384 relative to “Project improvements” required on Corral de Tierra Road as being vague and without a description of the size of the improvements. The commenter specifically expresses concern of item D on the supplied “improvements” list, claiming that this particular “improvement” would result in safety, circulation and liability concerns. These improvements are designed to integrate the circulation needs of the proposed intersection improvements with the circulation needs of the proposed project. The raised center divide is intended to prevent left turns in close proximity to the intersection. The center divide is not intended to extend the length of the project.
- EEE-66: The commenter states that Corral de Tierra Road is a rural two-lane road and cannot be widened on the West. Commenter questions with the Proposed Project built out to the property line; where is room for the proposed bike trail, and why better sketches and schematics were not supplied in the DEIR. The required improvements to Corral de Tierra Road are determined necessary by the Monterey County Public Works Department. These improvements will either need to be constructed completely within the existing right of way, or the applicant will need to modify their plans to accommodate these improvements.
- EEE-67: The commenter references discussion on page 385 of the DEIR relative to speed of travel along SR-68 and access points to the Proposed Project. The commenter asks why differing rates of speed (fast/slow) were not discussed. As discussed in the section cited, there are impacts identified (elimination of driveway, deeper driveway throat depth, and existing or planned queuing lanes) which address this concern. Prior to mitigation the impact is significant, and after the requirement mitigation the impact would be reduced to a less than significant impact.
- EEE-68: The commenter states that the cumulative impacts are understated in the DEIR. The commenter asks what the “Corral de Tierra Convenience Market and Service Station” referenced on page 386 is and if it is proposed on the 0.684 acre parcel on the corner of SR-68 / Corral de Tierra, and if so, why the impacts of this development were not addressed in this EIR. The traffic study in the cumulative condition included a 3,600 square foot convenience market and gas station on this corner parcel. This was not evaluated as part of the total DEIR because there is not presently an application for approval of such a development on the subject site.
- EEE-69: The commenter refers to the attached Pang Engineers, Inc. Traffic Analysis peer review of the Traffic Elements. The commenter states since the Traffic Section analysis is so poor, it is hard to

determine levels of significance for the Proposed Project. Responses to the Pang Engineers letter can be found at the end of these comments (EEE-70.1 through EEE-70.49)

EEE-70.1 Commenter expresses that the supermarket/grocery is a potential occupant of the shopping center and has a higher trip generation rate than a shopping center; the same concern is expressed with restaurants. Traffic generated by the Project was calculated using rates contained in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 7th Edition, 2003. According to the ITE trip Generation Manual, "a shopping center is an integrated group of commercial establishments that is planned, developed, owned and managed as a unit." These rates were established through data and surveys of hundreds of existing shopping centers (i.e., 412 shopping centers were surveyed to establish weekday PM peak hour trips per 1000 square feet of area). Some of these centers that were surveyed "contained non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, health clubs and recreational facilities." Moreover, because specific details of the individual uses within this project proposal are not available, use of a shopping center trip generation rate for a project comprised of several different uses found within a shopping center is commonly accepted as standard professional practice. Therefore, the use of the shopping center as the use for trip generation instead of the individual components of a shopping center is appropriate in this particular application.

EEE-70.2 Commenter expresses concern that the maximum credit for pass by trips should be capped at 15%. The concern is that the reductions identified in the traffic report understate the net trip generation for the proposed project. The County largely agrees with this assessment. That is why the detailed discussion on pp. 377-378 of the Draft EIR addresses and adjusts the pass-by trip reductions proposed in the traffic report. Two different trip reductions are at issue: a pass-by trip reduction and a reduction based on a market area study. Pass-by trip reductions are considered standard industry practice and supported by data and research in the ITE *Trip Generation Handbook*, 2001. After review of the Final Traffic Report by Caltrans and County staff, it was concluded that there was insufficient additional engineering data supporting the trip reduction based on the market area study. Therefore, the market area reduction was not accepted and the final data in Table 4.12.E in the DEIR reflects the adjustments required by County staff.

EEE-70.3 Commenter questions why the mitigation measure for the intersection of Corral de Tierra Road and SR 68 is limited to the "fair share" impact fee under the Transportation Agency for Monterey County (TAMC). The comment further questions whether Caltrans has evaluated whether the "interim" improvements would fit within the overall 4 lane future widening of SR-68. Improvements to the SR-68/Corral de Tierra intersection are identified in Mitigation Measure 4.12.2, as described in the Draft EIR. This mitigation requires construction of road improvements along the frontages of the project site. These improvements include additional lanes and widening approaching the intersection along Corral de Tierra Road. Additional road improvements along the intersection approaches on both Corral de Tierra Road and SR-68 are already programmed to address traffic operations at this intersection as part of a project being undertaken by the County of Monterey. These improvements have been evaluated by Caltrans. All construction work within the right of way will require approvals through the encroachment permit process for both the County (along Corral de Tierra Road) and Caltrans (along SR-68) as applicable. Also, the current Regional Development Impact Fee Program provides funding

towards a project that would extend the existing 4 lane section of SR-68 through Corral de Tierra Road. The projects identified in the fee program are developed in consultation with TAMC and Caltrans, and this 4-lane project is identified for funding the current Regional Transportation Plan (RTP) for Monterey County.

- EEE-70.4 Commenter expresses the idea that future widening of SR-68 from 2 to 4 lanes from existing 4 lane segment at Toro Park should extend westerly beyond Corral de Tierra Road to include the widening of the eastbound approach as well. Widening projects typically include all approaches to intersections as part of the design of the improvements. The SR-68 future widening is expected to include the widening of the eastbound approach of the intersection of SR-68 and Corral de Tierra Road. The operational improvements planned at SR-68/Corral de Tierra do not include modifications to the eastbound approach, environmental documentation is currently being prepared, and plans construction funding for this project is programmed for 2011/12.
- EEE-70.5 Commenter indicates that the net reduction in travel time of approximately 286 seconds does not address what the time savings represents. The net reduction in travel time of approximately 286 seconds described on p. vi of the Final Traffic Report represents the amount of time saved for each vehicle once the Highway 68 widening is complete.
- EEE-70.6 Commenter expresses concern with the calculations for vehicle miles traveled based upon the hand marked corrections in the DEIR. The hand marked corrections in the DEIR are the result of the changes made to the trip generation rates as discussed above in comment 2.
- EEE-70.7 Commenter states that the payment of a fair share of TAMC fees does not ensure that street capacity would be available to mitigate the proposed projects' traffic impacts. A legal opinion was prepared for TAMC that found that: with respect to the proposed regional transportation improvement projects by the Transportation Agency that have been identified and prioritized as being constrained and therefore fully funded by either impact fees alone, or in combination with other potential federal, state and local sources, payment of impact fees should be deemed to be adequate mitigation of a private development project's impacts on regional transportation improvements pursuant to the California Environmental Quality Act.

Case law also strongly supports the use of traffic mitigation fees as a valid means of mitigating project impacts. In fact the September Ranch decision helped clarify that developers cannot be unfairly assessed duplicative fees if the same mitigation is required for both direct and cumulative impacts. The assessment of the fees must also be fair and equitable so the developer cannot be expected to pay more than a fair-share of needed road improvements. Because the SR-68 corridor is viewed as a single road network rather than a collection of individual road segments and intersections, any improvement or fee that represents an equitable share is viewed as an appropriate mitigation to the corridor. There are many examples in Monterey County of how the assessment of impact fees has appreciably contributed to the funding of important roadway improvements. Besides the previously mentioned Safety and Operational improvements on SR-68, the SR-1 @ Salinas Road Interchange, the Davis Road Bridge and widening, US101 Prunedale Improvement Project and the US101 @ San Juan Road Interchange are just a few examples

- EEE-70.8 Commenter indicates that several pending projects may have been inadvertently omitted from the cumulative project list and those projects and their estimated trips should be included in the traffic report. The list of Cumulative projects included in the traffic analysis was inadvertently omitted from the Traffic Study Appendices during the document reproduction. The cumulative project list was included from the Harper Canyon Subdivision traffic study because it presents a more comprehensive cumulative scenario. The cumulative results from the Harper Canyon analysis were incorporated into the DEIR to provide the most current point of comparison available. This additional analysis is discussed in the cumulative traffic sections of both the traffic report and DEIR. An Errata has been prepared that includes this previously omitted information.
- EEE-70.9 Commenter takes issue with the validity of Traffic Report table ES 1 because the LOS calculations utilize counts in September through November of 2004, the trip generation reductions for pass by percentages, and the appearance that pending projects are missing from the cumulative list. For responses to these comments, please see responses to comments 2 and 8 above.
- EEE-70.10 Commenter suggests that the base volumes presented in the Higgins 2007 Traffic Report should have been the base for the Traffic Report on this project because the counts are more recent and indicate that a higher base line should be used. The variability identified in this comment has been identified and discussed on pp. 367 – 372 of the DEIR. As discussed in the DEIR, traffic counts taken from Caltrans data show that the average traffic volumes have not increased between the periods of the traffic analysis. The County acknowledges this variability as discussed in the DEIR.
- EEE-70.11 Commenter indicates that since there is much confusion with the Traffic Report and Table ES 1 the Traffic Report and LOS calculations should be modified and the proposed mitigation measures should be adjusted accordingly. The County finds no confusion in the analysis presented in the DEIR. The data from the Hexagon Traffic Report is presented along with an additional analysis prepared by Higgins Associates for another project on the SR-68 corridor. The DEIR identifies where there will be impacts and provides mitigation for project specific and cumulative impacts as well as identifying impacts which can not be mitigated.
- EEE-70.12 Commenter questions whether “Approved Project” list also include assumed improvements provided by those projects in the Background condition. Concern is expressed that if those projects are not built then traffic improvements required of those projects would not be constructed. A list of approved development projects considered in the background condition is listed on pp. 13-14 of the traffic study. Although these development projects are approved, some may not yet be completely built out. The buildout of these developments and the total trips generated by the buildout of these projects was considered in the traffic analysis. By considering the total trips generated by projects not yet completely built, the traffic report analyzed a ‘worse-case scenario’ with all those trips on the road. If these approved projects are not fully built, they are generating only a portion of the trips analyzed, and therefore lower traffic volumes are experienced on the roadways and potential impacts may not yet be occurring, whether or not any required road improvements are required of the development project. Mitigations are still required for the full buildout of these projects regardless if they are or are not completely constructed now or at the time the traffic study was conducted.

The traffic report identifies three road improvement projects that are included in the background conditions. These are intersection improvements at: SR-68/Laureles Grade; SR-68/San Benancio Road; and SR-68/Corral de Tierra Road. Improvements at SR-68/Laureles Grade are complete. For the improvements at SR-68/San Benancio, Caltrans has allocated funding and construction is schedule to begin in April 2011. For the improvements at SR-68/Corral de Tierra, environmental documentation is currently being completed, and plans and specifications are being prepared. Construction funding for this project is currently programmed for 2011/12.

EEE-70.13 Commenter expresses that the traffic count data should be from new counts. Unfortunately the date in the Traffic Report is from older 2004 counts and not the 2006 counts at several intersections. The DEIR addresses this issue on pp. 367-371. See Response to Comment 10 above.

EEE-70.14 Commenter asks whether Highway 68 is part of the Monterey County Congestion Management Program (CMP) and whether there are any special studies or analyses desired for SR-68 to satisfy the CMP requirements. As of 2005, the State of California no longer mandates a Congestion Management Program (CMP). The Transportation Agency of Monterey County (TAMC) no longer administers the Monterey County CMP and has removed it as one of its requirements. There are no specific study requirements imposed on developers on CMP corridors. Caltrans has planned the installation of real-time traffic sensors to better assess congestion improvement strategies. This data will support a Project Study Report for the future 4-lane project through Corral de Tierra.

EEE-70.15 Commenter questions whether it would be possible to have more recent traffic counts. The DEIR addresses this issue on pp. 367-371. See response to comment 10 above.

EEE-70.16 Commenter argues that the Traffic Volumes shown in Figure 4 of the Traffic Report are understated because they are nearly 6 years old. The DEIR addresses this issue on pp. 367-371. See response to comment 10 above

EEE-70.17 Commenter argues that the Level of Service results in Table 2 on page 12 of the Traffic Report are understated because they are based on lower and older volumes. The DEIR addresses this issue on p. 367-371. See response to comment 10 above

EEE-70.18 Applicant argues that the "Approved Project" list is incomplete because it does not include projects that the Highway 68 Coalition believes should be included in the list. See response to comment 8 above

EEE-70.19 Commenter questions what was built between 2004 and 2006 and states that if the data for the number of un-constructed or unoccupied units were collected in 2008 or 2009 then the trips from the "Approved Projects" list would not match when the existing counts were actually taken and the "Approved Projects" estimated trips would be considered inaccurate. A list of approved development projects considered in the background condition, and is listed on pp. 13-14 of the traffic study. Although these development projects are approved, some may not yet be completely built out. The buildout of these developments and the total trips generated by the

buildout of these projects was considered in the traffic analysis. By considering the total trips generated by projects not yet completely built, the traffic report analyzed a 'worse-case scenario' with all those trips on the road. If these approved projects are not fully built, they are generating only a portion of the trips analyzed, and therefore lower traffic volumes are experienced on the roadways and potential impacts may not yet be occurring. Mitigations are still required for the full buildout of these projects regardless if they are or are not completely constructed now or at the time the traffic study was conducted.

EEE-70.20 Commenter expresses concern that the funded improvements identified in the Background conditions analysis are assumed in place and suggests that an analysis of the "background" condition without and then with the funded improvements should be performed. The traffic report identifies three road improvement projects that are included in the background conditions. These are intersection improvements at: SR-68/Laureles Grade; SR-68/San Benancio Road; and SR-68/Corral de Tierra Road. Improvements at SR-68/Laureles Grade are complete. For the improvements at SR-68/San Benancio, Caltrans has allocated funding and construction is scheduled to begin in April 2011. The north leg and the EB Left turn at SR-68/Corral de Tierra, have been completed and are operational. The construction funding for a second westbound left is currently programmed for 2011/12 but this project is not included in the background condition. The environmental documentation is currently being prepared for this project,

EEE-70.21 Commenter argues that due to the concerns raised with the date of the traffic counts, concerns with "Approved Project" list, that the Background condition LOS is shown to be better than it should be. Commenter compares this with the 2006 Higgins report that is also referenced in the DEIR which shows a lower LOS than the Hexagon Traffic Report. The DEIR discloses the differing results between these two studies and considers it in the analysis.

EEE-70.22 Commenter finds confusion in the Traffic Report as to when the north leg of the intersection of Corral de Tierra and SR 68 will be completed. Is it a background condition? The DEIR, p.374 clarifies this issue.

EEE-70.23 Commenter disagrees with the methodology to arrive at a reasonable estimate of the expected daily AM and PM peak hour trips for the proposed project, particularly with the trip reduction percentages used for pass by trips. See response to Comment 2.

EEE-70.24 Commenter expresses concern with the trip reduction percentages allowed in the traffic report prepared by Hexagon and with the use of ITE trip generation rates for a shopping center rather than preparing a compilation of different trip generation for the various potential uses that could occupy the shopping center. See response to Comment 2.

EEE-70.25 Commenter expresses that additional restaurants should be included in the trip generation assumptions. Table 4 identifies two different uses (Shopping Center and Office). As noted above the Shopping Center use assumes a mix of uses that would also include some restaurant related uses. Specific details of the uses within this proposed shopping center are not included with the project description. See response to Comment 1.

EEE-70.26 Commenter requests information on method used for determining estimated trip distribution. Trip distribution methodology is discussed on pp. 21 and 25, and Figures 6, 7, and 8 of the traffic study. Additionally, Appendix H of the Traffic Report includes a figure titled Cumulative Trips Distributed According to Existing Traffic Volumes, which illustrates how the percentages of the total trips were distributed onto the roadway network. The figure was inadvertently placed in front of the Appendix H divider sheet in the DEIR and so it has been included again, in its entirety, with the ERRATA. This distribution is based on existing traffic volumes and traffic counts and is consistent with methodologies identified in the Highway Capacity Manual for analyzing turning movement forecasts and for analyzing signalized intersections.

EEE-70.27 Commenter expresses concern with the LOS calculations based on the issue raised with Table 4 as expressed in comment 25. As noted in the response to Comment 25, the uses assumed for the shopping center are acceptable, so the results of the traffic modeling accurately reflect the likely impacts to the LOS calculations contained in the traffic report.

EEE-70.28 Commenter points out that Net Project Trip Assignment on Figure 10 of Traffic Report shows "negative trips for some movements." While this does show that there will be some benefit for pass by trips, the full extent of this reduction was not used in the DEIR analysis. Please see comment 2 above.

EEE-70.29 Commenter identifies negative numbers for some movements in Figure 11 of Traffic Report shows net negative numbers and also identifies that the figure shows left turning movements in and out of the eastern most driveway on SR 68, and expresses the idea that improvements should be installed to preclude left turning movements in and out of this driveway. The commenter is correct in that no left turning movements will be permitted in our out of this driveway. Mitigation Measure 4.12.2 will be modified to include the following:

N. The driveway on SR-68 shall be designed and constructed to include adequate signage and other improvements to preclude left-turn ingress and egress.

EEE-70.30 Commenter expresses concern that Figure 12 (Project Traffic Volumes) of the Traffic Report is not accurate based upon the concerns expressed above, then identifies that the project traffic represents a significant and adverse traffic impact. This is correct and is what Figure 12 and Table 5 of the Traffic Report represent. Commenter goes on to add that when such conditions exist, mitigation should be provided to improve the functioning of the road. Mitigation 4.12.2 of the DEIR identifies such mitigation measures. The planned addition of a second westbound left turn lane by the County /Caltrans will provide further operational improvement..

EEE-70.31 Commenter expresses that Traffic Report identifies significant impact to intersection of Corral de Tierra and SR-68 but does not propose any mitigation. Commenter recommends preparation of an intersection improvement plan within the right of way for the 4 lane SR-68 widening project. Intersection improvements have been completed by the Cypress Community Church to add a fourth leg to the SR-68/Corral de Tierra Road intersection. In addition, construction funding for a second westbound left is currently programmed for 2011/12 and environmental documentation is currently being prepared for this project, Mitigation measure 4.12.2 A-K identifies improvements to Corral de Tierra which will improve traffic flow within the

intersection of SR-68 and Corral de Tierra. Any other future requirements at this intersection would be considered as part of the Project Study Report for the 4-Lane Highway 68 Commuter Improvement project.

EEE-70.32 Commenter expresses that future 4 lane widening of SR-68 should include a transition segment that would end beyond and to the west of the Corral de Tierra Road intersection. See response to Comment 4 above.

EEE-70.33 Commenter finds figure 13 of the Traffic Report hard to read and states that frontage improvements on Corral de Tierra and SR-68 need to be addressed as part of this project, including the widening of SR-68 to four lanes. Commenter suggests that eastern driveway on SR-68 should be right turn in and out only. The DEIR in section 4.12 does address the widening of SR-68 to four lanes as part of a regional transportation improvement, addresses the intersection improvements being done as part of the Cypress Community Church driveway relocation, and does specifically itemize the required frontage improvements including limiting turning movements at the eastern driveway on SR-68.

EEE-70.34 Commenter states that the parking should not be based upon the County Zoning Ordinance requirement for a Shopping Center, but should identify individual uses to ensure adequate parking is available. The required number of parking spaces for the project was calculated based on the provisions of Section 21.58.040 (Parking Requirements) of the Zoning Ordinance. While the provisions of the Ordinance contain specific parking requirements for restaurants, these apply when the restaurant is stand-alone. Section 21.58.050 L of the Ordinance states "*In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the requirements for the various uses, unless otherwise indicated, as for shopping centers*". The provisions specifically require one parking space for each 250 square feet of development for shopping centers. The proposed project includes 126,523 square feet which would require 506 parking spaces. The proposed project includes 508 parking spaces and therefore the project parking exceeds and is consistent with the parking requirements of the Ordinance.

EEE-70.35 Commenter seems to suggest that the projects identified under the "Cumulative Condition" should continue to be updated as additional projects are proposed and that the Highway 68 Coalition may have a more complete future project listing. See response to Comment 8 above.

EEE-70.36 Commenter questions whether the Cumulative Condition of the Traffic Analysis was prepared according to the Monterey County Guidelines. The traffic analysis was peer reviewed and it was found that the methodology used in traffic analysis was consistent with accepted professional practice. The analysis also looked at cumulative and cumulative plus project conditions to identify cumulative impacts, in keeping with Monterey County Guidelines. As discussed in the traffic report and the DEIR, additional information was included from the Harper Canyon Subdivision that present a more comprehensive cumulative picture. See response to Comment 8.

EEE-70.37 Commenter notes that the difference between the cumulative condition with the project and a cumulative condition with project and other projects taken from a traffic analysis from the Harper Canyon project shows a large percentage increase in average delay. This information is provided for full disclosure purposes and as discussed in the DEIR, the Harper Traffic analysis

used different base data than the subject traffic analysis. The Harper base traffic counts are higher and thus provided only as a point of comparison. The important point as discussed in the DEIR is that the impact to the Corral de Tierra intersection is considered to be a significant impact which is unavoidable. Once a project is identified as significant and unavoidable, the degree of impact becomes immaterial because mitigations are already mandated.

EEE-70.38 Commenter states that the SR-68/Corral de Tierra intersection should be mitigated with actual street improvements. As stated in the DEIR the project, if approved will be required to install frontage improvements along Corral de Tierra and will pay fees to the regional fee program which includes a project that will widen SR-68.

EEE-70.39 Commenter restates previous comments. Comment noted.

EEE-70.40 Commenter presents that the traffic analysis should not analyze a shopping center as a land use, but should analyze the many different uses that would be contained in the shopping center. See response to Comment 1.

EEE-70.41 Commenter expresses that the list of potentially significant impacts is incomplete and that the traffic report does not identify the mitigations required as improvements in the DEIR. All of the Potentially Significant Adverse impacts listed in section 4.12 are contained in the summary on page 2. It is true that the traffic study did not address the mitigation measures contained in the DEIR. The DEIR used the traffic study as a base to understand the significance of the traffic impacts and developed mitigation to address those impacts.

EEE-70.42 Commenter concurs that there will be potentially significant impacts from the project on traffic. Comment noted.

EEE-70.43 Commenter disagrees with Table 1.B Summary of Mitigation Measures finding that there will be a Less than Significant Impact on intersections of SR-68/San Benancio Road; SR-68/Corral de Tierra Road and SR-68/Laureles Grade after payment of the Traffic Fees because there is no traffic capacity available. This comment is partially correct and the table needs to be modified. As stated in section 4.12.9 of the DEIR the traffic impact from the project to the SR-68/San Benancio intersection would be a Less than Significant Impact, however the impact to the SR-68/Laureles Grade and SR-68/Corral de Tierra intersections would be Significant Unavoidable impacts. Table 1.B is being changed as follows:

Table 1.B: Summary of Mitigation Measures

Description of Impact	Mitigation Measures Summary	Residual Impact
4.12 TRAFFIC AND TRANSPORTATION		
<p>The Project would potentially result in an increase in traffic in relation to the existing traffic load and capacity of SR-68 at the intersections of San Benancio Road, Corral de Tierra and Laureles Grade.</p>	<p>4.12.1 Mitigation Measure: Project Level Impacts at SR-68 and Laureles Grade; SR-68 and Corral de Tierra Road; SR-68 and San Benancio Road. Prior to the issuance of building permits, the project applicant shall comply with one of the following actions to address project level impacts to intersections along Highway 68:</p> <ul style="list-style-type: none"> a. Upon issuance of each building permit for proposed development on the project site, the applicant shall contribute his proportionate fair share, as calculated by the County, towards the “State Route 68 Commuter Improvements” through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time. The TAMC RDIF payment will contribute to the 2.3 miles “State Route 68 Commuter Improvements” project identified with the TAMC RDIF; or b. Prior to the issuance of the first building permit for proposed development on the project site, the applicant shall pay the entire fair share for the proposed development toward the “State Route 68 Commuter Improvements” through payment of the TAMC RDIF 	<p>Less than Significant (Class II Impact) <u>San Benancio Road/SR-68</u></p> <p><u>Significant Unavoidable (Class II Impact)</u> <u>Corral de Tierra/SR-68</u> <u>Laureles Grade/SR-68</u></p>

EEE-70.44 Commenter finds that the list of frontage improvements along Corral de Tierra and SR-68 to be incomplete, indicating that full improvements for SR-68 should be installed across the project frontage and frontage of the Convenience store across the street to include 2 full through lanes, and that Corral de Tierra should be widened to include 3 or 4 lanes, a median should be constructed in SR-68 to prevent left turns in and out of the eastern driveway on SR-68. The project has not been conditioned to require widening of SR-68 because this widening is part of a regional improvement that the applicant is paying fees toward. The County agrees that there should not be any left turn ingress or egress from the eastern driveway on SR-68. It has been the intent that this would not happen and the following item has been added to Mitigation Measure 4.12.2:

N. The driveway on SR-68 shall be designed and constructed to include adequate signage and other improvements to preclude left-turn ingress and egress.

EEE-70.45 Commenter states that impact fees for the SR-68 widening project would not add traffic capacity to the future traffic volumes and alleviate significant traffic impacts. As shown in Table 4.12.G, the project being funded through the Regional Development Impact Fee program will result in a significant improvement in the functioning of Highway 68. The capacity of the roadway will be improved. Payment of traffic mitigation fees is a valid means of mitigating project impacts. See response to Comment 7.

EEE-70.46 Commenter restates previous comment that a grocery store and restaurant generate more traffic than a shopping center. See response to Comment 1.

EEE-70.47 Commenter asks about what additional analysis required due to SR-68 being part of the Monterey County Congestion Management Program (CMP). See response to Comment 14.

EEE-70.48 Commenter finds that the 2006 baseline from the Harper Canyon Traffic Analysis should be used as the baseline for this traffic report. See response to Comment 10 above.

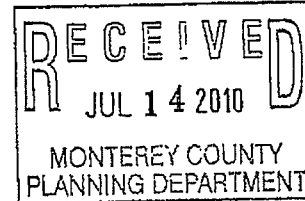
EEE-70.49 Reference to prior comments 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 above. No additional response necessary.

FFF. COMMENTS FROM DAVID WARDLAW AND PAMELA JONES

FFF

Mr. Luis Osorio
Senior Planner
Monterey County Planning Dept.
168 W. Alisal St. @nd Floor
Salinas, CA 93901

July 12, 2010



Dear Mr. Osorio,

We would like to register our opposition to the proposed Corral de Tierra Village Shopping Center development. Our objection is primarily based on the fact that it is an un-needed intrusion into a scenic rural area, which will create traffic congestion, light pollution, and access an already limited water supply. Secondly, the project is economically ill-conceived, leaving open the probability that many of the buildings will sit unleased, empty, and create an urban blight in this scenic corridor.

FFF-1

Thank you for your attention to our opposition.

Sincerely,

A handwritten signature in cursive script that reads "David W. Wardlaw".

David W. Wardlaw

A handwritten signature in cursive script that reads "Pamela E. Jones".

Pamela E. Jones

13360 Cuesta Verde
Salinas, CA 93908

FFF. RESPONSES TO COMMENTS FROM DAVID WARDLAW AND PAMELA JONES

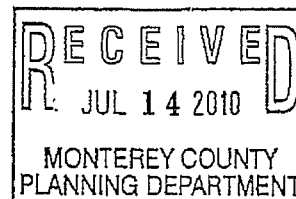
FFF-1: The commenter states that they oppose the development of the proposed project primarily based on the Proposed Project being an un-needed intrusion into scenic rural area, which will create traffic congestion, light pollution and access an already limited water supply. Comment Noted.

G.G.G. COMMENTS FROM CARRIE WILLIAMS

GGG

July 14, 2010

Mr. Luis Osorio
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487
osoriol@co.monterey.ca.us



SUBJECT: DEIR for Corral de Tierra Neighborhood Retail Village (PLN020344)

Dear Mr. Osorio,

As a resident of 5 years of The Villas at Corral de Tierra, I submit the following DEIR comments.

Our community has three major concerns: traffic, water supply, and quality of life. I was happy to see that the DEIR confirmed that there is a way to address all three concerns through the development of the Phelps proposed village shopping center.

First, the issue of traffic. Contrary to what naysayers may argue, the DEIR says that "to the extent that customers are local residents formerly shopping in Monterey, Seaside or Salinas, the Project could reduce traffic in the area." (DEIR, page 371) That makes sense because everyone I know gets on 68 to buy groceries, visit the doctor or find a good restaurant. This represents a 20 mile roundtrip.

GGG-1

Second the issue of water supply. I support Alternative 2, the LEED Silver Alternative, because it, as the DEIR says: "would result in a net benefit to the groundwater basin and would not contribute to a cumulative impact to water supply." (DEIR, page 478) Hooray!

GGG-2

Third, the issue of quality of life. Since the Phelps family has accepted the LEED Silver Alternative as its own, I have to assume that means that the revised project will be large enough to provide the goods and services our community so badly needs and that the project will produce enough revenue to build the environmentally sensitive, rural village design (and not a strip mall!) that the Phelps family envisions.

GGG-3

Sincerely,

Carrie Williams

23799 -11 Monterey-Salinas Hwy
Corral de Tierra, CA 93908
831-484-9194
carrie@carriewilliams.com

GGG. RESPONSES TO COMMENTS FROM CARRIE WILLIAMS

GGG-1: The commenter states that as addressed in the DEIR (page 371), traffic should be reduced along SR-68, as a result of this project, eliminating the existing 20 mile round-trip drive that residents now make to buy groceries, to attend medical appointments, or frequent a restaurant. Comment Noted.

GGG-2: The commenter expresses support for Alternative 2, the LEED Silver Alternative, and its analysis relative to impacts on water supply as stated in the DEIR. Comment Noted.

GGG-3: The commenter states that the LEED Silver Alternative will be large enough to provide the goods and services the community badly needs, and will still provide the revenue required to build the environmentally sensitive, rural village design envisioned by the Phelps family. Comment Noted.

**HHH. COMMENTS FROM THE UNITED STATES DEPARTMENT OF
THE INTERIOR – FISH AND WILDLIFE SERVICE**

HHH



United States Department of the Interior

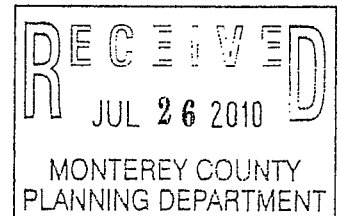
FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
81440-2010-CPA-0149

July 22, 2010

Luis Osorio, Senior Planner
168 West Alisal Street, Second Floor
Salinas, California 93901



Subject: Draft Environmental Impact Report for the Corral de Tierra Retail Village,
Monterey County, California

Dear Mr. Osorio:

This letter provides the U.S. Fish and Wildlife Service's (Service) comments on the above-referenced draft environmental impact report (DEIR) for Corral de Tierra Retail Village, Monterey County, California. A copy of the DEIR (in compact disc format) was received by our office on June 1, 2010. The proposed project consists of the subdivision of two existing lots into seven parcels and the development of a 126,523 square foot "shopping village" with 10 retail building, a grocery store, one office building, and a parking lot at the intersection of State Highway 68 and Corral de Tierra Road.

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency, and may affect a listed species, the Federal agency must consult with the Service pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Act.

HHH-1

Luis Osorio

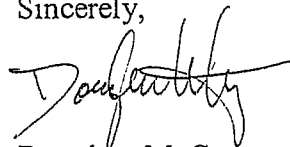
2

As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act (CEQA), our comments on the DEIR for Corral de Tierra Retail Village will not constitute a full review of project impacts, nor do they represent consultation with the Service. Rather, they address concerns of potential impacts of the proposed project on the federally threatened California red-legged frog (*Rana aurora draytonii*) and federally threatened California tiger salamander (*Ambystoma californiense*). As cited in the DEIR, in a telephone conversation between Christopher Diel, of my staff, and LSA Associates, Incorporated, the Service recommended that an updated habitat assessment for the California tiger salamander, following the 2003 *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander*, be conducted to determine if California tiger salamander habitat is present at the project site. We offer the following additional information to aid you in the conservation of sensitive wildlife habitats and federally listed species that could occur on the site, and as a means to assist you in complying with pertinent Federal statutes.

California red-legged frogs are not known to occur within 5 miles of the project area (CDFG 2010). The nearest known location for California red-legged frog is approximately 3.5 miles from the project area (CDFG 2010). The DEIR identifies that although a low probability, California red-legged frogs may use the project site as upland habitat (LSA 2010). Mitigation Measure 4.3.5 states that all rodent burrows to be disturbed shall be surveyed by hand excavation or fiber optic camera during the dry season for presence of California red-legged frogs (LSA 2010). Please note that both California red-legged frog and California tiger salamander use rodent burrows during the dry season. Surveying of rodent burrows by hand excavation could result in take of either species and would require formal consultation pursuant to section 7(a)(2) or section 10(a)(1)(B) of the Act. Also, if any listed species are identified during surveys with the use of fiber optic cameras, all work in the area should cease and the Service be contacted immediately for consultation on how to proceed. We recommend that the applicant only use fiber optic cameras to survey burrows or seek an incident take permit from our office.

We appreciate the opportunity to provide comments on the DEIR for the Corral de Tierra Retail Village. If you have any questions regarding the contents of this letter, please contact Christopher Diel at (805) 644-1766, extension 305.

Sincerely,



Douglass M. Cooper
Deputy Assistant Field Supervisor

cc: Linda Connolly, CDFG

HHH-2

Literature Cited

California Department of Fish and Game (CDFG). 2010. California Natural Diversity Database Search. Sacramento, California.

LSA Associates, Inc. 2010. Draft Environmental Impact Report: Corral de Tierra Retail Village. San Luis Obispo, California.

HHH. RESPONSES TO COMMENTS FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE

HHH-1. The commenter provides an outline of the Service's responsibilities in administering the Endangered Species Act and what would result in the requirement to seek an incidental take permit. Comment noted.

HHH-2. The commenter indicates that excavation by hand in a rodent burrow could result in take and would require formal consultation. Commenter recommends that the applicant only use fiber optic cameras to survey burrows. The County has modified Mitigation Measures 4.3.4 and 4.3.5 with respect to the approach for determination of the presence/absence of CTS and CRLF. The County will add additional language relative to the preference for the use of fiber optic cameras if burrows are surveyed. The commenter is referred to Response to Comment A-1 and A-3.

3. FEIR ERRATA

This section contains revisions to the Draft EIR. These revisions include minor modifications and clarifications to text in the DEIR and modifications and/or additions to proposed mitigation measures.

Changes to mitigation measures and conditions of approval are provided as revisions to Chapter 7 Mitigation Monitoring and Reporting Plan. This is provided in tabular form. The changes to mitigation measures and conditions of approval noted in the Chapter 7 errata will replace the Mitigation Measure Summary column in Table 1.B.

The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~). Changes to text are provided in Section A below. Changes to proposed mitigation measures and conditions of approval are provided in Section B, below.

3.A CHANGES TO TEXT IN THE DEIR

Page 42

Table 3.A is revised as follows to clarify building locations within proposed lots.

Table 3.A: Existing and Proposed Lots, Building Location and Uses

Existing Lots (LC-D-B-8 Zone)	Proposed Lots	<u>Building Location</u>	Proposed Uses (LC-D Zone)
Lot 1 – 5.3 ac.	Lot 1 – 2.47 ac.	<u>Retail Building Nos. 1, 2 and 6</u>	Retail and Parking
	Lot 2 – 1.37 ac.	<u>Retail Building Nos. 3 and 4</u>	Retail and Parking
	Lot 3 – 1.68 ac.	<u>Retail Building Nos. 5, 7 and 8</u>	Retail and Parking
Lot 2 – 5.6 ac	Lot 4 – 2.67 ac.	<u>Market Building</u>	Grocery, retail and parking
	Lot 5 – 0.97 ac.	<u>Retail Building No. 9</u>	Retail and Parking
	Lot 6 – 0.72 ac.	<u>Retail Building No.10</u>	Retail and Parking
	Lot 7 – 1.11 ac.	<u>Office Building</u>	Office and Parking

Note: Uses and zoning shown on the right hand side column are proposed. Other uses may be permitted on the site as allowed by the approved General Development Plan.

Table 3.B is revised as follows to clarify the height of certain buildings per the Project plans.

Table 3.B: Proposed Building Uses, Square Footage, and Heights

Building Number and Use	Building Stories (Building Height)
Retail Building No. 1	2-stories <u>1 story with mezzanine 24 ft</u> (Tower 36 ft)
Retail Building No. 2	<u>1 story 22 ft (Tower 50 ft)</u>
Retail Building No. 3	<u>1 story 24 ft</u>
Retail Building No. 7	<u>1 story 21 ft</u>
Retail Building No. 8	<u>1 story 23 ft</u>
Grocery Store (Market)	2-stories <u>1 story with mezzanine 34 ft</u> (Towers 42.5 ft)
Retail Building No. 9	<u>1 story 21 ft (Tower 45 ft)</u>
Retail Building No. 10	<u>1 story 21 ft</u>

Note: Only buildings which height is being corrected are included in this table.

Page 67

The first sentence of the first paragraph has been revised as follows to clarify that storm water from the adjacent service station is included in the calculation of the amount of runoff that will be captured in the underground retention/detention facility for the Proposed Project:

Storm water runoff from the Project Site and adjacent gas station would flow through a a system of storm drains and catch basins to a proposed underground retention/detention system in the northeast corner of the Project Site adjacent to SR-68(refer to Figure 3.8).

Page 74

The following projects are added to Table 4.A, Cumulative Project List:

Development	Status	Land Use	Size
Ferrini Ranch Subdivision	Pending	Residential	212 Units
Briggs Subdivision	Approved	Residential	3 units

Page 114

Recommended Standard Condition 4.1.6 has been revised to clarify that only new utility lines will be required to be underground.

Standard Condition 4.1.6: Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that plan specifications include notes specifying that all new utilities shall be placed underground.

The first sentence of the last paragraph is revised to clarify that no mitigation measures related to Biological resources are recommended to reduce potential significant impacts on aesthetic/visual resources.

The above prescribed mitigation measures ~~and those of the Biological Resources section~~ would reduce potentially significant project-related impacts to aesthetic/visual resources, visual character and areas of visual sensitivity and critical viewshed to less than significant.

Page 125

The fourth sentence in the fifth paragraph is revised to state the Monterey Bay Unified Air Pollution Control District's (MBUAPCD) correct threshold of significance for excavation and grading.

~~The MBUAPCD has established a screening threshold of 2.2 acres per day of disturbed area. The MBUAPCD's threshold of significance for excavation and grading are 2.2 acres per day for construction site with earthmoving (grading, excavation) and 8.1 acres per day for a construction site with minimal earthmoving (MBUAPCD's CEQA Air Quality Guidelienes, February 2008).~~

Page 157

The second sentence on the fourth paragraph has been corrected to clarify that California annual grassland is potential aestivation habitat for the Western Spadefoot Toad and to make the text on this page correspond to that on page 147.

The Project would remove California annual grassland which constitutes potential aestivation habitat for Western Spadefoot Toad.

Page 246

The quote of the requirements of Chapter 21.42.030 H.1 of the Zoning Ordinance in the middle of the last paragraph incorrectly cites the requirements of this Chapter as originally adopted by the Board of Supervisors in 1992. This has been revised to cite the correct contents of the Ordinance after it was amended in 1993 by Ordinance No. 3704.

Chapter 21.42.030 B-8 1 of the Ordinance further states that “The B-8 district does not affect: (1) the construction of the first single family dwelling on a building site or additions to dwellings, guesthouses, or non-habitable structures accessory to a dwelling use; ~~or addition and/or expansion of existing commercial uses where such addition and/or expansion can be found to not adversely affect the constraints that caused the B-8 zoned to be applied to the property~~ (2) construction or expansion of commercial uses where such construction can be found to not adversely affect the constraints which caused the B-8 district to be applied to the property.”

Page 255

The last sentence in the fourth paragraph has been revised to clarify that the state of overdraft of the El Toro Primary aquifer system is expected to continue within portions of the El Toro Groundwater Study Area..

As such, the El Toro primary aquifer system is in state of overdraft at the present time, and this condition is expected to continue worsen in the future within portions of the El Toro Groundwater Study Area.

Page 264

Mitigation Measure 4.7.5 has been modified to delete the 2nd paragraph of the text of the mitigation language and to substitute the following:

“Should the drainage plans submitted by the Applicant demonstrate that there may be a need to provide additional drainage diversion to the existing culvert under SR-68 the plans shall include calculations demonstrating the adequacy of the existing culvert. If not adequate the plans shall include specifications for the modification of the culvert. The plans shall be submitted for review and approval by the Water Resources Agency and Cal Trans.”

Page 353

The first sentence in the second paragraph has been revised to correct an error.

Fire Protection and Emergency Services. The Site is served by the Monterey County Regional Fire District ~~Salinas Rural Fire Protection District~~.

Page 354

The second sentence on the second paragraph has been revised to state the correct location of the California Highway Patrol office serving the Project Site.

The Toro area is served by the Salinas office of the CHP located at 960 E Blanco Road ~~en Portola Drive~~ in the City of Salinas.

Page 355

The second sentence in the second paragraph has been revised to correct an error.

Passengers using MST have access to both Monterey and Salinas to and from the Site via Line 21, and Line 53. ~~Line 21, Salinas Monterey,~~ which offers one round trip in the morning and a single westbound trip in the evening on the weekdays.

The last paragraph has been revised to correct errors

~~Line 53 operates daily with one westbound trip in the morning on the Monterey Peninsula Express, and one eastbound trip in the evening on the South County Express. Line 53 westbound makes all Line 21 stops on the SR-68 between Torero Drive and York Road which includes the Corral de Tierra bus stop. Line 53 eastbound makes all Line 21 stops on SR-68 between Olmstead Road and Reservation Road which also includes the Corral de Tierra bus stop. Again, because the Corral de Tierra bus stop is not a timepoint stop, it is assumed that departure times from the Corral de Tierra bus stop would occur between the timepoint "E" and timepoint "F" departure times specified on MST's schedule for Line 53 (refer to Figure 4.11.2). In addition, Line 20 connects Monterey and Salinas via the City of Marina every half-hour using Reservation Road and Blanco Road. Therefore, passengers could access the Site indirectly using Line 20 in conjunction with Line 21 and/or Line 53.~~

Page 357

A revised Figure 4.11.1 has been substituted in to reflect the current schedule of Monterey Salinas Transit Line 21.

21 Salinas						21 Monterey							
Weekdays*						Weekdays*							
Route	Monterey Transit Plaza	Monterey Peninsula Airport	Wilson & Fitzgerald	Highway 88 Laguna Seca	Portola & Creekside	Salinas Transit Center	Routes	Salinas Transit Center	Portola & Creekside	Highway 88 Laguna Seca	Wilson & Fitzgerald	Monterey Peninsula Airport	Monterey Transit Plaza
A	6:55	7:07	7:17	7:25	7:35	8:01		8:15	8:27	8:39	8:44	8:52	9:02
	7:15	7:26	7:35										
	8:15	8:26	8:35										
	9:15	9:26	9:35										
							A	3:10	3:27	3:39	3:43	3:51	4:02
											5:35	5:43	6:00

Notes:
 * Serves Portola and Notre Dame High Schools on school days.
 * Line 21 does not operate on Thanksgiving, Christmas, New Year's Day, and holidays. MST operates a Sunday schedule.

Page 373

The second to last sentence in the second paragraph has been revised to correct the service provided by Monterey Salinas Transit's Line 39.

The Line 39 provides local service between Laguna Seca Regional Park and the Salinas Transit Center on Fridays, Saturdays, and Sundays during special events at the Regional Park.

Page 374

The first and third bullets in this page have been revised to provide clarification as to the projects listed under these bullets.

- **The Oaks Subdivision**, located on San Benancio Road south of SR-68 consists of 9 single-family detached residential units. Three ~~None~~ of these units have been constructed.
- The **Laguna Seca Villas** Laguna Seca Business Park, is located north of SR-68 near York Road and consists of 104 apartment/condominium units.

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The fourth sentence in the first paragraph has been revised to correct an error.

This well is located in the center portion of the Site and is shown as well 115 on Figure 4.13.1 4.13.5.

The second sentence in the last paragraph has been revised to clarify that Mr. Brian Finegan is the Applicant's representative.

This existing sewer line, which runs under Corral de Tierra Road on the west side of the Site, would serve the project (Brian Finegan, Applicant's Representative, 2007).

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The text of Mitigation Measure 4.13.7 has been clarified.

Capacity of Wastewater Treatment Facility. "Prior to approval of any building permits, the applicant shall verify that there is sufficient capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the Project. If the Project would cause the CUS facility ~~has exceeded 60% of its existing capacity or the Project would cause the facility to exceed its permitted capacity~~, then the County of Monterey ~~would~~ shall not issue a building permit until such time as the CUS wastewater treatment facility has attained a revised permit from the Regional Water Quality Control Board."

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Table 6.E: Water balance Analysis for the Reduced Density/Redesigned Project Alternative, has been corrected as follows to reflect more appropriate water demand factors for the Commercial/Retail/Office and Restaurant/Deli/Food Services uses.

Corrected Table 6E

Corral De Tierra Neighborhood Village Project - Staff Alternative Water Balance Analysis (CORRECTED)					
Pre-Project					
Water Use					Water Use AFY
Project Site					0.00
Existing Service Station					0.00
Hillside					0.00
Total Water Use					0.00
Recharge	Total Area acres	Undeveloped Area (1) acres	Mean Annual Precipitation(2) inches/year	Recharge Rate (3)	Recharge AFY
Project Site	11.0	11.0	15.5	0.04	0.57
Existing Service Station	0.7	0.07	15.5	0.01	0.00
Hillside	3.6	3.6	15.5	0.08	0.37
Total Recharge					0.94
Water Balance = Recharge - Water Use					0.94
Post-Project					
Water Use	Area (4) square feet	Multiplier (5)		Demand AFY	LEED (6) AFY
Commercial/Retail/Office	101,500	0.00005		5.075	3.553
Restaurant/Deli/Food Ser	16,423	0.0002		3.2846	2.299
Landscaping	1.69 acres x 1.46 af/ac per Denise Duffy and Associates			2.46	0.246
Total Water Use					6.10
Recharge	Total Area acres	Developed Area (7) acres	Mean Annual Precipitation inches/year	Recharge Rate (8)	Recharge AFY
Project Site	11.0	9.10	15.5	0.80	9.40
Existing Service Station	0.7	0.63	15.5	0.80	0.65
Hillside	3.6	0	15.5	0.13	0.60
Total					10.66
Water Balance = Recharge - Water Use					4.56
Net Change					
Post-Project Water Balance - Pre-Project Water Balance					3.6

Notes:

1. The *Revised Evaluation of Potential for Increased Groundwater Recharge* dated October 14, 2009, states that 90% of the service station parcel is impervious surface and the remaining 10% of its area is available for recharge.
2. Mean Annual Precipitation provided in the *Schaaf & Wheeler Preliminary Drainage Study* dated July 30, 2002.
3. The recharge rates are based on results presented in the *Laguna Seca Subarea Phase I Hydrogeologic Update* (November 2002, prepared by Eugene B. Yates, Martin B. Feeney, and Lewis I. Rosenberg). These recharge rates represent 4%, 8%, and 1% of mean annual precipitation
4. Estimates based on conceptual drawings
5. Based on water demand factors from a Water Supply Assessment from the Marina Coast Water District for a shopping center for commercial retail uses and demand factors typically applied to individual deli and restaurant uses from Monterey Peninsula Water Management District.
6. LEED water demand has been reduced 30% for water efficient fixtures and equipment. The landscaping demand was reduced by 80% in accordance with estimates provided by Dickson & Associates, Inc.
7. The *Revised Evaluation of Potential for Increased Groundwater Recharge* prepared by Whitson Engineers dated October 14, 2009, estimated the project site would be 85% impervious surface and the service station parcel is 90% impervious.
8. The *Revised Evaluation of Potential for Increased Groundwater Recharge*, prepared by Whitson Engineers dated October 14, 2009, estimated the fraction of precipitation that would contribute to groundwater recharge could be increased to 80% for the impervious areas within the project site and former service station site due to the complete capture and percolation of runoff. According to the report, the recharge rate for adjacent hillside could be increased from 8% to 13%. The contribution to groundwater recharge from the proposed landscaped areas within the project site and service station parcel is taken as zero as a conservative assumption.

3.B. REVISED AND ADDITIONAL CONDITIONS OF APPROVAL AND/OR MITIGATION MEASURES

(Note: All changes to the recommended conditions and mitigation measures are reflected in the revised Mitigation Monitoring and Reporting Plan)

Standard Condition 4.1.6 – Underground Utilities is hereby revised as follows:

“Standard Condition 4.1.6 - Underground Utility Lines. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that plan specifications include notes specifying that all new utilities shall be placed underground.”

Standard Condition 4.2.1 Particulate Matter on pages 128 and 129 of the DEIR is herewith revised as follows to address comments from the Air Pollution Control District (revised text is underlined):

Standard Condition 4.2.1: Particulate Matter. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that the construction plans and specifications include the following measures to reduce particulate matter during construction operations:

- Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure
- Prohibit all grading activities during periods of high wind (over 15 mph)
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area
- Haul trucks shall maintain at least 2'0" of freeboard
- Cover all trucks hauling dirt, sand, or loose materials
- Plant vegetative ground cover in disturbed areas as soon as possible
- Cover inactive storage piles
- Install wheel washers at the entrance to construction sites for all exiting trucks
- Sweep streets if visible soil material is carried out from the construction site
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall also be visible to ensure compliance with Rule 402
- Require that the Project Applicant limit construction impacts to levels within the Monterey Bay Unified Air Pollution Control District thresholds of significance provided in Table 4.2E of the EIR.

Standard Condition 4.2.2: Diesel Emissions on page 129 of the DEIR is herewith replaced with the following to address comments from the Air Pollution Control District:

Standard Condition 4.2.2: Diesel Emissions: Prior to issuance of a grading permit, the County of Monterey – RMA Planning Department shall verify that the construction plans and specifications include the following measures to reduce diesel emissions during construction operations:

- All diesel equipment shall comply with applicable State (Air Resources Board) regulations” and
- All equipment shall comply with Title 13, California Code of Regulations, Section 2485 (c) (1) regarding idling of commercial vehicles, as outlined below:

California Code of Regulations

Title 13. § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles. (b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes: (1) California-based vehicles; and (2) Non-California-based vehicles. (c) Requirements. On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

Mitigation Measure 4.3.2 Nesting Birds on page 161 is herewith revised as follows:

Mitigation Measure 4.3.2. Nesting Birds. The following measures shall be implemented to mitigate for potential impacts to nesting birds (including but not limited to Northern Harrier, white-tailed kite, California horned lark, and loggerhead shrike).

Prior to the issuance of any grading permits, the County shall verify that the project applicant has retained a qualified biologist to ensure that avoidance and minimization measures for raptor and other bird nests are in place.

- 1) If possible, all trees, brush and other potential nesting habitat that will be impacted by project construction shall be removed during the non-nesting season (September 15 through January 31).
- 2) If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (February 16 through August 31), all suitable nesting habitat within the limits of work and a 250-foot buffer shall be surveyed by a qualified biologist prior to initiating construction-related activities. The qualified biologist shall conduct preconstruction nesting surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities to locate any active nests within 250 feet of the footprint of development. Surveys shall be conducted no more than

30 days prior to the start of work. If an active nest is discovered, a buffer shall be established on the project site around the nest and delineated using orange construction fence or equivalent. Buffers for all nests shall be a minimum of 250 feet. The buffer shall be maintained in place until the end of the breeding season or until the young have fledged and the young birds are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist. The active nest sites within the exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. A report shall be prepared at the end of the construction season detailing the results of the preconstruction surveys. The report shall be submitted to the CDFG by November 30 of each year.

If no nesting is discovered, construction shall begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.

- 3) Alternatively, CDFG may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity).

Mitigation Measure 4.3.3 on page 162 of the DIER is herewith revised as follows:

Mitigation Measure 4.3.3: Burrowing Owl. Prior to issuance of a grading permit, the following measures shall be implemented to mitigate for potential impacts to burrowing owl:

- 1) The applicant shall contract with a qualified biologist to conduct burrowing owl presence/absence surveys per the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). Since the project site contains burrows suitable for nesting of burrowing owls, the protocol requires four surveys during the nesting season (April 15 through July 15) and four surveys during the winter season (December 1 through January 31). If the survey results are negative, no further action is warranted.
- 2) If burrowing owls are found to be occupying the project site in either season, a buffer of no less than 250 feet shall be established around occupied burrows, unless a qualified biologist approved by the CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If it is determined that burrowing owls are found occupying the project site, eviction of owls shall be accomplished through passive relocation during the non-breeding season (July 16 – April 14). Passive relocation shall be accomplished by installing one-way doors at burrow entrances that are left in place and monitored daily to ensure that owls have left the burrows. Burrows shall be vacant for one week prior to excavation of the burrows (CDFG, 1995). Excavation of the burrows will ensure that no burrows remain on the site as suitable nesting habitat for the owls. Construction of the site can commence once all owls on the site have been successfully relocated and not seen on the site for at least one week. A monitoring program of the relocation site shall ensure that evicted individuals are successfully using the relocation site. This monitoring program shall be implemented

for the number of years that is deemed acceptable by CDFG. The monitoring program shall include provisions for success criteria, remedial measures, and an annual report to the CDFG.

- 3) Should owls be found on the site during protocol-level surveys, compensation for loss of foraging and breeding habitat shall be required in accordance with the CDFG Staff Report on Burrowing Owls (CDFG, 1995). Compensation, as outlined in the report, shall consist of consultation with the CDFG to: 1) determine the appropriate amount of acreage to be protected in perpetuity to compensate for the loss of foraging and breeding habitat associated with project construction and development; 2) the appropriate level of funding for long-term management and monitoring of the protected lands; and 3) the appropriate length of time that monitoring of the protected lands shall be required. In addition, artificial burrows shall be installed on protected lands either on-site (if possible) or off-site if on-site is not possible, at a minimum ratio of 1:1 for each suitable burrow destroyed by the project.

Mitigation Measure 4.3.4 on pages 163-164 of the DEIR is herewith revised as follows:

Mitigation Measure 4.3.4: California Tiger Salamander.

Mitigation Option #1. Determination of Presence/Absence of CTS by conducting a drift-net fencing surveys. Prior to issuance of a grading permit, the applicant shall retain a qualified biologist to complete a Habitat Assessment per the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003). More specifically, focused surveys of upland habitat using drift net fencing will be conducted for two years, per the methods described on page 5 of interim survey guidance. Aquatic surveys on nearby off-site breeding ponds, in combination with drift-net fencing surveys, are frequently requested by the agencies in support of a presence or absence determination. If there is not sufficient rainfall during the survey years, it is possible that CDFG would require additional year(s) of surveys to conclude that CTS are not present on the site.

Should there be a subsequent recommendation to examine burrows on the site, the Applicant's biologist will be required to employ fiber optics rather than hand excavation.

Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measures prior to the initiation of construction activities:

- 1) A biologist familiar with CTS shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined here, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.
- 2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbances has been completed. If any CTS individuals are encountered at any time during construction-related activities, all work

shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.

- 3) Silt fencing delineating the project activity boundaries adjacent to CTS breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.
- 4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.
- 5) During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.
- 6) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 7) All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Should the protocol-level surveys fail to document presence of CTS on the site, and the agencies concur that the species is absent from the site, project construction may proceed without further mitigation.

If the protocol-level surveys determine presence of CTS, the applicant shall retain a qualified biologist to prepare the application materials for a 2081 permit from CDFG and a Section 10 permit from USFWS, prior to the issuance of a grading permit. The mitigation strategy for CTS could include off-site mitigation, such as the purchase of CTS credits from the Ohlone Conservation Bank in Alameda County. Credits for CTS at this mitigation bank are currently being sold at \$45,000 per credit.

Mitigation Option #2. Assume presence of CTS. Prior to the issuance of a grading permit, the applicant shall retain a qualified biologist to prepare the application materials for a 2081 permit from CDFG and a Section 10 permit from USFWS.

Suitable mitigation measures, such as avoidance, minimization, and compensation shall be required as determined through consultation with and to the satisfaction of CDFG and USFWS. Avoidance, minimization, and compensation measures below shall be implemented. Furthermore, the mitigation strategy for CTS could include off-site mitigation, such as the purchase of CTS

credits from the Ohlone Conservation Bank in Alameda County. Credits for CTS at this mitigation bank are currently being sold at \$45,000 per credit.

Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measures prior to the initiation of construction activities:

- 1) A biologist familiar with CTS shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined here, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.
- 2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbance has been completed. If any CTS individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.
- 3) Silt fencing delineating the project activity boundaries adjacent to CTS breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.
- 4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.
- 5) During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.
- 6) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 7) All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Mitigation Measure 4.3.5 CRLF and WST on pages 164 and 165 of the DEIR is herewith revised as follows to address the California Department of Fish and Game's comment regarding surveying for and the potential take of California Red-legged Frog and Western Spadefoot Toad:

Mitigation Measure 4.3.5: California Red-legged Frog and Western Spadefoot Toad. Prior to issuance of a grading permit, the project applicant shall retain a qualified biologist to first determine presence or absence of CRLF and WST. If either species is present, a mitigation strategy shall be negotiated with the agencies (USFWS and CDFG) through implementation of the following mitigation measure. The contract shall be submitted for review and approval by the County of Monterey – RMA Planning Department prior to issuance of any permits.

Habitat Assessment and Protocol-level Surveys. The applicant shall contract with a qualified biologist to complete a Habitat Assessment for CRLF and WST on the proposed project site. If results of the Habitat Assessment indicate that CRLF and WST could be present on the site, protocol-level surveys for RLF shall be completed per the 2005 USFWS Guidance. WST would be found (if present) during these RLF protocol-level surveys. Multiple surveys (up to 8) are required to determine the presence of the CRLF and WST on or near the project site. Two day surveys and four night surveys shall be required during the breeding season (February 1 through June 30). One day and one night survey shall be required during the non-breeding season (July 1 through September 30). These surveys shall consist of listening for frog calls and a visual-encounter survey. Decontamination of equipment and reporting requirements shall be followed, per the Guidance.

Should there be a recommendation to examine burrows on the site, the Applicant's biologist will be required to employ fiber optics rather than hand excavation.

Should no CRLF or WST be found on the project site during protocol-level surveys, the project shall continue as scheduled, with implementation of the avoidance and minimization measures specified below.

If CRLF and/or WST are observed within 50 feet of planned construction activities during the protocol-level day and night time surveys for CRLF and WST, all construction-related activities shall be postponed until consultation with USFWS (CRLF) and CDFG (WST) has been established.

Compensation Measures. If the protocol-level surveys result in positive findings for CRLF or WST, consultation with the USFWS (CRLF) or the CDFG (WST) shall be required. Prior to relocation of any individuals from the project site, appropriate agency approvals shall be required. Therefore, prior to issuance of a grading permit or other authorization to proceed with project construction, the project proponent shall complete all consultation requirements with USFWS pursuant to Federal Endangered Species Act for the CRLF and with CDFG pursuant to the California Endangered Species Act for the WST, obtain all required permits, and provide approved permit documentation to the County.

As part of the permitting requirements, the applicant shall prepare a mitigation plan to address the potential impacts to CRLF and WST, and describe proposed compensatory mitigation to offset the loss of approximately 11-acres of estivation habitat resulting from project implementation. The mitigation plan shall be subject to approval by USFWS and CDFG. Compensatory mitigation for CRLF and WST habitat typically consists of habitat preservation at a minimum 2:1 ratio. Preservation of this habitat shall be accomplished through:

- e. Acquisition of suitable off-site habitat and recording a conservation easement over the property;
- f. purchasing sufficient credits at an approved conservation bank;
- g. a combination of the above methods, or
- h. other method acceptable to USFWS and CDFG.

Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measure prior to the initiation of construction activities:

- 1) A biologist familiar with CRLF and WST shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined herein, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.
- 2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbance has been completed. If any CRLF or WST individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.
- 3) Silt fencing delineating the project activity boundaries adjacent to CRLF or WST breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.
- 4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.
- 5) During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.
- 6) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.
- 7) All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a

prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

The following mitigation measure is added to the FEIR as Mitigation Measure 4.3.6 to address potential impacts on the Monterey Dusky-footed Woodrat:

Mitigation Measure 4.3.6 Monterey Dusky-footed Woodrat. Prior to issuance of a grading permit, a qualified biologist shall identify any active woodrat nests that may be present, deconstruct nests prior to construction, and reconstruct suitable nests within preserved lands off-site. All activities involving deconstruction and reconstruction of nests shall be approved by CDFG. Nests that cannot be avoided shall be dismantled prior to land clearing activities to allow animals to escape harm and to reestablish territories prior to the next breeding season. Nests shall be dismantled during the nonbreeding season, between October 1 and December 31. Dismantling shall be done by hand allowing any animals to escape either along existing woodrat trails or toward other available habitat. If a litter of young is found or suspected, nest material shall be replaced, and the nest left alone for 2 to 3 weeks and then resurveyed to verify that young are capable of independent survival before proceeding with nest dismantling. Active nests that are not located in areas of grading or vegetation removal shall be avoided and protected during project activities with a minimum 25-foot buffer.

Mitigation Measure 4.7.5 is hereby revised as follows to clarify the requirements of the mitigation relative to improvements of an existing culvert under SR-68:

Mitigation Measure 4.7.5: Drainage Plan. Prior to issuance of any grading or building permits, the applicant shall provide the County of Monterey Water Resources Agency and Caltrans a final drainage plan and maintenance plan prepared by a registered civil engineer addressing on- and off-site impacts. The drainage plans shall be accompanied by a hydrologic report that ~~including would include~~ calculations certifying that stormwater retention/detention facilities are designed to limit the 100-year post-development runoff rate to the 10-year pre-development rate. The drainage plan shall include and oil-water separator/sediment trap upstream from the retention/detention basin and, if necessary, construction details utilizing Caltrans standards, for the proposed 24-inch storm drain line that would convey stormwater to an existing box culvert under SR-68. Calculations shall be provided as parts of the plan certifying the oil-water separator/sedimentation trap has been sized to accommodate the flow from the site during the County recommended event. Drainage improvements shall be constructed in accordance with the plans approved by the County of Monterey Water Resources Agency. Should the drainage plans submitted by the Applicant demonstrate that there may be a need to provide additional drainage diversion to the existing culvert under SR-68 the plans shall include calculations demonstrating the adequacy of the existing culvert. If not adequate the plans shall include specifications for the modification of the culvert. The plans shall be submitted for review and approval by the Water Resources Agency and Cal Trans.

~~The Drainage Plan for the Project shall also include calculations demonstrating the adequacy of the existing culvert along El Toro Creek under SR-68 to pass the Caltrans specified design flood events, including any additional stormwater discharge volumes originating from the site after construction. If the capacity of the existing culvert is insufficient to meet Caltrans design criteria,~~

~~the applicant shall submit plans for the upgrading or replacing the culvert and shall upgrade or replace the culvert as part of the Project.~~

Mitigation Measure 4.7.6 is hereby revised as follows to a provision that would require the applicant to adopt BMPs or other proposed recommendations that might emerge from the work of the Central Coast RWQCB should these be available to inform specific project engineering for this element:

Mitigation Measure 4.7.6. Drainage and Flood Control Systems Agreement. Prior to filing the final map, a signed and notarized *Drainage and Flood Control Systems Agreement* shall be provided by the applicant to the County of Monterey Water Resources Agency for review and approval. The agreement shall include a summary of required annual maintenance activities and provisions for the preparation of an annual drainage report. The annual report shall be prepared by a registered civil engineer and submitted to the County of Monterey Water Resources Agency for review and approval. If the applicant and/or subsequent property owners, after notice and hearing, fails to properly maintain, repair, or operate the site drainage and flood control facilities, the County of Monterey Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the Project. The County of Monterey Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the costs. The *Drainage and Flood Control Systems Agreement* shall be recorded concurrently with the final map.

In the design of the drainage facilities for the Project, the applicant shall incorporate any appropriate BMPs or other proposed recommendations from the Central Coast Regional Water Quality Control Board Hydromodification Control Criteria Methodology Study that are adopted by the CCRWQCB at the time of Project design. These design features shall be reviewed and approved by the County Water Resources Management Agency and Building Services Department for consistency with the BMPs and/or recommendations and with County standards.

The County proposes a new Mitigation Measure/Condition of Approval that would limit the amount of water used by the project on an annual basis. This would include the requirement to provide quarterly reports, and measures to limit the use of the shopping center to ensure that the water cap is not exceeded. The measures would be imposed as a condition of the General Development Plan and will be implemented through CC&Rs to account for the multiple parcels within the center. The Mitigation Measures are as follows:

New Mitigation Measure 4.7.8: Water Use Limitation.

1. Water Cap

The total amount of water which can be used on the site on an annual basis is 9.0 acre feet per year. The owner/shopping center developer shall be responsible for developing a refined water use plan demonstrating that the 9.0 acre feet cap can be achieved. The water use plan shall include a mechanism to track all water consumption on the site. The water use plan

shall be reviewed and approved by the Director of Planning and the General Manager of the Water Resources Agency prior to issuance of any permits.

2. Reporting

The applicant or shopping center owner shall provide reports to the General Manager of the Water Resources Agency of water consumption on the site. For the first two years after occupancy, the reports shall be submitted quarterly, and annually thereafter. If any report suggests that annual consumption of the site will exceed the cap for the year, then the General Manger shall have authority to impose measures to be taken to bring the site into compliance with the cap. These may include but are not limited to, limitation on specific consumptive uses within tenant spaces, holding certain spaces vacant, and restricting or eliminating the water usage for landscaping. The General Manager of the Water Resources Agency shall have the authority to return to quarterly reporting in the event of a repeated exceedence of the cap.

3. Landscaping

The shopping center shall provide a separate meter for the water conveyed to the Landscape Irrigation system. The amount of water used in the landscaping shall be included in all quarterly reports.

The County will also include the following condition of approval that will prohibit the service station site from receiving any credit for stormwater runoff from the site being applied/counted in a water balance analysis for development on that site. This condition will be enforced in part through recordation of a deed restriction on the service station site.

New Standard Condition 4.7.9: The applicant shall record a Notice stating that “Any development plans that may be approved in the future for the service station site (APN 161-571-002-000) adjacent to the Project Site, also owned by the applicant, shall not receive any credit for stormwater runoff from the site being applied to or counted in a water balance analysis for development of that site.”

Mitigation Measure 4.12.2 on page 391 is hereby revised to add the following item to the list of modifications of the Site Plan required under the mitigation; this change is also reflected in the revised Mitigation Monitoring and Reporting Plan:

- N. The driveway on SR-68 shall be designed and constructed to include adequate signage and other improvements to preclude left-turn ingress and egress.

Mitigation Measure 4.12.4 on page 391 is hereby revised as follows to eliminate the funding of the Project Study Report for the “State Route 68 Commuter Improvements Project” as an alternative to comply with the mitigation measure:

Mitigation Measure 4.12.4: Impact Fee for Cumulative Traffic Impacts at SR-68/San Benancio Road; SR-68/Corral de Tierra Road; SR-68/Laureles Grade Road. Prior to issuance of building permits, the Project applicant shall comply with the following actions to address cumulative impacts to intersections along SR/68:

3. Upon issuance of each building permit for proposed development on the Site, the applicant shall contribute his proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time. The TAMC RDIF payment will be earmarked for completion of the Caltrans Project Study Report for the 2.3-mile "State Route 68 Commuter Improvements" project identified in the TAMC RDIF; or
4. Prior to issuance of the first building permit for proposed development on the Site, the applicant shall pay the entire fair share for the proposed development toward the "State Route 68 Commuter Improvements" project through payment of the TAMC RDIF.

Mitigation Measure 4.13.7 is hereby revised as follows:

Capacity of Wastewater Treatment Facility. "Prior to approval of any building permits, the applicant shall verify that there is sufficient capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the Project. If the Project would cause the CUS facility ~~has exceeded 60% of its existing capacity or the Project would cause the facility~~ to exceed its permitted capacity, then the County of Monterey ~~would~~ shall not issue a building permit until such time as the CUS wastewater treatment facility has attained a revised permit from the Regional Water Quality Control Board."

4. REVISED MITIGATION MONITORING AND REPORTING PLAN

DEPARTMENT: RMA – PLANNING DEPARTMENT CONDITION COMPLIANCE & MITIGATION MONITORING AND/OR REPORTING PLAN	PROJECT NAME: <u>CORRAL DE TIERRA SHOPPING VILLAGE</u> <i>File No:</i> <u>PLN020344</u> <i>APNs:</i> <u>161-171-003-000 & 161-581-001-000</u> <i>Approval by:</i> <u>Planning Commission</u> <i>Date:</i> <u>December 8, 2010</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4.1 AESTHETIC RESOURCES						
	4.1.1	State Route 68 Scenic Corridor. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the Site plan is modified to: <ul style="list-style-type: none"> ▪ Eliminate approximately eight parking spaces in the parking area fronting on SR-68 and increase the landscaping area in this part of the Site to a width of approximately 40 feet to provide additional landscaping and mounding to buffer the visibility of the parking areas and buildings from the SR-68 scenic corridor; ▪ Eliminate the proposed driveway and four parking spaces adjacent to the existing service station site and convert the area of the driveway into additional pedestrian and landscaping areas consistent with applicable Toro Area Plan policies; ▪ Provision of an improved transit stop (bus turnout 	The County of Monterey RMA-Planning Department shall ensure that the project applicant modifies the site plan to reduce potential significant impacts on the designated scenic highway.	The County of Monterey RMA-Planning Department	Prior to issuance of a grading permit	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>lane or bus stop) consistent with Monterey-Salinas Transit standards and as required by the mitigation measures contained in the Traffic and Transportation Chapter of the EIR;</p> <ul style="list-style-type: none"> ▪ Reduce the total square footage of the Project to correspond with the loss of parking spaces in this area and parking spaces that may be lost per Mitigation Measure 4.1.2. 				
	4.1.2	<p>Corral de Tierra Road County Scenic Corridor. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the Site Plan shall be modified to widen the landscaping area directly in front of the Market building to include additional landscaping and land mounding to buffer the visibility of the proposed Market building and Retail Building numbers 9 and 10 from Corral de Tierra Road, as well as the visibility of the parking areas fronting on this road. If the Site plan changes required in Mitigation Measure 4.12.4 include significant changes to parking and vehicle circulation, the relocation of these buildings towards Corral de Tierra Road could be considered provided that appropriate building materials and colors and additional landscaping features such as mounding are used to buffer the visibility of these buildings.</p>	<p>The County of Monterey RMA-Planning Department shall ensure that the project applicant modifies the Project to reduce potential significant impacts to critical viewsheds along Corral de Tierra Road</p>	<p>The County of Monterey RMA-Planning Department</p>	<p>Prior to issuance of a grading permit</p>	
	4.1.3	<p>Building Aesthetics/Hardscape Elements. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the building and overall project design including</p>	<p>The County of Monterey RMA-Planning Department shall ensure that the building and overall project design colors and style blend and are</p>	<p>The County of Monterey RMA-</p>	<p>Prior to issuance of a grading</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		exterior construction materials, colors and style blend and are consistent with the surrounding natural setting and rural ranch properties of the Corral de Tierra area Specific design components for the project parking lots shall include materials such as light colored asphalt, light colored interlocking pavers, and/or reinforced gravel products to mimic the existing landscape colors; dark green paint for space striping and recycled plastic vehicle stops.	consistent with the surrounding Corral de Tierra area	Planning Department	permit	
	4.1.4	Landscape Plan. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the landscaping plan is modified by a landscape architect to include the Site plan changes required under Mitigation Measures 4.1.1 and 4.1.2. The plan shall include appropriate tree species to provide maximum shading in the parking areas; shall include native drought-tolerant and rapid growth shrub and tree species to buffer the visibility of the Project from the scenic corridors; xeriscape principles; and shall include such techniques and materials as low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. The plans shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the	The County of Monterey RMA-Planning Department shall ensure that the landscaping plan is modified by a landscape architect to use xeriscape principals in buffering the visibility of the Project from the scenic corridors.	The County of Monterey RMA-Planning Department	Prior to issuance of a grading permit	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy condition.				
	4.1.5	<p>Lighting Plan Specifications. A Final Lighting Plan for the Project shall be submitted for review to the County of Monterey RMA-Planning Department prior to issuance of any building permit. The plan would be reviewed for adequacy and its ability to reduce lighting impacts. An exterior lighting shall be unobtrusive, down-lit, hannonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited shall be minimized to provide only minimum safety requirements. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The plan shall include the following components to minimize adverse visual effects during nighttime:</p> <ul style="list-style-type: none"> • All exterior project light lamps shall be focused downward within the Site boundaries to avoid light spill upward to the night sky or out on adjacent properties; this includes luminaries with a distance of 2.5 times the mounting height from the property boundary; • The majority of the lighting on-site shall be limited to business hours only, with minimal lighting left on 	The County of Monterey RMA-Planning Department shall ensure that a Final Lighting Plan for the Project is prepared such that only the Project is illuminated and off-site glare is controlled and that the Plan complies with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6.	County of Monterey RMA-Planning Department	Prior to issuance of building permits	

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		<p>during off-business hours for security purposes. The lighting plan shall be reviewed by the County Sheriffs Department for consistency with security and safety requirements;</p> <ul style="list-style-type: none"> • Project exterior luminaries with more than 1,000 initial lamp lumens shall be shielded to direct lighting downward and within the Site; and exterior luminaries with more than 3,500 initial lamp lumens shall meet the Full Cutoff IESNA (Illuminating Engineering Society of North America) Classification; • All interior project lighting shall have a maximum candela value such that the light falls within the buildings; <p>Lamps shall be rural in style to be consistent with the rural character of the Site and surrounding community.</p>				
4.1.6		<p>Underground Utility Lines. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that plan specifications include notes specifying that all <u>new</u> utilities shall be placed underground.</p>	<p><u>The County of Monterey RMA – Planning Department and Public Works Department shall ensure that plan specifications include notes specifying that all utilities shall be placed underground.</u></p>	<p><u>County of Monterey RMA-Planning Department and Public Works Department</u></p>	<p><u>Prior to issuance of a grading permit</u></p>	
4.2 AIR QUALITY						
4.2.1		<p>Particulate Matter.</p>	<p><u>The County of Monterey RMA-Planning Department shall ensure that</u></p>	<p><u>County of Monterey</u></p>	<p><u>Prior to issuance</u></p>	

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		<p>Prior to issuance of a grading permit, the County of Monterey RMA – Planning Department shall verify that the construction plans and specifications include the following measures to reduce particulate matter during construction operations:</p> <ul style="list-style-type: none"> • Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure. • Prohibit all grading activities during periods of high wind (over 15 mph). • Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). • Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area. • Haul trucks shall maintain at least 2'0" of freeboard. • Cover all trucks hauling dirt, sand, or loose materials. • Plant vegetative ground cover in disturbed areas as soon as possible. • Cover inactive storage piles. • Install wheel washers at the entrance to construction sites for all existing trucks. 	<p><u>plan specifications include notes specifying that all particulate matter be reduced as required.</u></p>	<p><u>RMA-Planning Department</u></p>	<p><u>of a grading permit</u></p>	

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		<ul style="list-style-type: none"> • Sweep streets if visible soil material is carried out from the construction site. • Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action with 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall also be visible to ensure compliance with Rule 402. • Limit the area under construction at any one time. • <u>Require that the Project Applicant limit construction impacts to levels within the Monterey Bay Unified Air Pollution Control District thresholds of significance provided in Table 4.2E of the EIR.</u> 				
4.2.2		<p>Diesel Emissions. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that the construction plans and specifications include the following measures to reduce diesel emissions during construction operations:</p> <ul style="list-style-type: none"> • Limit use of equipment. • Replace diesel powered equipment with gasoline-powered, when feasible. • Repower with current standard diesel technology. • <u>All diesel equipment shall comply with applicable</u> 	<p><u>The County of Monterey RMA-Planning Department shall ensure that plan specifications include notes specifying that all diesel emissions are reduced as required.</u></p>	<p><u>County of Monterey RMA-Planning Department</u></p>	<p><u>Prior to issuance of a grading permit</u></p>	

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		<p>State (Air Resources Board) regulations; and</p> <ul style="list-style-type: none"> All equipment shall comply with Title 13, California Code of Regulations, Section 2485(c)(1) regarding idling of commercial vehicles, as outlined below: <p>California Code of Regulations <u>Title 13. § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling</u> (a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles. (b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes: (1) California-based vehicles; and (2) Non-California-based vehicles. (c) Requirements. On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in</p>				

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		Subsection (d).				
4.3 BIOLOGICAL RESOURCES						
	4.3.1	<p>Special Status Bat Species.</p> <p>Prior to issuance of grading permit the applicant shall contract with a qualified biologist to conduct preconstruction surveys for bats: such surveys be conducted at least 30 days before any construction or grading regardless of the time of year. Tree removal and construction shall occur in late fall to minimize the likelihood of impacting individuals within one or more species of bats. To be in compliance with Fish and Game Code 1801, the applicant shall have a qualified biologist examine the trees within 100 feet of the development area on the Site for use by bats. If no bats, or evidence of, are found during preconstruction surveys, a survey report shall be prepared that documents the findings of the surveys, and requirements for avoidance, minimization, mitigation and monitoring. The contract between the biologist and the applicant must be submitted for review and approval by the County of Monterey RMS –Planning Department prior to issuance of any permits.</p> <p>If bats are found to be using the trees as night roosts, construction can proceed during daylight hours with no impact, so long as trees used by roosting bats are not directly impacted. In the event that trees to be removed are being used as day roosts, a plan shall be developed</p>	<p>The project applicant shall have a qualified biologist conduct preconstruction surveys for bats at least 30 days prior to any construction or grading activities. In addition the County of Monterey RMA-Planning Department shall approve the contract with the biologist.</p>	<p>County of Monterey RMA-Planning Department</p>	<p>Prior to issuance of a grading permit</p>	

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		<p>under the consultation of a qualified biologist to exclude bats from these areas before construction can proceed. Construction related activities shall be prohibited within the exclusion zone until the bats have abandoned the roost site. Passive exclusion measures that allow bats to leave but not return to the roost would be allowed unless the roost site supports a maternity colony. Exclusion measures would only be allowed at maternity roost sites when the young have fledged. A qualified biologist shall monitor each roost one per week in order to track the status of each roost and inform the project applicant when a roost site has been cleared for construction. Once all bats have been evicted, tree removal can resume. Weekly monitoring reports shall be prepared by the bat biologist and submitted to the County of Monterey RMA-Planning Department.</p>				
	4.3.2	<p>Nesting Birds. The following measures shall be implemented to mitigate for potential impacts to nesting birds (including but not limited to Northern Harrier, white-tailed kite, California homed lark, and loggerhead shrike): Prior to issuance of any grading permits, the County shall verify that the project applicant has retained a qualified biologist to ensure that avoidance and minimization measures for raptor and other bird nests are in place. 1) If possible, all trees, brush and other potential nesting habitat that would be impacted by project</p>	<p>The project applicant shall have a qualified biologist conduct preconstruction surveys for nesting birds. In addition the County of Monterey RMA-Planning Department shall approve the contract with the biologist.</p>	<p>The County of Monterey RMA-Planning Department</p>	<p>Prior to issuance of a grading permit or ground disturbing activities</p>	

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		<p>construction shall be removed during the non-nesting season (August 22 through February 21 <u>September 15 through January 31</u>).</p> <p>2) If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (February 22 through August 21 <u>February 16 through August 31</u>), prior to initiating construction-related activities, all suitable nesting habitat within the limits of work and a 500 <u>250</u>-foot buffer shall be surveyed by a qualified biologist <u>prior to initiating construction related activities</u>. <u>The qualified biologist shall conduct preconstruction nesting surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities to locate any active nests within 250 feet of the footprint of development. Surveys shall be conducted no more than 14</u> 30 <u>days</u> prior to the start of work. The qualified biologist shall locate active nests within 300 feet of the footprint of development. If no nesting is discovered, construction can begin as planned. If an active nest is discovered, a buffer shall be established on the Site project site around the nest and delineated using orange construction fence or equivalent. Buffers for raptor nests shall be 300 <u>250</u> feet. Buffers for non-raptor nests shall be 100 feet. The buffer shall be maintained in place until the end of the breeding season or until the young have fledged, and the</p>				

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		<p>young birds are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist. The active nest sites within the exclusion zone shall be monitored by the qualified biologist on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be prepared at the end of the construction season detailing the results of the preconstruction surveys. The report shall be submitted the California Department of Fish and Game (CDFG) by November 30 of each year.</p> <p><u>If no nesting is discovered, construction shall begin as planned.</u> Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.</p> <p>3) Alternatively, CDFG may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity).</p>				
	4.3.3	<p>Burrowing Owl. Prior to issuance of a grading permit, the following measures shall be implemented to mitigate for potential</p>	The project applicant shall have a qualified biologist conduct preconstruction presence and absence	The County of Monterey	Prior to issuance of a	

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		<p>impacts to burrowing owl:</p> <p>1) Prior to issuance of a grading permit, The applicant shall contract with a qualified biologist to conduct burrowing owl presence/absence surveys per the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). Since the project site contains burrows suitable for nesting burrowing owls, Preconstruction surveys shall be completed and if necessary, avoidance and minimization measures shall be implemented. The biologist shall submit a report documenting the results of the preconstruction surveys, avoidance, minimization, mitigation and monitoring requirements. The contract between the biologist and the applicant must be submitted for review and approval by the County of Monterey RMA-Planning Department prior to the issuance of any building and grading permits. 15) Burrowing Owl presence and/or absence surveys shall be conducted in accordance with the California Department of Fish and Game (CDFG) Staff Report on Burrowing Owls (CDFG, 1995). The protocol requires four surveys during the nesting season (April 15 through July 15) and four surveys during the winter season (December 1 through January 31). If the survey results are negative, measures 3 and 4 are not required no further action is warranted.</p> <p>2) If burrowing owls are found to be occupying burrows</p>	<p>surveys for burrowing owls in accordance with CDFG requirements 30 days prior to any ground disturbing activities. In addition the County of Monterey RMA-Planning Department shall approve the contract with the biologist</p>	<p>RMA-Planning Department</p>	<p>grading permit</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>within the Site the project site in either season, and if occupied burrows are to be removed or lost as part of the Project, compensation for loss of foraging habitat shall be required in accordance with the CDFG Staff Report on Burrowing Owls (CDFG, 1995). Compensation shall consist of preservation of 6.5 acres of suitable foraging habitat for each breeding pair or unpaired winter resident. Preservation of this habitat shall be accomplished through: a) Acquisition of suitable habitat and recording a conservation easement over the property. Preparation of a management plan and establishment of an endowment in an amount to be determined by the County and CDFG for maintenance and management of the mitigation site in perpetuity shall also be established; b) purchasing sufficient credits at an approved conservation bank; c) a combination of the above methods, or d) another method acceptable to CDFG. 17) Prior to issuance of a grading permit or other project related disturbance of the Site, the Project proponent shall provide evidence that adequate mitigation has been provided for the loss of burrowing owl foraging habitat, as described above. 18) No more than 30 days prior to any ground disturbing activities, a qualified biologist shall conduct a preconstruction survey for burrowing owls. A preconstruction survey is not necessary if the last presence and/or absence survey was conducted within 30 days of the</p>				

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>start of ground disturbing activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the initial preconstruction surveys, the Site shall be resurveyed. All surveys shall be conducted in accordance with the CDFG Staff Report on Burrowing Owls (CDFG, 1995). If no burrowing owls are present, construction can begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these subject to these measures. 19) If the preconstruction surveys identify burrowing owls on the Site during the non-breeding season (September 1 through January 31), burrowing owls occupying the Site shall be evicted from the Site by passive relocation as described in the CDFG Staff Report on Burrowing Owls (CDFG 1995). If the preconstruction surveys identify burrowing owls nesting on the Site during the breeding season (February 1 through August 31), a 250-foot buffer shall be established on the Site around the nest burrow and delineated using orange construction fence or equivalent. The buffer shall be maintained in place until the end of the breeding season or until a qualified biologist determines through non-invasive methods that 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the</p>				

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		<p><u>fledglings are capable of independent survival, the burrow(s) can be destroyed. a buffer of no less than 250 feet shall be established around occupied burrows, unless a qualified biologist approved by the CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</u></p> <p><u>If it is determined that burrowing owls are found occupying the project site, eviction of owls shall be accomplished through passive relocation during the non-breeding season (July 16 – April 14). Passive relocation shall be accomplished by installing one-way doors at burrow entrances that are left in place and monitored daily to ensure that owls have left the burrows. Burrows shall be vacant for one week prior to excavation of the burrows (CDFG, 1995). Excavation of the burrows will ensure that no burrows remain on the site as suitable nesting habitat for the owls. Construction of the site can commence once all owls on the site have been successfully relocated and not seen on the site for at least one week. A monitoring program of the relocation site shall ensure that evicted individuals are successfully using the relocation site. This monitoring program shall be implemented for the number of years that is deemed acceptable by CDFG. The monitoring program shall include</u></p>				

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p><u>provisions for success criteria, remedial measures, and an annual report to the CDFG.</u></p> <p>3) <u>Should owls be found on the site during protocol-level surveys, compensation for loss of foraging and breeding habitat shall be required in accordance with the CDFG Staff Report on Burrowing Owls (CDFG, 1995). Compensation, as outlined in the report, shall consist of consultation with the CDFG to: 1) determine the appropriate amount of acreage to be protected in perpetuity to compensate for the loss of foraging and breeding habitat associated with project construction and development; 2) the appropriate level of funding for long-term management and monitoring of the protected lands; and 3) the appropriate length of time that monitoring of the protected lands shall be required. In addition, artificial burrows shall be installed on protected lands either on-site (if possible) or off-site if on-site is not possible, at a minimum ratio of 1:1 for each suitable burrow destroyed by the project.</u></p>				
	4.3.4	<p>California Tiger Salamander: Prior to issuance of any grading or building permit for the Project, the applicant shall retain a qualified biologist to conduct a Site Assessment following the Fish and Wildlife Service (USFWS) 2003 <i>Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the</i></p>	<p>The project applicant shall have a qualified biologist conduct a CTS site assessment following USFWS 2003 guidance. The project applicant shall have a qualified biologist ensure implementation of avoidance and minimization measures pertaining to</p>	<p>The County of Monterey RMA- Planning Department and</p>	<p>Prior to issuance of grading permits or building</p>	

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		<p>California Tiger Salamander. Written documentation of the Site Assessment results shall be provided to the USFWS and California Department of Fish and Game (CDFG) within two weeks of completion of the Site Assessment. Additional California Tiger Salamander (CTS) site assessment/survey requirements may be required by USFWS and CDFG pending the results of the Site Assessment. If the USFWS and CDFG determine that no further CTS surveys are warranted, construction may proceed at any time with implementation of the prescribed CTS avoidance and minimization measures described below. A voidance and Minimization Measures: 5) Exclusion fencing shall be installed along the limits of work associated with construction of the retail village to prevent encroachment into adjacent California Tiger Salamander upland habitat to be preserved. Fencing shall consist of silt fence or equivalent material, and shall be installed such that no openings are present. Additionally, the bottom three inches of fence shall be buried. The exclusion fencing shall be maintained in good condition until project construction is complete. 6) Following completion of work, areas of potential California Tiger Salamander upland habitat in the project area that are denuded during project construction shall be revegetated with locally occurring native species as described in the Landscape Plan.</p> <p>Mitigation Option #1. Determination of</p>	<p>CTS. In addition the County of Monterey RMA-Planning Department shall approve the contract with the biologist.</p>	<p>California Department of Fish and Game and US Fish and Wildlife Service</p>	<p>permits</p>	

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		<p><u>Presence/Absence of CTS by conducting a drift-net fencing surveys.</u> Prior to issuance of a grading permit, the applicant shall retain a qualified biologist to complete a Habitat Assessment per the <i>Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander</i> (USFWS 2003). More specifically, focused surveys of upland habitat using drift net fencing will be conducted for two years, per the methods described on page 5 of interim survey guidance. Aquatic surveys on nearby off-site breeding ponds, in combination with drift-net fencing surveys, are frequently requested by the agencies in support of a presence or absence determination. If there is not sufficient rainfall during the survey years, it is possible that CDFG would require additional year(s) of surveys to conclude that CTS are not present on the site.</p> <p>Should there be a subsequent recommendation to examine burrows on the site, the Applicant's biologist will be required to employ fiber optics rather than hand excavation.</p> <p><u>Avoidance and Minimization Measures.</u> The applicant shall implement the following avoidance and minimization measures prior to the initiation of construction activities:</p>				

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		<p>1) <u>A biologist familiar with CTS shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined here, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.</u></p> <p>2) <u>An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbances has been completed. If any CTS individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.</u></p> <p>3) <u>Silt fencing delineating the project activity boundaries adjacent to CTS breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.</u></p>				

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		<p>4) <u>No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.</u></p> <p>5) <u>During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.</u></p> <p>6) <u>Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.</u></p> <p>7) <u>All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</u></p> <p>Should the protocol-level surveys fail to document</p>				

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		<p>presence of CTS on the site, and the agencies concur that the species is absent from the site, project construction may proceed without further mitigation.</p> <p>If the protocol-level surveys determine presence of CTS, the applicant shall retain a qualified biologist to prepare the application materials for a 2081 permit from CDFG and a Section 10 permit from USFWS, prior to the issuance of a grading permit. The mitigation strategy for CTS could include off-site mitigation, such as the purchase of CTS credits from the Ohlone Conservation Bank in Alameda County. Credits for CTS at this mitigation bank are currently being sold at \$45,000 per credit.</p> <p>Mitigation Option #2. Assume presence of CTS. Prior to the issuance of a grading permit, the applicant shall retain a qualified biologist to prepare the application materials for a 2081 permit from CDFG and a Section 10 permit from USFWS.</p> <p>Suitable mitigation measures, such as avoidance, minimization, and compensation shall be required as determined through consultation with and to the satisfaction of CDFG and USFWS. Avoidance, minimization, and compensation measures below shall be implemented. Furthermore, the mitigation strategy for CTS could include off-site mitigation, such as the purchase of CTS credits from the Ohlone Conservation</p>				

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		<p><u>Bank in Alameda County. Credits for CTS at this mitigation bank are currently being sold at \$45,000 per credit.</u></p> <p><u>Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measures prior to the initiation of construction activities:</u></p> <p><u>1) A biologist familiar with CTS shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined here, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.</u></p> <p><u>2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbance has been completed. If any CTS individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.</u></p>				

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		<p>3) <u>Silt fencing delineating the project activity boundaries adjacent to CTS breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.</u></p> <p>4) <u>No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.</u></p> <p>5) <u>During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.</u></p> <p>6) <u>Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.</u></p> <p>7) <u>All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all</u></p>				

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		<p><u>grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</u></p>				
	4.3.5	<p>California Red-legged Frog and Western Spadefoot Toad. Prior to issuance of a grading permit, the project applicant shall retain a qualified biologist to ensure implementation of the following avoidance and minimization measures pertaining to California red-legged frog (CRLF) and western spadefoot. The contract must be submitted for review and approval by the County of Monterey RMA Planning Department prior to issuance of any permits. 7) Exclusion fencing shall be installed along the limits of work associated with construction of the retail village to prevent encroachment into adjacent upland habitat to be preserved. Fencing shall consist of silt fence or equivalent material, and shall be installed such that no openings are present. Additionally, the bottom three inches of fence shall be buried. The exclusion fencing shall be maintained in good condition until project construction is complete. 8) Following completion of work, areas of potential upland habitat on the Site that are denuded during Project construction shall be</p>	<p>The project applicant shall have a qualified biologist ensure implementation of avoidance and minimization measures pertaining to CRLF and western spadefoot toad. In addition the County of Monterey shall approve the contract with the biologist.</p>	<p>The County of Monterey RMA-Planning Department and US Fish and Wildlife Service</p>	<p>Prior to issuance of a grading permit</p>	

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		<p>revegetated with locally occurring native species as described in the Landscape Plan. 9) All burrows in the area to be disturbed shall be surveyed during the dry season for presence of aestivating CRLF or spadefoot. Surveys shall be conducted at each burrow either by hand excavation or surveying with a fiber optic camera. Written documentation of the survey results shall be provided to the United States Fish and Wildlife Service (USFWS) within two weeks of completion of the surveys. biologist to first determine presence or absence of CRLF and WST. If either species is present, a mitigation strategy shall be negotiated with the agencies (USFWS and CDFG) through implementation of the following mitigation measure. The contract shall be submitted for review and approval by the County of Monterey – RMA Planning Department prior to issuance of any permits.</p> <p><u>Habitat Assessment and Protocol-level Surveys.</u> The applicant shall contract with a qualified biologist to complete a Habitat Assessment for CRLF and WST on the proposed project site. If results of the Habitat Assessment indicate that CRLF and WST could be present on the site, protocol-level surveys for RLF shall be completed per the 2005 USFWS Guidance. WST would be found (if present) during these RLF protocol-level surveys. Multiple surveys (up to 8) are required to determine the presence of the CRLF and WST on or</p>				

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		<p><u>near the project site. Two day surveys and four night surveys shall be required during the breeding season (February 1 through June 30). One day and one night survey shall be required during the non-breeding season (July 1 through September 30). These surveys shall consist of listening for frog calls and a visual-encounter survey. Decontamination of equipment and reporting requirements shall be followed, per the Guidance.</u></p> <p><u>Should there be a recommendation to examine burrows on the site, the Applicant's biologist will be required to employ fiber optics rather than hand excavation.</u></p> <p><u>Should no CRLF or WST be found on the project site during protocol-level surveys, the project shall continue as scheduled, with implementation of the avoidance and minimization measures specified below.</u></p> <p><u>If CRLF and/or WST are observed within 50 feet of planned construction activities during the protocol-level day and night time surveys for CRLF and WST, all construction-related activities shall be postponed until consultation with USFWS (CRLF) and CDFG (WST) has been established.</u></p> <p><u>Compensation Measures. If the protocol-level surveys result in positive findings for CRLF or WST, consultation with the USFWS (CRLF) or the CDFG (WST) shall be required. Prior to relocation of any</u></p>				

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		<p><u>individuals from the project site, appropriate agency approvals shall be required. Therefore, prior to issuance of a grading permit or other authorization to proceed with project construction, the project proponent shall complete all consultation requirements with USFWS pursuant to Federal Endangered Species Act for the CRLF and with CDFG pursuant to the California Endangered Species Act for the WST, obtain all required permits, and provide approved permit documentation to the County.</u></p> <p><u>As part of the permitting requirements, the applicant shall prepare a mitigation plan to address the potential impacts to CRLF and WST, and describe proposed compensatory mitigation to offset the loss of approximately 11-acres of estivation habitat resulting from project implementation. The mitigation plan shall be subject to approval by USFWS and CDFG. Compensatory mitigation for CRLF and WST habitat typically consists of habitat preservation at a minimum 2:1 ratio. Preservation of this habitat shall be accomplished through:</u></p> <ul style="list-style-type: none"> a. <u>Acquisition of suitable off-site habitat and recording a conservation easement over the property;</u> b. <u>purchasing sufficient credits at an approved conservation bank;</u> 				

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		<p>c. <u>a combination of the above methods, or</u> d. <u>other method acceptable to USFWS and CDFG.</u></p> <p><u>Avoidance and Minimization Measures.</u> <u>The applicant shall implement the following avoidance and minimization measure prior to the initiation of construction activities:</u></p> <p>1) <u>A biologist familiar with CRLF and WST shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined herein, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.</u></p> <p>2) <u>An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbance has been completed. If any CRLF or WST individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to</u></p>				

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		<p><u>discuss further actions.</u></p> <p>3) <u>Silt fencing delineating the project activity boundaries adjacent to CRLF or WST breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.</u></p> <p>4) <u>No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.</u></p> <p>5) <u>During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.</u></p> <p>6) <u>Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.</u></p> <p>7) <u>All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20</u></p>				

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		<p><u>meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</u></p>				
	4.3.6	<p><u>Monterey dusky-footed Woodrat.</u> <u>Prior to issuance of a grading permit, a qualified biologist shall identify any active woodrat nests that may be present, deconstruct nests prior to construction, and reconstruct suitable nests within preserved lands off-site. All activities involving deconstruction and reconstruction of nests shall be approved by CDFG. Nests that cannot be avoided shall be dismantled prior to land clearing activities to allow animals to escape harm and to reestablish territories prior to the next breeding season. Nests shall be dismantled during the nonbreeding season, between October 1 and December 31. Dismantling shall be done by hand allowing any animals to escape either along existing woodrat trails or toward other available habitat. If a litter of young is found or suspected, nest material shall be replaced, and the nest left alone for 2 to 3 weeks and then resurveyed to verify that young are capable of independent survival before proceeding with nest dismantling. Active nests</u></p>	<p><u>The project applicant shall have a qualified biologist ensure implementation of avoidance and minimization measures pertaining to Monterey dusky-footed Woodrat. In addition the County of Monterey shall approve the contract with the biologist.</u></p>	<p><u>The County of Monterey RMA-Planning Department and US Fish and Wildlife Service</u></p>	<p><u>Prior to issuance of a grading permit</u></p>	

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		that are not located in areas of grading or vegetation removal shall be avoided and protected during project activities with a minimum 25-foot buffer.				
4.4 CULTURAL RESOURCES						
4.4.1		<p>Historical or Archeological Materials. Ground-disturbance associated with project activities shall be monitored by a qualified archaeologist. Archaeological monitors must be empowered to halt construction activities at the location of the discovery to review possible archaeological materials and to protect the resource while the finds are being evaluated. Archaeological monitors must be empowered to halt construction activities at the location of the discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring would continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. If archaeological materials are discovered while an archaeological monitor is not on-site, these shall be treated in accordance with the County of Monterey's standard condition for the accidental discovery of archaeological materials, as described in Standard Condition 4.4.2 below.</p> <p>If deposits of prehistoric and/or historical archaeological materials are discovered during project activities, all work within 25 feet of the</p>	<p>All work shall be monitored by a qualified on-site archaeologist. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	Owner/Applicant/Archaeologist	On-Going	

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		<p>discovery should be redirected until the archaeological monitor assesses the situation, consults with agencies as appropriate, and provides recommendations for the treatment of the discovery. It is recommended that adverse effects to such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their eligibility for listing in the National and California registers. If the resources are not eligible, avoidance is not necessary. If the resources are eligible, they would need to be avoided by adverse effects or such effects must be mitigated.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. This report shall be submitted to the County of Monterey RMA-Planning Department, the project proponent, and the Northwest Information Center.</p>				
4.4.2		<p>Human Remains. Ground disturbing activities associated with project activities shall be monitored by a qualified archeologist. If human remains are encountered, these remains shall be treated in accordance with California Health and Safety Code Section 7050.5.</p> <p>If human remains are encountered by project activities,</p>	<p><u>All work shall be monitored by a qualified on-site archaeologist. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the</u></p>	<p>Owner/Applicant/Archaeologist</p>	<p>On-Going</p>	

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		<p>construction activities shall be halted and the construction supervisor shall notify the County of Monterey Coroner immediately. If the remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall be contacted to assess the situation. The NAHC shall identify a Native American Most Likely Descendent (MLD) to inspect the Site and provide recommendations for the proper treatment of the remains and associated grave goods. The County of Monterey shall ensure that the treatment recommendations of the consulting archaeologist and MLD are implemented prior to project construction or actions that could adversely affect the remains in question.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. This report shall be submitted to the County of Monterey RMA-Planning Department, the project proponent, and the Northwest Information Center.</p>	<p><u>project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</u></p>			
4.4.3		<p>Archeological Sites. The County of Monterey's standard condition for the</p>	<p><u>All work shall be monitored by a qualified on-site archaeologist. Stop</u></p>	<p><u>Owner/Applicant/Arch</u></p>	<p><u>On-Going</u></p>	

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		<p>accidental discovery of archaeological sites shall be a condition for issuance of the Development Permit and would be implemented in the event an archaeological monitor is not on-site. The standard condition does not identify specific mitigation measures that shall be employed in the event that an archaeological deposit is discovered during ground-disturbing project activities. Mitigation options, however, are presented below and shall be included as a condition for issuance of the Development Permit. The standard condition states:</p> <p><i>“If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Resource Management Agency (RMA)-Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.”</i></p> <p>The preferred mitigation measure shall be avoidance of the resource. If the resource cannot be avoided, it shall</p>	<p><u>work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</u></p>	<p>aeologist</p>		

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		be evaluated for its California Register of Historical Resources eligibility. If the resource is not eligible, avoidance is not necessary, and work may proceed without further study or protection of the resource. If the resource is eligible, adverse effects on the deposit must be avoided or such effects must be mitigated. Mitigation can include archaeological excavation of the deposit, laboratory analysis of materials, and preparation of a report of findings for distribution to the County of Monterey RMA-Planning Department and the Northwest Information Center; curation of materials to allow for future scientific research; presentation of findings at a professional conference; and an interpretive display of recovered archaeological materials at a local library, museum, or school.				
4.5 GEOLOGY AND SOILS						
	4.5.1	Uniform Building Code for Seismic Zone IV. Prior to the issuance of a building permit, the project engineer shall prepare and submit project design specifications to the County of Monterey RMA-Planning Department for review and approval. The project design specifications shall be in accordance with the requirements of the Uniform Building Code's current edition for Seismic Zone IV. The requirements state that all buildings are to be founded on undisturbed native soils and/or accepted engineering fill to prevent resonance amplification between soils and the structure.	The County of Monterey RMA-Planning Department shall ensure project design specifications are in accordance with the requirements of the Uniform Building Code's current edition for Seismic Zone IV.	The County of Monterey RMA-Planning Department	Prior to issuance of a building permit	
	4.5.2	Ground Lurching.	The project applicant shall provide the	The	Prior to	

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		Prior to issuance of a building permit, the applicant shall submit operation and emergency response plans to the County of Monterey, Health Department, Environmental Health Division for review and approval. The plans shall consider the potential for ground lurching to occur in response to seismic events, and the potential for lurching to damage lifelines, utilities, and structures. The operation and emergency response plans shall include an employee-training plan; an evacuation plan; a checklist for emergency response including responsible parties; a facility site plan; a storage map for hazardous materials; and a records management plan.	County of Monterey Health Department-Environmental Health Division an operation and emergency response plan for review and approval.	County of Monterey Health Department-Environmental Health Division	issuance of a building permit	
	4.5.3	<p>Erosion Control Plan.</p> <p>Prior to issuance of a grading permit, the contractor shall prepare and submit an erosion control plan to the County of Monterey RMA-Planning Department for review and approval. The erosion control plan shall include the following measures:</p> <ul style="list-style-type: none"> Graded cut and fill slopes shall be vegetated or landscaped in a manner that would reduce the potential for soil erosion following construction. Site drainage shall be provided to control surface water, direct water away from slopes, and control surface water discharge. 	The project applicant shall provide the County of Monterey RMA-Planning Department an erosion control plan for review and approval.	The County of Monterey RMA-Planning Department	Prior to issuance of a grading permit.	
	4.5.4	Design Level Geotechnical Report.	The project applicant shall provide the County of Monterey RMA-Planning	The County of	Prior to issuance	

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		Prior to issuance of a grading permit, the applicant shall submit a design-level Geotechnical Report to the County of Monterey RMA-Planning Department for review and approval. The Geotechnical Report should specifically address the site preparation and grading, foundation design, estimated differential settlement due to liquefaction, foundation and seismic loading, and the design of the Site's retaining walls that would support the adjacent slope.	Department a design-level Geotechnical Report for review and approval.	Monterey RMA-Planning Department	of a grading permit.	
	4.5.5	Building Construction Plans. Prior to the issuance of a building permit, the project engineer shall prepare and submit project building construction plans including design specifications consistent with the design level geotechnical engineering investigation to the County of Monterey RMA-Planning Department for review and approval. The project design specifications shall detail the design and construction of the buildings and the method to be used (e.g., removing the alluvial soil that is prone to liquefaction and seismic settlement and replacing it with properly compacted (engineered) fill, deeply compacting the soils in-place, or supporting structures on deep foundations bearing below the settlement-prone soil to address impacts associated with potential liquefaction and seismic settlement associated with alluvial soils on-site.	The project engineer shall provide the County of Monterey -RMA Planning Department project building construction plans including design specifications consistent with the design level geotechnical engineering investigation for review and approval.	The County of Monterey RMA-Planning Department	Prior to issuance of a building permit.	
4.6 HAZARDS/HAZARDOUS MATERIALS						
4.6.1		Hazardous Materials Business Plan.	Contact the Hazardous Materials	Owner/	Prior to	

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		<p>Prior to issuance of a building permit, the applicant shall file a Hazardous Materials Business Plan, including an Emergency Response and Contingency Plan and a Hazardous Materials inventory with the County of Monterey, Environmental Health Department and obtain a permit for hazardous materials handling if necessary. Such facilities are required to follow safe handling and storage practices, implement training and emergency response procedures and are subject to annual inspection. Facilities that generate hazardous waste are required to follow a similar set of procedures, and are also required to register as hazardous generators and comply with federal and State hazardous waste storage regulations, training requirements and contingency planning requirements. Hazardous materials facilities with air emissions are required to obtain permits from the local Air Pollution Control District and comply with emission limits and any specified monitoring, maintenance and record keeping requirements in their permits.</p> <p>Future potential use, storage, transport or disposal of reportable quantities of hazardous materials (as listed in 40 CFR Ch.1 Section 117.3) or quantities exceeding threshold planning quantities would be required to follow the same procedures.</p>	<p><u>Program of the Bureau of Environmental Health. Submit plan to the Hazardous Materials Program of the Bureau of Environmental Health for review and approval.</u></p>	<p><u>Applicant</u></p>	<p><u>com- mence- ment of operatio n/ Continu ous</u></p>	
4.6.2		<p>Storm Water Pollution Prevention Plan. Prior to issuance of a grading permit, the applicant shall</p>	<p><u>Submit plans to RMA – Planning Department for review and approval.</u></p>	<p><u>Owner/App licant/Engin</u></p>	<p><u>Prior to issuance</u></p>	

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		prepare a Stormwater Pollution Prevention Plan, to be reviewed and approved by the County of Monterey RMA – Planning Department, that would specify Best Management Practices (BMPs) for the safe management of hazardous materials to prevent potential spills and stormwater contamination. The applicant shall file a notice of intent with the Regional Water Quality Control Board (RWQCB) to comply with the requirements of the General Construction Stormwater National Pollution Discharge Elimination System (NPDES) Permit. In addition, if fuel storage at the Site exceeds threshold planning quantities specified in 40 CFR Part 112 (1,320 gallons), a Spill Prevention, Control and Countermeasures (SPCC) Plan shall be prepared for the Site, which would be reviewed and approved by the County of Monterey. The SPCC must contain an assessment of the Site’s spill hazard, methods of spill and overflow prevention, spill containment and spill response, and site responsibilities and training requirements.	<u>File a notice of intent with the Regional Water Quality Control Board (RWQCB).</u> <u>Submit Spill Prevention Control Plan and Countermeasures to the RMA-Planning Department and Environmental Health Bureau for review and approval, if fuel storage exceed specified thresholds.</u>	eer/Developer	of grading permits	
4.6.3		Emergency Access and Evacuation Plans. Prior to issuance of a grading or building permit, the applicant shall prepare emergency access and evacuation plans for construction and operation of the Project for review and approval by the County of Monterey RMA-Planning Department.	<u>Submit plan to the RMA – Planning Department for review and approval.</u>	Owner/Applicant/Developer	Prior to issuance of grading permits	
4.7 HYDROLOGY AND WATER QUALITY						
4.7.1		Storm Water Pollution Prevention Plan.	<u>Submit a construction and operating</u>	<u>Civil or</u>	<u>Prior to</u>	

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		<p>Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that construction plans for the Project include features meeting the applicable construction activity Best Management Practices (BMPs) and erosion and sediment control BMPs published in the <i>California Storm water BMP Handbook—Construction Activity</i> or equivalent. The applicant shall submit a construction and operating Storm Water Pollution Prevention Plan (SWPPP) to the County of Monterey that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and would be reviewed and approved by the County Building Official prior to the issuance of any grading or building permits. The SWPPP shall reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the Site.</p>	<p><u>SWPPP to the RMA – Planning Department showing adequate BMPs as listed in California Stormwater BMP handbook or the equivalent measures. SWPPP shall be prepared by a civil or environmental engineer.</u></p>	<p><u>Environmental Engineer</u></p>	<p><u>issuance of grading permit</u></p>	
4.7.2		<p>General Construction Storm Water NPDES Permit Coverage. Prior to issuance of a grading permit, the applicant shall demonstrate to the County of Monterey RMA-Planning Department that coverage has been obtained under the General Construction Storm water National Pollution Discharge Elimination System (NPDES) Permit by providing a copy of the Notice of Intent (NOI)</p>	<p><u>Provide copy of Notice of Intent submitted to State Water Resources Control Board showing that coverage has been obtained under the General Construction Storm water NPDES Permit to the RMA – Planning Department.</u></p>	<p><u>Owner/Applicant/Developer</u></p>	<p><u>Prior to issuance of grading permit.</u></p>	

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		submitted to the State Water Resources Control Board. During demolition, grading, and construction, the applicant shall ensure that the Project complies with the requirements of the State General Construction Activity NPDES Permit.				
4.7.3		<p>Storm Water NPDES Permit Coverage. The applicant shall comply with the provisions of the National Pollution Discharge Elimination System (NPDES) General Permit and Waste Discharge Requirements for the Storm Water Discharges from Small Municipal Separate Storm Sewer Systems Order No. 2003-0005-DWQ NPDES No. CAS000004 as they relate to construction activities for the Project. This shall include submittal of a Notification of Construction to the Central Coast Regional Water Quality Control Board (RWQCB) at least 30 days prior to the start of construction, preparation, and implementation of a Storm Water Pollution Prevention Plan (SWPPP) (Standard Condition 4.7.1) and a Notice of Completion to the Central Coast RWQCB upon completion of construction and stabilization of the Site.</p>	<p><u>Provide copy of Notification of Construction submitted to Central Coast Regional Water Quality Control Board (RWQCB) showing compliance with NPDES and Order No. 2003-0005-DWQ NPDES No. CAS000004 to the RMA – Planning Department.</u></p> <p><u>Submit copy of Notice of Completion submitted to the RWQCB to the RMA – Planning Department.</u></p>	<p><u>Owner/Applicant/Developer</u></p> <p><u>Owner/Applicant/Developer</u></p>	<p><u>30 days prior to start of construction and Prior to issuance of grading Permit.</u></p> <p><u>Upon completion of construction activities.</u></p>	
4.7.4		<p>Erosion Control Plan. Prior to issuance of a grading permit, an erosion control plan indicating proposed methods for the control of runoff, erosion, and sediment movement shall be submitted by the applicant to the County of Monterey RMA-Planning Department for approval. Erosion control plans may also be required for other types of</p>	<u>An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.</u>	<u>Owner/Applicant</u>	<u>Prior to the issuance of grading and building</u>	

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		applications where erosion can reasonably be expected to occur. The erosion control plan may be incorporated into other required plans, provided it is identified as such. Erosion control plans shall include as a minimum the measures required under Sections 16.12.070, 16.12.090, and 16.12.110 of the County of Monterey Ordinance. Additional measures or modifications of proposed measures may be required by the County of Monterey prior to Project approval. No grading or clearing may take place on the Site prior to approval of an erosion control plan for that activity. Final certification of Project completion may be delayed pending proper installation of measures identified in the approved erosion control plan.	<u>Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.</u>	<u>Owner/ Applicant</u>	permits <u>Ongoing</u>	
	4.7.5	Drainage Plan. Prior to issuance of any grading or building permits, the applicant shall provide the County of Monterey Water Resources Agency, a final Drainage Plan and maintenance plan prepared by a registered civil engineer addressing on-and off-site impacts. The drainage plan shall be accompanied by a hydrologic report that would include calculations certifying that storm water detention/percolation facilities are designed to limit the 100-year post-development runoff rate to the 10-year pre-development runoff rate. The drainage plan shall include an oil-water separator/sediment trap upstream from the retention/detention basin and construction details, utilizing Caltrans standards, for the proposed	The project applicant shall submit to the County of Monterey Water Resources Agency a final Drainage Plan and Maintenance Plan prepared by a registered civil engineer.	The County of Monterey Water Resources Agency	Prior to issuance of grading permit or building permits	

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		<p>24-inch storm drain line that would convey storm water to an existing box culvert under SR-68. Calculations shall be provided certifying the oil-water separator/sedimentation trap has been sized to accommodate the flow from the Site during the County recommended storm event. Drainage improvements shall be constructed in accordance with the plans approved by the County of Monterey Water Resources Agency.</p> <p>The Drainage Plan for the Project shall also include calculations demonstrating the adequacy of the existing culvert along El Toro Creek under SR-68 to pass the Caltrans specified design flood events, including any additional stormwater discharge volumes originating from the Site after construction. If the capacity of the existing culvert is insufficient to meet Caltrans design criteria, the applicant shall submit plans for upgrading or replacing the culvert and shall upgrade or replace the culvert as part of the Project. <u>Should the drainage plans submitted by the Applicant demonstrate that there may be a need to provide additional drainage diversion to the existing culvert under SR-68 the plans shall include calculations demonstrating the adequacy of the existing culvert. If not adequate the plans shall include specifications for the modification of the culvert. The plans shall be submitted for review and approval by the Water Resources Agency and Cal Trans.</u></p>				

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	4.7.6	<p>Drainage and Flood Control Systems Agreement. Prior to filing the final map, a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> shall be provided by the applicant to the County of Monterey Water Resources Agency for review and approval. The agreement shall include a summary of required annual maintenance activities and provisions for the preparation of an annual drainage report. The annual report shall be prepared by a registered civil engineer and submitted to the County of Monterey Water Resources Agency for review and approval. The applicant and/or subsequent property owners, after notice and hearing, shall properly maintain, repair, or operate the site drainage and flood control facilities, the County of Monterey Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the Project. The County of Monterey Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the costs. The <i>Drainage and Flood Control Systems Agreement</i> shall be recorded concurrently with the final map.</p>	<p>The project applicant shall submit a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> to the County of Monterey Water Resources Agency for review and approval which shall include a summary of required annual maintenance activities and provisions for the preparation of an annual drainage report.</p>	<p>The County of Monterey Water Resources Agency</p>	<p>Prior to final map approval</p>	

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		<u>In the design of the drainage facilities for the Project, the applicant shall incorporate any appropriate BMPs or other proposed recommendations from the Central Coast Regional Water Quality Control Board Hydromodification Control Criteria Methodology Study that are adopted by the CCRWQCB at the time of Project design. These design features shall be reviewed and approved by the County Water Resources Management Agency and Building Services Department for consistency with the BMPs and/or recommendations and with County standards.</u>				
	4.7.7	Retaining Walls. Prior to issuance of grading and site development permits, the applicant shall submit a design approved by a registered civil engineer for retaining walls/debris deflection walls along areas of the eastern Site boundary where evidence of slope instability has been observed or areas that pose a risk of future instability. The wall shall be adequately sized so as not to be overtopped by potential mudflows, and shall be designed to withstand the impact of any mudflows traveling down the slope. The applicant shall implement a maintenance program to remove any debris that is accumulated behind the wall after any mudflow event, and at the end of every rainy season.	The project applicant shall submit a design approved by a registered civil engineer to the County of Monterey RMA -Planning Department for retaining walls/debris deflection walls along areas of the eastern site boundary where evidence of slope instability has been observed or for areas that pose a risk of future instability.	The County of Monterey RMA-Planning Department	Prior to issuance of grading or site development permits	
	4.7.8	1. <u>Water Cap</u> <u>The total amount of water which can be used on the site on an annual basis is 9.0 acre feet per year. The</u>				

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		<p><u>owner/shopping center developer shall be responsible for developing a refined water use plan demonstrating that the 9.0 acre feet cap can be achieved. The water use plan shall include a mechanism to track all water consumption on the site. The water use plan shall be reviewed and approved by the Director of Planning and the General Manager of the Water Resources Agency prior to issuance of any permits.</u></p> <p>2. <u>Reporting</u> <u>The applicant or shopping center owner shall provide reports to the General Manager of the Water Resources Agency of water consumption on the site. For the first two years after occupancy, the reports shall be submitted quarterly, and annually thereafter. If any report suggests that annual consumption of the site will exceed the cap for the year, then the General Manger shall have authority to impose measures to be taken to bring the site into compliance with the cap. These may include but are not limited to, limitation on specific consumptive uses within tenant spaces, holding certain spaces vacant, and restricting or eliminating the water usage for landscaping. The General Manager of the Water Resources Agency shall have the authority to return to quarterly reporting in the event of a repeated exceedence of the cap.</u></p>				

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		<p>3. <u>Landscaping</u> <u>The shopping center shall provide a separate meter for the water conveyed to the Landscape Irrigation system. The amount of water used in the landscaping shall be included in all reports.</u></p>				
4.7.9		<p><u>Notice of Water Credit – Stormwater Runoff.</u> <u>The applicant shall record a Notice stating that “Any development plans that may be approved in the future for the service station site (APN 161-571-002-000) adjacent to the Project Site, also owned by the applicant, shall not receive any credit for stormwater runoff from the site being applied to or counted in a water balance analysis for development of that site.”</u></p>	<p><u>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</u></p>	<p><u>Owner/ Applicant</u></p>	<p><u>Prior to the issuance of grading permits.</u></p>	
4.9 NOISE						
4.9.1a		<p><u>Sound Muffling.</u> <u>Prior to issuance of a grading permit, the County of Monterey RMA – Planning Department shall verify that the construction plans and specifications state that all construction equipment used on-site is equipped with appropriate sound muffling equipment, is properly maintained, and is used at all times such equipment is in operation.</u></p>	<p><u>The County of Monterey RMA- Planning Department shall ensure that plan specifications include notes specifying that all construction equipment used on site shall be equipped with sound muffling equipment as required.</u></p>	<p><u>Owner/ Applicant</u></p>	<p><u>Prior to the issuance of grading permits.</u></p>	
4.9.1b		<p><u>Stationary Equipment.</u> <u>Prior to issuance of a grading permit, the County of Monterey RMA – Planning Department shall verify that the construction plans and specifications state that the</u></p>	<p><u>The County of Monterey RMA- Planning Department shall ensure that plan specifications include notes specifying that the stationary</u></p>	<p><u>Owner/ Applicant</u></p>	<p><u>Prior to the issuance of</u></p>	

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		construction contractor shall place all on-site stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Site as much as is reasonably feasible.	<u>construction equipment be placed to direct noise away from sensitive receptors as required.</u>		<u>grading permits.</u>	
4.9.1c		Equipment Staging Areas. Prior to issuance of a grading permit, the County of Monterey RMA – Planning Department shall verify that the construction plans and specifications state that the construction contractor shall locate equipment staging in areas that would create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors nearest the Site during all project construction.	<u>The County of Monterey RMA-Planning Department shall ensure that plan specifications include notes specifying that the equipment be located in appropriate areas as required.</u>	<u>Owner/Applicant</u>	<u>Prior to the issuance of grading permits.</u>	
4.9.1d		Construction Activity Hours. Prior to issuance of a grading permit, the County of Monterey RMA – Planning Department shall verify that the construction plans and specifications state that the construction contractor shall ensure that noise producing construction activities shall be restricted to the daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8 a.m. to 4 p.m. on Saturday, and not permitted at all on Sundays or holidays.	<u>The County of Monterey RMA-Planning Department shall ensure that plan specifications include notes specifying that noise producing construction activities be restricted to appropriate hours as required.</u>	<u>Owner/Applicant</u>	<u>Prior to the issuance of grading permits.</u>	
	4.9.2a	Loading Dock. Prior to issuance of the grading permit, the County of Monterey shall review the site design to ensure that the loading dock facility is enclosed so that all adjacent noise sensitive land uses are completely shielded from a direct line of sight to the loading dock;	The County of Monterey RMA-Planning Department shall verify that the loading dock facility on the site design is enclosed	The County of Monterey RMA-Planning Department	Prior to issuance of a grading permit	

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	4.9.2h	<p>Loading Dock. Prior to issuance of the grading permit, the County of Monterey shall review the site design to ensure that it includes specifications that the use of the loading dock for noise producing activities shall be restricted to the daytime hours of 7:00 a.m. to 10:00 p.m. daily.</p>	<p>The County of Monterey shall review the site design to ensure that it includes specifications that the use of the loading dock for noise producing activities shall be restricted to the daytime hours of 7:00 a.m. to 10:00 p.m. daily.</p>	<p>The County of Monterey RMA – Planning Department</p>	<p>Prior to issuance of a grading permit</p>	
4.12 TRAFFIC AND TRANSPORTATION						
	4.12.1	<p>Impact Fee for Project Impacts at SR-68fSan Benancio Road; SR-68fCorral de Tierra Road; and SR-68fLaureles Grade. Prior to the issuance of building permits, the Project applicant shall comply with one of the following actions to address Project level impacts to intersections along SR-68:</p> <p>a. Upon issuance of each building permit for proposed development on the Site, the applicant shall contribute the proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time. The TAMC RDIF payment will be earmarked for completion of the Caltrans Project Study Report (PSR) for contribute to the 2.3 miles "State Route 68 Commuter Improvements" identified with the TAMC RDIF; or</p> <p>b. Prior to the issuance of the first building permit for</p>	<p>The project applicant shall pay to the County of Monterey its proportionate fair share towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time or shall fund or shall fund, initiate and complete a Caltrans Project Study Report for the 2.3 mile "State Route 68 Commuter Improvements" project</p>	<p>The County of Monterey Department of Public Works</p>	<p>Prior to issuance of a building permit</p>	

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		proposed development on the Site, the applicant shall pay the entire fair share for the proposed development toward the "State route 68 Commuter Improvements" through payment of the TAMC RDIF.				
	4.12.2	<p>Street Frontage and Access ways.</p> <p>In order to mitigate the potentially hazardous situations created by inadequate street frontage and access improvements, prior to the issuance of grading permits, the Project applicant shall modify the Project Site Plan to the satisfaction of the County of Monterey departments of Public Works and Planning to provide the following design features on Corral de Tierra Road and SR-68:</p> <p>A. Extend the twelve-foot southbound merge lane to the main entrance; Stripe an eleven-foot southbound through lane; Construct an eleven-foot southbound turn lane;</p> <p>D. Construct a raised center divide to prevent left turning movements;</p> <p>E. Restripe an eleven-foot northbound through/left turn lane;</p> <p>F. Construct a twelve-foot northbound right turn lane;</p> <p>G. Construct a northbound four-foot Class II bicycle lane;</p> <p>H. Construct a five-foot sidewalk on east side of Corral de Tierra Road;</p> <p>I. Provide a three-foot foot utility, traffic sign, and</p>	The project applicant shall modify the site plan to the satisfaction of the County of Monterey Department of Public Works with specific design features to address street frontage and access improvements.	The County of Monterey Department of Public Works	Prior to issuance of a grading permit	

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		<p>public facilities easement behind back of walk;</p> <p>J. Redesign the site plan to provide a minimum 40 foot throat depth for all driveways on Corral de Tierra Road; and</p> <p>K. Eliminate the northernmost driveway on Corral de Tierra Road.</p> <p>Additionally the following modifications are required on SR-68:</p> <p>L. Redesign the site plan to provide a 60 foot deep driveway throat on the eastern most driveway on SR-68;</p> <p>M. Eliminate the westernmost driveway on SR-68;</p> <p>N. <u>The driveway on SR-68 shall be designed and constructed to include adequate signage and other improvements to preclude left-turn ingress and egress.</u></p>				
	4.12.3	<p>Class II Bikeway.</p> <p>In order to maintain consistency with the General Plan policy 37.4.1 and Toro Area Plan policy 39.2.2.2, the applicant shall install a Class II Bikeway along the Project frontage on Corral de Tierra Road.</p>	The project applicant shall pay to the County of Monterey Department of Public Works for remittance to TAMC the Regional Development Impact Fee to mitigate the Project impact at the intersection of SR-68/San Benancio Road.	The County of Monterey Department of Public Works	Prior to issuance of a grading permit	
	4.12.4	<p>Impact Fee for Cumulative Traffic Impacts at SR-68/San Benancio Road; SR-68/Corral de Tierra Road; and SR68/Laureles Grade.</p> <p>Prior to the issuance of building permits, the Project applicant shall comply with one of the following actions</p>	The project applicant shall pay to the County of Monterey its proportionate fair share towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional	The County of Monterey Department of Public	Prior to issuance of a grading permit	

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		<p>to address cumulative impacts to intersections along SR-68:</p> <ol style="list-style-type: none"> 1) Upon issuance of each building permit for proposed development on the Site, the applicant shall contribute his proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time. The TAMC RDIF payment will be earmarked for completion of the Cal Trans Project Study Report (PSR) for the 2.3 miles "State Route 68 Commuter Improvements" project identified with the TAMC RDIF; or 2) Prior to the issuance of the first building permit for proposed development on the Site, the applicant shall pay the entire fair share for the proposed development toward the "State route 68 Commuter Improvements" through payment of the TAMC RDIF; or; 3) The Project applicant shall fund, initiate and complete a Caltrans Project Study Report for the 2.3 mile "State Route 68 Commuter Improvements" project, identify the total roadway improvement costs, as well as each Project applicant's proportionate fair share of those costs. If costs of the PSR exceed the Project's proportionate fair share of the TAMC RDIF obligation, the applicant shall be reimbursed the amount in excess of the proportionate 	<p>Development Impact Fee (RDIF) in effect at that time or shall fund or shall fund, initiate and complete a Caltrans Project Study Report for the 2.3 mile "State Route 68 Commuter Improvements" project.</p>	<p>Works</p>		

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		fair share. Monterey County will enter into a reimbursement agreement with the Project applicant to refund the costs in excess of the proportionate fair share of the TAMC RDIF as additional fees are collected from other applicants and sources.				
4.13 UTILITIES AND SERVICE SYSTEMS						
	4.13.1	<p>Passive Solar Design Elements.</p> <p>Prior to final development map/plan approval, the applicant shall submit to the County of Monterey RMA-Planning Department for review and approval a building plan which incorporates the following passive solar design elements to the extent feasible:</p> <ul style="list-style-type: none"> • Building orientation that maximizes energy gain from the sun, shade, and wind. • Thermal mass materials, such as tile or brick, used in flooring or walls, especially south-facing walls, to store the sun's heat during the day and release it back into the building at night or when the temperature drops. • Insulation of both the ceilings and walls. • Passive solar design techniques such as large south and west-facing windows with proper window overhangs and/or reflective window film to improve heating and cooling of the building naturally, reducing the need for artificial heating or cooling mechanisms. • A daylighting system to effectively integrate daylight with electrical lighting systems to reduce electricity consumption when sufficient daylight is present within the building. 	The project applicant shall submit to the County of Monterey RMA-Planning Department a building plan which incorporates passive solar design elements.	The County of Monterey RMA-Planning Department	Prior to final development map/plan approval	

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	4.13.2	<p>Energy Efficient Building Equipment and Design Elements.</p> <p>Prior to the final development map/plan approval, the applicant shall submit to the County of Monterey RMA-Planning Department for review and approval a building plan which incorporates the following energy efficient building equipment and design elements to the extent feasible: • Water heating equipment which includes integral automatic temperature controls and circulating service water system controls such as geothermal heat pumps Geothermal heat pumps provide heating, cooling, and hot water, and are generally more efficient and less expensive to operate and maintain than conventional systems. • The installation of lighting systems with automatic time switch controls, occupant-sensing devices such as motion detectors, automatic daylighting controls, dimmers, indoor photosensors, and efficient security, street, and parking lot lighting (e.g. high pressure low sodium fixtures). • The use of alternative energy sources such as photovoltaic (Le., solar electric) systems on all building rooftops to reduce the Project's electrical energy consumption. • The use of alternative building materials that contain post-consumer recycled materials to the greatest extent possible.</p>	The project applicant shall submit to the County of Monterey RMA-Planning Department a building plan which incorporates energy efficient building design elements.	The County of Monterey RMA-Planning Department	Prior to final development map/plan approval	
	4.13.3	<p>Energy Management Design Systems.</p> <p>Prior to final development map/plan approval, the applicant shall submit to the County of Monterey RMA-</p>	The project applicant shall submit to the County of Monterey RMA-Planning Department a building plan	The County of Monterey	Prior to final develop	

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		Planning Department for review and approval a building plan which incorporates energy management systems to control space conditioning or heating, ventilating, or air conditioning (HV AC) systems including operating hours, set point, scheduling of chillers, etc	which incorporates energy management systems	RMA-Planning Department	me-nt map/pla n approval	
	4.13.4	Landscape Design Plan. Prior to final development map/plan approval, the applicant shall submit to the County of Monterey RMA-Planning Department for review and approval a landscape design plan which integrates heat island minimization, xeriscape principals, and native drought-tolerant plants.	The project applicant shall submit to the County of Monterey RMA-Planning Department a landscape design plan which integrates heat island minimization, xeriscape principals, and native drought-tolerant plants.	The County of Monterey RMA-Planning Department	Prior to final develop ment map/pla n approval	
	4.13.5	Alternative Transportation Design. Prior to final development map/plan approval, the applicant shall submit to the County of Monterey RMA-Planning Department for review and approval a site plan which increases the potential for the use of alternative transportation to access the Site <u>including carpool parking spaces</u> . The plan shall include a transit stop on SR-68 as recommended and approved by Caltrans and Monterey-Salinas Transit, and an improved pedestrian area connecting the transit stop to the shopping village (refer to mitigation measures in Section 4.1.8 of the EIR).	The project applicant shall submit to the County of Monterey RMA-Planning Department a development plan which increases the potential for the use of alternative transportation to access the Site.	The County of Monterey RMA-Planning Department	Prior to final develop ment map/pla n approval	
	4.13.6	LEED Compliance. As defined by the LEED Program of the United States Green Building Council, the project design shall comply	The project applicant shall provide the County of Monterey RMA-Planning Department evidence that a LEED	The County of Monterey	Prior to occupan cy or use	

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		with the requirements that are consistent with a "LEED Certified" designation. As part of the application for building permits, the applicant shall provide evidence to the County of Monterey RMA-Planning Department that the Project has received a LEED Certified designation or evidence that the Project design includes sufficient elements that demonstrate consistency with the LEED Certified designation.	Certified designation has been met.	RMA-Planning Department	of the new project buildings	
	4.13.7	Capacity of Wastewater Treatment Facility. Prior to approval of any building permits, the applicant shall verify that there is sufficient capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the Project. If the CUS facility has exceeded 60% of its existing capacity or the Project would cause the facility to exceed its permitted capacity, then the County of Monterey would shall not issue a building permit until such time as the CUS <u>wastewater treatment facility</u> has attained a revised permit from the Regional Water Quality Control Board.	The project applicant shall verify that there is sufficient capacity in the CUS wastewater treatment facility to address the wastewater needs of the project.	The project applicant	Prior to approval of building permits	
4.14 GLOBAL CLIMATE CHANGE						
	4.14.1	Construction and Building Materials. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the following measures are incorporated into the design and construction of the Project: • Use locally produced and/or manufactured building materials for construction of the Project; • Recycle/reuse demolished construction	The project applicant shall provide the County of Monterey RMA-Planning Department evidence that "green building materials" have been incorporated into the design and construction of the Project.	The County of Monterey RMA-Planning Department	Prior to issuance of a grading permit.	

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		material; and • Use "Green Building Materials," such as those materials which are resource efficient, and recycled and manufactured in an environmentally friendly way, including low Volatile Organic Compound (VOC) materials.				
	4.14.2	Water Conservation and Efficiency Measures. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the following measures are incorporated into the design and construction of the Project: • Devise a comprehensive water conservation strategy appropriate for the Project and location. The strategy may include the following, plus other innovative measures that might be appropriate: • Water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls; • Energy-efficient irrigation systems and devices; • Water -efficient building design: 0 Energy-efficient and water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; 0 Restrictive watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff; and 0 Separate, non-potable distribution system to accommodate the potential future use of recycled water for landscape irrigation needs of large areas with irrigated landscaping.	The County of Monterey RMA-Planning Department shall ensure that a comprehensive water conservation strategy appropriate for the Project and location has been incorporated into the design and construction of the Project.	The County of Monterey RMA-Planning Department	Prior to issuance of a grading permit.	
	4.14.3	Incentives for the Reduction of Automobile Trips. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that	The County of Monterey -RMA Planning Department shall ensure that incentives for the reduction of	The County of Monterey-	Prior to issuance of a	

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		the following measures are incorporated into the design and construction of the Project: • The applicant shall designate 5% of all parking spaces within the development for shared employee parking (e.g., carpools and vanpools). • The applicant shall designate two areas in the development for bicycle parking. Each shall accommodate at least 25 non-motorized vehicles.	automobile trips are incorporated into the design and construction of the Project.	RMA Planning Department	grading permit.	
	4.14.4	Waste Disposal. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the following measure is incorporated into the design and construction of the Project: The applicant shall include notes on all site plan specifications stating that all construction contracts for the Project would be required to separate all construction waste into recyclable and non-recyclable materials and that construction waste must be taken to the closest waste disposal site.	The County of Monterey -RMA Planning Department shall ensure that all site plan specifications state that the Project would be required to separate all construction waste into recyclable and non-recyclable materials and that construction waste must be taken to the closest waste disposal site.	The County of Monterey-RMA Planning Department	Prior to issuance of a grading permit	

End of Conditions