

Carmel Valley Association
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Since 1949

February 24, 2009

Monterey County Planning Commission
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: DEIR for GPU5, Section 4.6, "Mitigation Measure TRAN-2B," especially
Carmel Valley Master Plan, item CV-2.18

Dear Chair and Members of the Planning Commission:

Established in 1949, CVA is the oldest and largest resident and homeowners association in Carmel Valley. Indeed, we are the largest civic association of any kind in Carmel Valley.

Please accept the following information, comments and request concerning "mitigations" proposed in the Transportation section of the DEIR for GPU5:

In section 4.6 (Transportation) of the DEIR for GPU5, "Mitigation Measure TRAN-2B" is environmentally inadequate and inappropriate. It is based on inadequate and substantially flawed information and would exacerbate environmental impacts rather than mitigate them.

We urge the Commission to reject Mitigation Measure TRAN-2B in its entirety because

- it lacks substantial evidence to support it, and
- it would worsen rather than mitigate environmental impacts of traffic in Carmel Valley under the Plan.

This request reflects problems with "Mitigation Measure TRAN-2B" that include the following:

Missing data

Fourteen road segments have been *omitted* from Tables A, B, C of Appendix C, but appear in Tables D and E. (Tables D and E are of limited relevance because they are "buildout" tables based on 2092 projections.) (See Figure 1 below.) The omitted segments are Carmel Valley Road, between the southeast end of Carmel Valley Village and State Highway 1 (11 segments), and State Route 1 between Riley Ranch Road (two intersections south of Carmel Valley Road) and Carpenter Street (two intersections north of Carmel Valley Road) – three segments. The former are critical elements of the Carmel Valley Master Plan and the latter represent a part of Highway 1 that is the principal access to Carmel Valley Road and is widely known and documented to operate at substandard levels of service. These omissions render the DEIR's environmental assessment of traffic on and adjacent to Carmel Valley Road defective and inadequate. (Any claim that the CVTIP DEIR of mid-2007 is an adequate substitute for the missing data simply does not meet elementary standards of reasonableness and adequacy. For example the standards of significance are different for the two studies and in both cases are ambiguous. One result is that the contents of Table 4.6-21, *existing* LOS column, in the GPU5 DEIR differ substantially from the corresponding data in Tables 3.7-4,5 of the CVTIP DEIR. Besides, the CVTIP FEIR, including public comments, has never been released to the public and cannot serve as suitable or reliable reference. Also, the CVTIP DEIR does not contain an evaluation of the omitted Highway 1 traffic.)

Inadequate environmental evaluation of "mitigations"

- In the DEIR there is *no* quantitative evaluation of the environmental impacts of the "mitigations" in "Mitigation Measure TRAN-2B" and therefore there is *no* justification for the assertion (p. 4.6-73) that "These mitigation measures result in impacts to Carmel Valley Road being less than significant" Substantial evidence, as required by CEQA, is absent.
- No study of intersections is included in the DEIR, so under CEQA the "mitigation's" provisions concerning intersections entirely lack substantial evidence to support them and are inadequate.

Misleading rationale for adopting different traffic standards on Carmel Valley Road

- It is asserted on p. 4.6-64 of the DEIR that "roadway level of service analysis for the Carmel Valley Master Plan (CVMP) area is based on peak hour ... information" is not true. The CVMP standard is explicitly expressed in ADT.
- On the same page it is asserted that "peak hour ... analysis ... is a more project-specific ... method" yet on p. 4.6-33 the DEIR states, "project-specific impacts ...

would have a less than significant impact and no mitigation is required" and therefore this feature of the "peak hour" approach is irrelevant.

- The assertion in the same sentence that "the peak-hour ... analysis .. is ... a ... more accurate method" is meaningless because the "standards" being used are ambiguous and do not specify what it is that would be "more accurately" measured. For example, the DEIR's effective definition of environmental impact of traffic is incorrect in that it is a measure of the number of sites (number of roadway segments) of impacts and not of impacts themselves (e.g. V/C on a segment) and there is no basis for establishing rational criteria for "accuracy" of impact, LOS or significance (all of which are implicated) under these conditions
- The further assertion that "peak hour operational analysis [would] ... overcome the inaccuracies and impact over-estimation characteristic of the V/C Ratio analysis" is not supported by any evidence in the DEIR. What is meant here by "over-estimation"? What criteria are used in the DEIR to establish when an estimation is "accurate"?

"Peak hour" not a well-define traffic standard

- In some cases peak-hour simply is taken to be a specified fraction of average daily traffic (ADT) (8% to 11% for each peak hour, AM or PM, appear to be typical). Thus "peak hour" is not necessarily distinct from ADT.
- Percentage of time spent following (PTSF) standards have the advantage of being independent of roadway capacity (for 2-lane roads) but have the disadvantage of depending on speed and vehicle spacing. Thus, for impacts that depend on numbers of vehicles passing a given point per unit time (e.g., residents, local businesses, drivers trying to get on or off a road segment), PSFT is not a well-defined or desirable basis for a standard.
- The meanings of LOS ratings are quite different for PTSF and ADT. However, if there is an approximate equivalence of the two on specified road segments, a calibration of ADT with respect to PTSF is possible. This is the case on Carmel Valley Road, based on the data in the CVTIP DEIR. (See Figure 3 below.) The calibration shows that the use of PTSF very substantially relaxes LOS ratings on Carmel Valley Road, raising the ADT standard by more than 15% above the existing "thresholds" on the most heavily traveled segments and by much more on other segments. (See Figure 2 below.)

"Mitigation CV-2.18" would not mitigate, but would *exacerbate* environmental impact on Carmel Valley Road and on nearby Highway 1

- Calibration of ADT against PTSF shows conclusively that the proposed "mitigation" would lower the traffic standard on Carmel Valley Road and would severely reduce control over roadway adequacy. It would be permissive

of development that the current Plan provision was intended to restrict and therefore would violate the existing Plan.

- The proposed "mitigation" would violate Goals 1 and 6 of the current Plan, and Policy CV-1.1 of GPU5.
- Traffic on already-substandard segments and at already-substandard intersections of Highway 1 inevitably would be increased by the "mitigation" and therefore would cause greater impacts than would retention of current policies and related practices.
- The "standard" for unsignalized intersections, which constitute the vast majority of intersections on Carmel Valley Road and throughout the Valley, is LOS F – that is, no standard at all – in the "mitigation". This clearly removes any control over intersection levels of service.

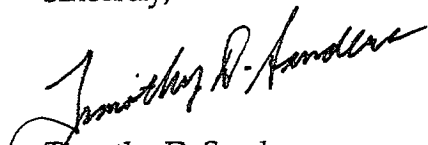
"Mitigation CV-2.19" entirely lacks environmental analysis in the DEIR to support it

- No quantitative data is provided in the DEIR to demonstrate the specific need nor the effectiveness of the provision as a "mitigation"; substantial evidence that it would reduce environmental impact is absent.
- A CVTIP DEIR, evaluating the environmental impacts of almost all the content of this provision, was released more than a year and a half ago, but the FEIR including public comments and responses still has not been released; these relevant and critical facts were not revealed in the GPU5 DEIR and therefore it is inadequate as an environmental analysis.

In general, none of the proposed mitigations has received adequate environmental review, and all should be given a full and public evaluation before being considered for adoption. Clearly, in our judgment, they should be rejected in their present form. (See Carmel Valley Association's comments on the DEIR for GPU5.)

Your careful attention to this is much appreciated.

Sincerely,



Timothy D. Sanders,
Vice President

Attached: Three figures and descriptions.

Attached figures (See following pages)

Figure 1. Missing Data. At the lower right-hand corner of this graph are 14 data points with a V/C value of zero. These represent segments of Carmel Valley Road and of State Highway 1, which were omitted from Tables A and C of Appendix C. The value zero on the vertical axis results from the lack of data, obviously not from an evaluation of V/C for these segments.

Figure 2. Reduction of traffic standards by "Mitigation CV-2.18." This graph shows what the "mitigation" would do to Carmel Valley traffic standards on seven segments of Carmel Valley Road. The top curve shows the effective standard that would result from adopting the "mitigation", the blue curve shows the stated LOS C standard of the CVMP, and the red curve shows the actual traffic (10-yr. average, CVMP annual traffic evaluations). Clearly the "mitigation" changes the roadway "standard" in a way that would permit greater environmental impacts on segments of the road that already are rated at LOS D, E and F, by one or another study.

Figure 3. Calibration of ADT against PTSF (peak hour). The curve represents ADT as a function of PTSF, with the PTSF criteria for LOS ratings shown on the horizontal axis, and with corresponding ADT values shown on the curve. The curve was obtained by quadratic regression of ADT against PTSF data from the CVTIP DEIR, which shows very high correlation between the curve and the data.

**Monterey County Traffic: GPU5 DEIR V/C Comparisons:
Existing (2007), Cumulative (2030)**

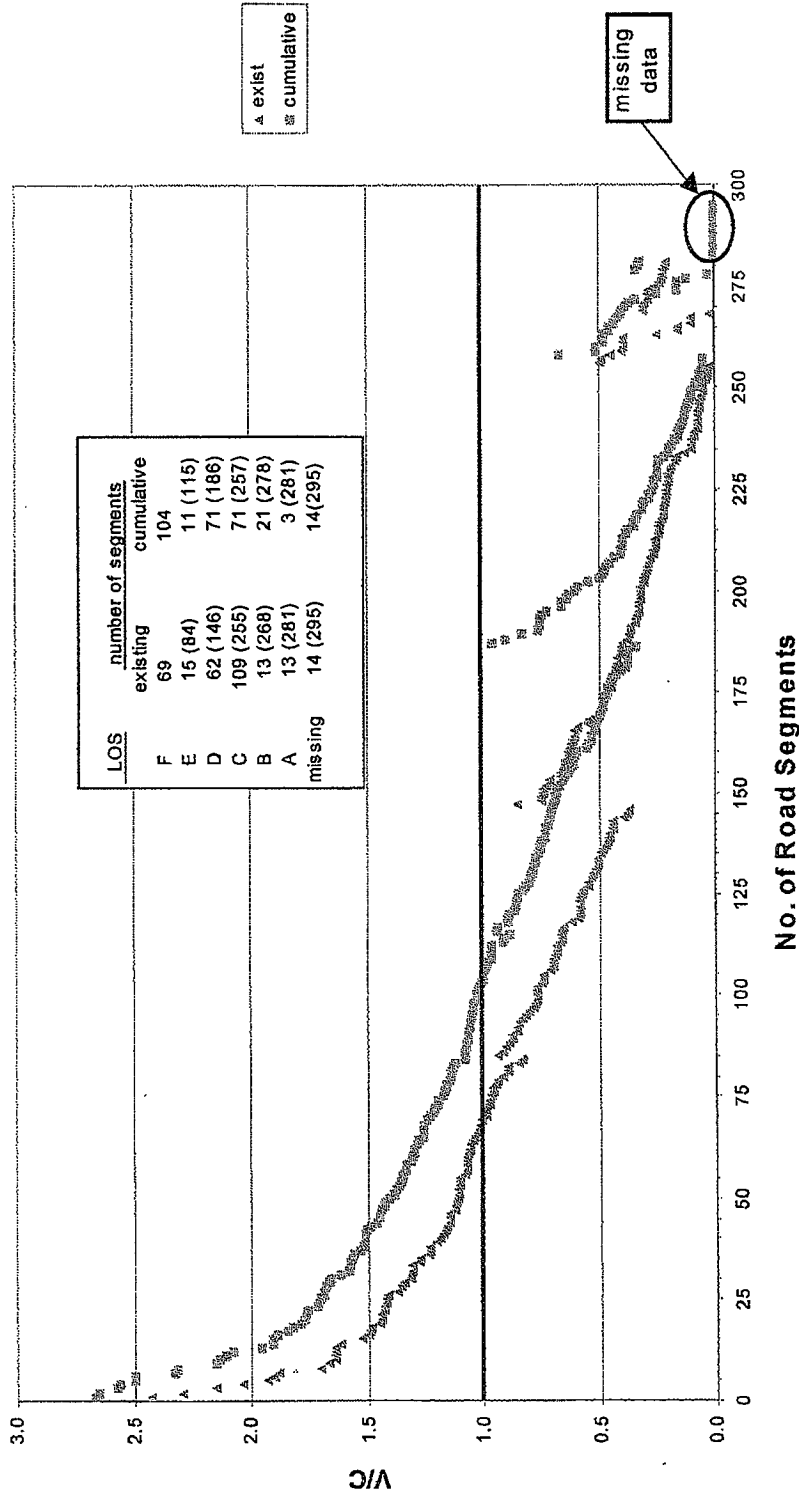


Figure 1.

Carmel Valley Road
Average Daily Traffic (ADT) and LOS "Standards" vs Road Segment
("Mitigation" for CV-2 18, Actual Traffic, Current LOS C "Standard")

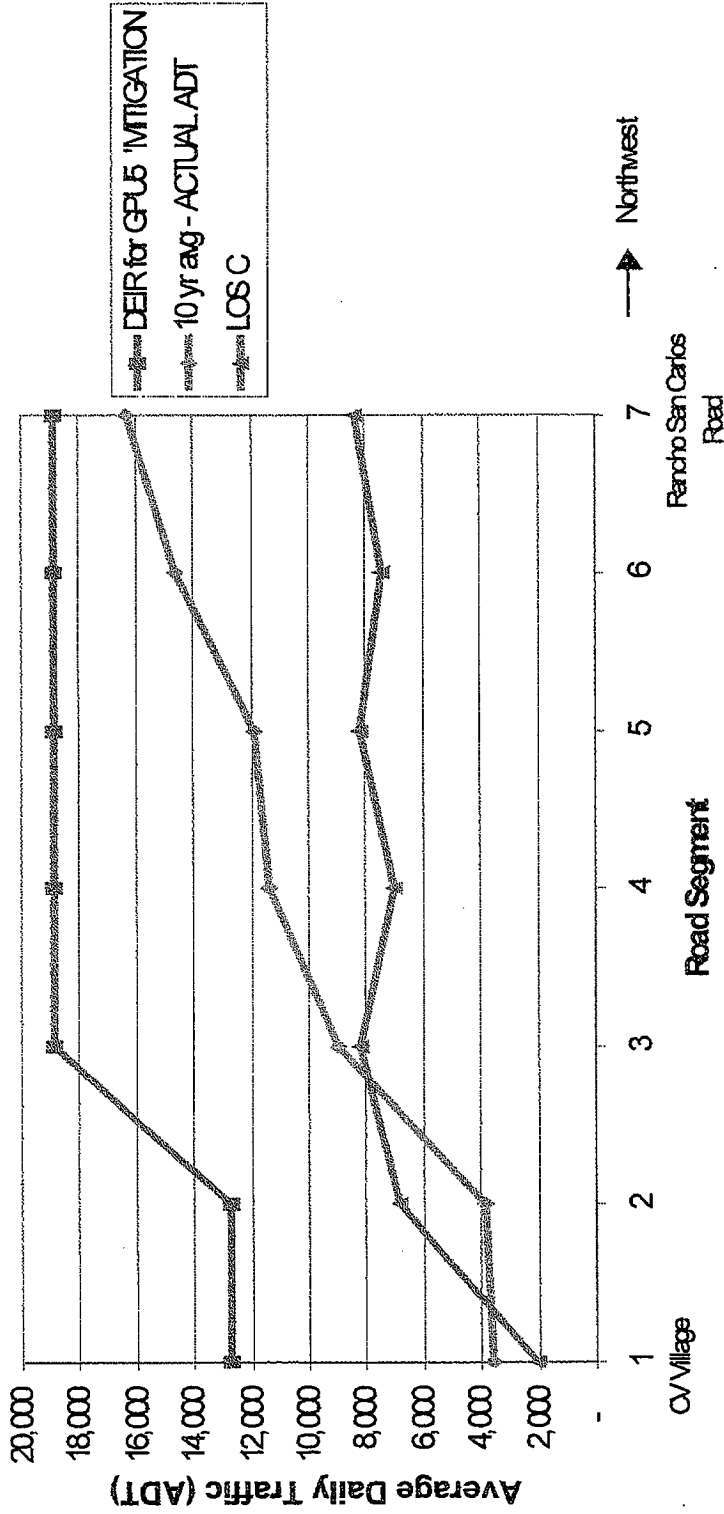


Figure 2.

Calibration of PTSF in terms of ADT (ADT vs PTSF) for Carmel Valley Road

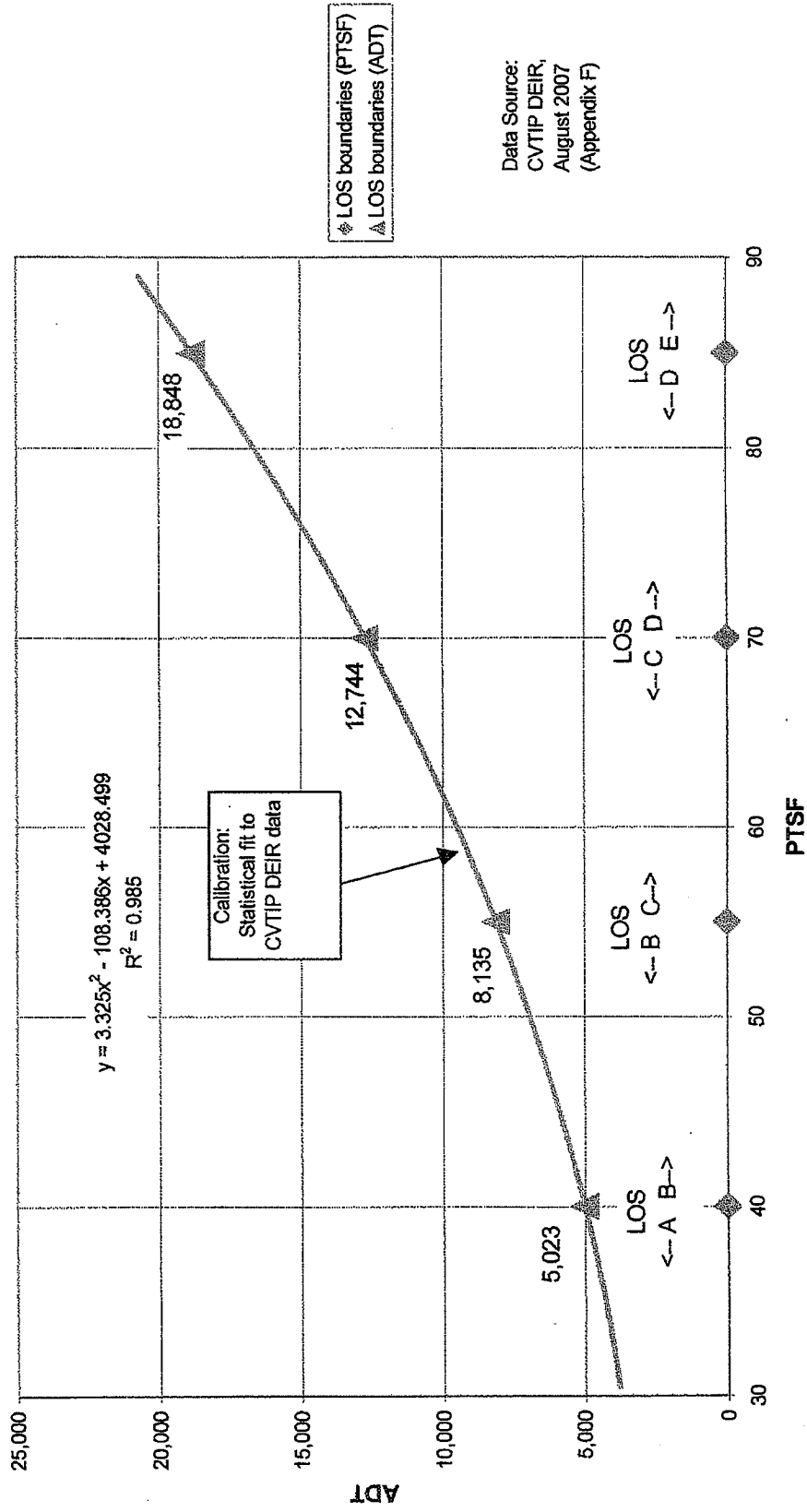


Figure 3.

MEMORANDUM

To: Monterey County Planning Commission
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

From: Timothy D. Sanders (25075 Pine Hills Dr., Carmel, CA 93923)

Date: February 23, 2009

Subject: RMA-Planning Department Recommendations for the Planning Commission Meeting of February 25, 2009 – Tabling of consideration and public hearing on matters arising from the DEIR for GPU5

I respectfully request that consideration by the Planning Commission, including public hearing, of any and *all* policies and policy changes recommended or suggested in the DEIR for GPU5 be tabled or not opened until after the FEIR is complete and has been released to the public.

Policies and policy changes proposed as “mitigations” in the DEIR should be considered formally by the Planning Commission, and subject to hearings, *only* in the context of public comments on the DEIR and responses those comments. Comments and responses are an integral part of the CEQA environmental review process and constitute part of the evidence on environmental matters required by CEQA.

Formal consideration and hearings in the absence of the information brought forward by public comments amounts to short-circuiting the environmental review process and assuming the DEIR to be accurate and adequate. Public comments often challenge that assumption, and should be among the evidence before the Commission when the DEIR’s contents, including all mitigations and proposed policies, are taken under consideration.

Thus I request that action on Staff Recommendation 1) be restricted to changes proposed in the errata, with “and mitigation measures” omitted; that testimony in Recommendation 2) be restricted to changes proposed in errata; that the matters referred to in Recommendation 3) likewise be restricted to subject matter predating and not arising from the DEIR; and that the effect of Recommendation 4) be modified to (a) continue, as may be necessary, the public hearing on matters not arising from the DEIR, and (b) to propose that public hearings on DEIR-related issues not occur before a future “date uncertain until FEIR is” released to the public..

Your attention to this request, which is an appeal that the intent of the CEQA process be respected and followed, is greatly appreciated.

