

FEB 02 2009

RECEIVED

read as CEQA  
Comments 2/1/09  
1:10 pm

Carl Holm,  
RMA Planning  
Salinas Permit Center  
168 W. Alisal St. 2nd Floor,  
Salinas, CA 93901

GENERAL COMMENTS ON 2007 GENERAL PLAN AND DEIR

Dear Mr. Holm:

The Carmel Valley Association (CVA) has reviewed GPU5, the DEIR and the proposed Carmel Valley Master Plan. Our comments follow:

At the outset, we note that GPU5 and the DEIR were not drafted to enable reviewers' easy access to comparable sections. Tracking the DEIR'S comments through multiple GPU5 sections became a frustrating and time consuming exercise. Considering also the initial forty-five (45) day review period, was it the intent of the County, or Jones and Stokes, or both, to not provide a readable DEIR and to not provide sufficient time for review, so that the documents flaws exposed would not be exposed?

1

For example, there are numerous occasions in which mitigation of a significant environmental impact is "accomplished" by referencing a law or ordinance *that does not exist, or by changing the definition of a word or phrase*. When no mitigating law or ordinance exists, why was it this fact not highlighted in the DEIR? How can an absent, theoretical law or ordinance be used to mitigate substantial environmental impacts?

Are these theoretical laws and ordinances meant to come into being through passage of the General Plan? If so, is the County attempting to avoid the established legislation process by legislating through the General Plan? Is there established precedent that supports legislating through a general plan? If so, please reference the precedents, and explain how they apply to GPU5.

2

If, however, the Plan and its DEIR is based upon the claim that these laws and ordinances will come into being, please explain how a planning document can commit in advance the votes of Members of the Board of Supervisors? If GPU5 cannot dictate the future votes of Supervisors, explain how every mitigation, based upon nonexistent laws or ordinances, is valid.

When one compares the language used in the DEIR, it often does not conform to the language used in GPU5. Words like "shall" and "should," for example, sometimes were substituted one for another. Please explain the reasons for all such word substitutions between GPU5 and the DEIR, and how each such word change has impacted the DEIR.

3

The first goal of the CVMP is to "preserve the *rural* character of Carmel Valley." The DEIR, however, changed this definition, claiming that the 1986 CVMP was established to "preserve the *semi-rural* character" of Carmel Valley. Is it not deceptive and against the purpose of the DEIR not to inform the public that the planning goals and objectives for an entire area have

4

been changed?

4

Moreover, changing the “rural” definition of Carmel Valley seemingly has been used to mask the DEIR’S finding that additional traffic on Carmel Valley Road has been “mitigated.” Is this alleged “mitigation” based upon the DEIR’S defining down the meaning of “C” and “D” road segments? If no, explain why different road standard definitions apply to different parts of the County. Is this use of different road standard definitions not discriminatory, and prohibited by law? If yes, explain how changing road standard definitions mitigate increased traffic on the road?

5

Generally, the DEIR does not meet the standards of technical and scientific competence, nor of direct and objective analysis and reporting required by CEQA guidelines. For example, CEQA Guidelines 15064a1, 15064b, 15063a3, 15384a, 15151, and 15084e, are all violated in one way or another in the DEIR. Please explain for each subsection why the scientific standards of the CEQA guidelines were not used, and use them where required.

6

**COMMENTS ON INDIVIDUAL SECTIONS OF THE DEIR**

**Comments on § 4.16 (Climate Change)  
Of the DEIR  
For the 2007 General Plan (GPU5)**

Introductory Summary

The Plan itself lacks a section climate change, and on greenhouse gas (GHG) emission in particular. Various events since the passage of AB 32 in 2006 make it clear that the single provision in the Plan addressing climate change (OS-10.11) is insufficient. This section of the DEIR attempts to address that insufficiency with a series of policy recommendations in the form of “mitigations.”

The proposed “mitigations” are in effect an attempt at legislation through the back door, using the EIR as a mechanism for remedying a substantial legislative omission.

Policy OS-10.11 itself simply requires “development of a detailed GHG inventory and adoption of a GHG reduction plan” and contains no provisions for establishing County GHG reduction goals nor for developing measures to achieve those goals. AB 32 provides overall State-mandated objectives toward which every county must contribute and the 2007 General Plan does not reflect the contributions required from Monterey County.

7

Adopting a series of “mitigations” in the DEIR in order to address an entire planning category missing from the Plan does not remedy the deficiency. Whether the mitigations would be

included in the Plan is unknown. The “mitigations” taken as a whole should be reviewed and incorporated into a suitable set of policy statements that should constitute a coherent unit. An environmental impact report that evaluates the entire climate change element then should be undertaken. The need for subjecting the DEIR’s “mitigations” to the full planning process is especially evident in the comments below, which show that the proposed “mitigations” themselves are inadequate.

Please explain why Section 4.16 of the DEIR at its outset does not confront directly this defect in the Plan, stating clearly the inadequacy of OS-10.11 and indicating that an additional section of the Plan should be developed and subjected to the usual planning process, including environmental review and comment.

The regulatory mandates quoted in the DEIR, and the data cited, are not reflected fully and accurately in the significance determinations and conclusions. The reasonable inference to be drawn from the data, examined in the light of State mandates used as standards of significance, is that adverse environmental impacts of the Plan (including cumulative) would be considerable under all scenarios examined. Please explain why “less than significant” or “less than considerable” was used as a determination of significance, or as significance conclusion, anywhere in this document, given the data provided.

Detailed discussion

#### Overall

1. The “no new development, no GHG reduction” scenario (not covered in the DEIR) shows the magnitude of the task for the Plan with respect to climate change. In this scenario new development is discontinued and GHG emission continues as currently. This scenario should have been considered in the DEIR. (The analysis is slightly complicated by the fact that three different values for current County GHG emissions are given in the DEIR, namely 492 MMT, 484 MMT (p. 4.16-4) and 480 MMT (p. 4.16-16); as a result we consider the full range from 480 to 492 MMT; the 1990 level is taken to be 427 MMT (p. 4.16-16).) The ratios of existing GHG to the 1990 mandated level for 2020 and the 80% of 1990 mandated level for 2050 are as follows, respectively:

Existing/1990	1.12 – 1.15	(12% to 15% in excess)
Existing/(80% of 1990)	1.41 – 1.44	(41% to 44% in excess)

A “no new development, full GHG reduction” scenario, meaning that the GHG reductions listed in Table 4.16-3 are implemented but with no new development, produces instead the following:

Existing, full GHG reduction/1990	0.93 – 0.94	(4% to 7% below)
Existing, full GHG reduction /(80% of 1990)	1.17 – 1.19	(17% to 19% in excess)

Thus there would be room for new development to 2020, by perhaps as much as 7% of existing capacity if all GHG emission-reduction mechanisms were in place right now, which clearly is not the case. (Note that development-permissive biases in the data in the DEIR analysis may be

biased by this order of magnitude, and therefore there may be no room for development. See item 48. below, for example.) Moreover, the Plan apparently allows about 8.5% new development by 2020, so even in the wholly unrealistic scenario of having GHG emission defenses fully implemented at present, efforts at reducing GHG emissions to the State mandate by 2020 would be overwhelmed by the Plan’s development allowances. The situation gets substantially worse after 2020, so meeting the regulatory requirements under the 2007 General Plan is impossible.

Furthermore, the GHG emission estimates probably are underestimates. The analysis lacks, for example, the effects of loss of carbon dioxide sinks; and it ignores potential energy consumption for water production through desalination. Also, the basis used in the DEIR for establishing the 1990 standards appears likely to be biased (as discussed below), and some policy changes from the current plan to the 2007 Plan are likely to be GHG emission-inducing (again, see below).

9

The point is that just the task of reducing existing GHG emissions to State mandated levels, even with little further development, would be very difficult and, as a practical matter, highly unlikely to be accomplished. Clearly, ongoing development at the level allowed by the Plan would increase the problem enormously. Please give a full explanation of why this obvious kind of analysis, based on existing development alone, was not provided in the DEIR.

2. There is no quantitative or qualitative evidence in the entire section on climate change that indicates that the criteria for adequate environmental protection plausibly can be met by the Plan or by the Plan plus proposed “mitigations.” Please explain in detail the justification for assertions in the DEIR that contradict this assessment (e.g., in the Abstract and in the final “Significance Conclusion” – see comments on those below).

10

3. Generally speaking, aside from accumulating data, the DEIR does not meet the standards of technical and scientific competence, nor of direct and objective analysis and reporting set out in CEQA guidelines. (See, for example, CEQA Guidelines 15064a1, 15064b, 15063a3, 15384a, 15151, and 15084e, all of which are violated in one way or another in this DEIR.) The comments that follow, though extensive, are far from exhaustive in their examination of inadequacies in the report. Please explain why the CEQA Guidelines were not fully respected, with special emphasis on matters of technical, scientific and reportorial competence and integrity, in the preparation and completion of this DEIR.

11

4.16.1

4. The Abstract (section 4.16.1) does not adequately or accurately reflect the actual content of the remainder of section 4.16. Indeed it is inconsistent with, and contradicts, both the analysis and certain of the conclusions of the section; it is highly misleading. Please explain why such inconsistencies and contradictions are included in the DEIR -- why, for example, the abstract says “the County’s contribution [to GHG emissions] would be less than considerable in 2020” (next-to-last sentence, 2<sup>nd</sup> paragraph, p.4.16-1) whereas the impact analysis of section 4.15.5.3 states contradictorily that “Development of the 2007 General Plan would contribute considerably to GHG emissions and global climate change [in 2020]” (top of p. 4.16-18).

12

5. The material in the second paragraph contains assertions that are highly speculative, as indicated by, for instance, the statements that “mitigation measures are described in this section to further inform the GHG Reduction Plan and to begin to implement reduction strategies,” that “By 2012 the state’s regulations will be fully enacted” and that “[By 2012] the framework will be in place to achieve substantial GHG emission reductions by 2020 that will be consistent with overall state goals,” followed by “As ... efforts proceed ... the County’s contribution would be less than considerable” (emphases added). Please describe what provisions exist in the Plan that serve insure that

- (1) the indicated mitigation measures actually would be adopted,
- (2) “informing” the GHG Reduction Plan would rigorously require the necessary actions,
- (3) “beginning to implement ... strategies” provides sufficient imperative to achieve required goals,
- (4) necessary future enactments by the State will occur in the time specified, and
- (5) a “framework” for “substantial reductions” and “efforts” meets CEQA requirements for specificity and feasibility.

Further, given the degree of uncertainty implied by each of these several questions, please explain why the firm claim that “the County’s contribution would be less than considerable” ought to be regarded as credible. Finally, why is this indefiniteness not stated clearly and distinctly, and why is the need for mitigation not emphasized as a specific and fundamental defect in the Plan?

6. The “mitigations” proposed in the DEIR generally recommend further study and deferral to the outcomes of actions presumed to occur subsequent to their adoption. (For example, they include establishing an inventory; undertaking new forecasting efforts; [determining requirements for] monitoring and reporting; identifying certain methods, funding and goals; and quantifying; adopting as-yet-non-existent ordinances; promoting activities; evaluating and quantifying certain information; developing further planning efforts; etc.). Therefore they are inadequate as mitigations according to CEQA. Please explain why the proposed “mitigations” of absent policies should be considered adequate under CEQA guidelines.

7. On page 4.16-1, third paragraph, line three, the phrase “which requires, by 2050, reduction” should replace the phrase “which requires reduction” – that is, the 2050 deadline should be inserted. Why isn’t the regulatory and planning timeline shown clearly and in tabular form so that the reader can understand easily the various constraints they impose, and can discern why certain dates show up persistently in the report? The rationale for the latter must be inferred by the reader from evidence scattered throughout section 4.16 and other parts of the report. This is important to understanding the report.

8. Apparently the deadline scheme goes something like this:

- 1990 – baseline year for GHG emissions from S-3-05
- 2000 – a second baseline year from S-3-05
- 2010 – year for instituting AB 32 regulation, and a deadline in S-3-05
- 2020 – a deadline year in S-3-05
- 2030 – planning horizon for General Plan
- 2040 – population estimate of 59 M (section 4.16.3.2, last paragraph)
- 2050 – a deadline year in S-3-05.

13

14

15

Is this correct in its essentials and is it adequate for understanding the roles of these years in the DEIR? If not, please provide a correct tabulation. Please explain why this degree of clarity was not made available to the public in the DEIR.

15

**9.** Apparently the scheme for calculating quantities used later in section 4.16 is approximately the following:

- Use 2006 (and 2004) GHG inventory data and AMBAG population projections to extrapolate to 2030 (plan horizon) GHG levels
- Use this 2030 estimates as a baseline for all further calculations
- Extrapolate backwards, using 2030 estimates, to 2020 and earlier in order to assess compliance with regulatory levels
- Extrapolate forward, again using 2030 estimates, in order to assess compliance with 2050 regulatory levels (S-3-05) and estimate buildout levels

16

Please indicate whether this is an essentially correct interpretation of the method used. If it is not, please give a correct description and explain it.

**10.** On page 4.16-1, third paragraph, line seven and following, the statement “along with state and federal actions might be able” (emphasis added) indicates a high degree of uncertainty about the effectiveness of the proposed mitigations, and on line nine “the means to effect such emissions are not known at this time” confirms that uncertainty. It is emphasized again in the fourth paragraph on that page: “The extent of such change ... is not fully understood at present.” This should have been dealt with directly in the Plan, the range of consequences of the relevant uncertainties should have been assessed in the Plan, and firm provisions should be included to avoid the most adverse consequences of the uncertainties. Please explain why a clearer, more principled and understandable approach to the critical matter of uncertainties and related issues was not used in the DEIR.

17

**11.** Please clarify what the bases are for future GHG emission reduction standards (e.g., the reduction to 2000 levels and 1990 levels as in Executive Order S-3-05, but all other relevant levels as well). (See third paragraph, p. 4.16-1; Exec. Order S 3-05, p. 4.16-7). Are these standards based on absolute levels observed in 2000 and 1990, or are they per-capita, or per-unit-of-economic output or other relative levels that would rise with increases in population, economic activity or both, or with other changes? Failure to be specific about this could result in very substantial planning errors.

18

**12.** On p.4.16-1, third paragraph, penultimate line, “considerably” should read “considerable” instead. Please make the correction.

19

**13.** The “mitigation” referred to in paragraph four on p. 4.15-1 speaks of “development and implementation of a Climate Change Preparedness Plan for the County starting within 5 years of adoption” which, given the rapidity with which evidence for climate change and its magnitude is gathering, is far too late and creates far too slow a process to meet probable needs. Please explain why a more urgent planning effort is not called for, especially in the light of the high potential for underestimating climate change. The rate of accumulation of data is accelerating, and evidence is growing that change (in particular global warming trends) may be occurring faster than earlier anticipated. (Some uncertainties are narrowing and shifting toward

20

more serious rather than less serious consequences, with newer data appearing to be centered on more rapid and more extensive changes.) Please respond to these concerns. 20

14. Whatever one may conclude concerning climate change itself, the statement at the top of p. 4.16-2 asserting “new development will be more resilient to these inevitable changes and would avoid subjecting persons or property to otherwise avoidable additional harm” is highly speculative and inappropriate. There is nothing in the Plan to support such a conclusion. The Plan at present does not include plausible “adaptation” to climate change, nor are there any clear provisions to “integrate into County planning” any such “adaptation,” as the numerous “mitigations” listed in 4.16 clearly demonstrate. The “mitigations” do not support the statement. Please explain why such a non-objective, speculative and biased assessment of future events, unsupported by currently available evidence, is included in the DEIR. 21

4.16.3.2

15. Several of the impacts listed here (p. 4.16-2) have special relevance to human habitation in Monterey County. Around Monterey Bay and the river estuaries, rising sea levels should be anticipated; extreme heat would be expected to affect humans in the agricultural valleys; increases in peak stream flows and flooding would follow from more severe winter storms, with special consequences for the County’s critically important rivers and watersheds; changes in growing season conditions would have major effects on agriculture. Why is there no discussion of the relative importance of these issues, including, of course, the relative uncertainties involved? 22

16. Is the estimate of population growth (in the final paragraph of this section) based on linear or exponential (compound interest) growth? For planning purposes over the span of climate change regulations this makes a considerable difference. For example, the annual population growth in 2050 would be 1,218,000 under the exponential assumption and only 781,000 under the linear assumption. Please clarify, and provide data showing quantitatively how the population growth projections are made, and, aside from other contingencies, how they would affect prospects for meeting existing and proposed GHG standards. Please describe why the particular populations assumptions that were used were the ones chosen. 23

17. The 2050 estimates of annual population growth above assume that the 34 M initial population is for the year 2008 (the year of this report) although the CEC document from which the data was taken was dated 2005. It is impossible to know, from the information given, whether the 34 M was an extrapolation from 2000 census data to 2004 or 2005, or to 2008. Neither is the extrapolation to 2040 described. Since the method used in this DEIR for estimating GHG emissions appears to be highly population-sensitive (both with respect to sources of GHG and to their effect on County residents), the differences may have significant effects in the “out years”, specifically 2040 in this Please clarify the basis for estimating population, and please clarify quantitatively the sensitivity of GHG emission extrapolations to population estimates, and do the same with respect to the effects of GHG emissions. 24

4.16.3.3

18. Please clarify the basis for the estimate that California is the “12<sup>th</sup> to 16<sup>th</sup> largest emitter of CO<sub>2</sub>.” Is that among all nations? Per unit of land area? Per capita? Does this refer to 25

specifically anthropogenic emissions? The utility of the claim is questionable without specification of the basis. The relevant assertion here appears to be that about 2% or 1/50<sup>th</sup> of the earth's anthropogenic (?) CO<sub>2</sub> emissions occur within California. Or is it really GHG emissions as measured in MMT of CO<sub>2</sub>E? These numbers help convey the local importance of the issue, but they should be precise enough to be both credible and meaningful. Please provide enough information to support both the credibility and meaningfulness of the numbers.

25

**19.** Paragraphs two and three (p. 4.16-4) appear to report the same kinds of data from two different sources (CEC and CARB), which differ slightly from one another. Please explain the differences and indicate why they are not shown more clearly, as for example in tabular form, or with a single set of composite (e.g., average) data to be used in the DEIR.

26

**20.** Please clarify the meaning of “for the local government operations” in paragraph two on p. 4.16-5. Does this refer to GHG-emitting operations under local government jurisdictions, or to the method of assessing GHG inventories by local governments, or to something else?

27

**21.** The column labeled “GHG Emissions” in Table 16.4-1 does not show any units. Do the numbers refer to metric tons of CO<sub>2</sub>E emissions? If that is so, this would indicate that the County emits between 0.283% and 0.288% of California GHG. Is this correct? Please provide the correct units, and specify clearly the approximate percentage or fraction of California emissions. This is important because of the numerous references to California data, generally expressed in MMT.

28

**22.** Top of page 4.16-6, line 3: Should “2006” read “2007” instead?

29

#### 4.16.4.1

**23.** Please interpret the acronym “NEPA.”

30

**24.** Please scan all of section 4.16 for acronyms and “terms of art” and be sure that all of them are included in the report's list of acronyms and glossary. Several from this section in fact are not included. Please provide complete lists.

31

#### 4.16.4.2

**25.** On p. 4.16-7, first paragraph, third line from last, should “water energy” read “water, energy” instead? If not, to what does the phrase refer? Please respond.

32

**26.** On p. 4.16-7, third paragraph, end of second line, shouldn't “would reduce” read “would, if met, reduce” instead? Please respond.

33

**27.** On p. 4.16-7, fourth paragraph, fifth line, the sentence beginning “Since the California rules ... “ is a non sequitur. Without further information or assumptions it does not follow logically that

34

because GHG standards that are more effective at reducing GHGs than are CAFÉ standards, then GHG standards necessarily are better at increasing fuel efficiency. “Since” is the troublesome word; this refers to correlation, not necessarily to a cause. The data



- evidently do support such a conclusion, so the sentence should be modified. For example, it would be correct if the word “since” at the beginning of the sentence were dropped, and in the third line from the bottom of the paragraph “program, they also” were replaced by “program, and they also.” Please correct the error. | 35
- 28.** On p. 4.16-8, fifth bullet, “January 1; 1010” should read “January 1, 2010” instead. Please make the correction. | 36
- 29.** On p. 4.16-8, last paragraph and top of next page, reference is made to reductions in GHG emissions “relative to projected levels.” Does this mean relative to otherwise-projected levels? Is it relative to BAU levels? Please be precise. | 37
- 30.** On p. 4.16-9, second paragraph from the bottom, third line from the bottom, should “carbon dioxide for person” read “carbon dioxide per person” instead? | 38
- 31.** Presumably Table 4.16-2 refers to 2020 reductions for the State of California but it is nowhere made explicit that it is for the State rather than for the County. Please insert in the table’s caption a clear indication that the numbers refer to California, not Monterey County, reductions, or explain why this presumption is incorrect and give the correct interpretation). | 39
- 32.** Since the DEIR is for a Monterey County Plan, a column in Table 4.16-2 indicating suitable estimates of the County’s share of the reductions should be shown, or else a separate table should be prepared showing these estimates. Please explain why such tabulated estimates of 2020 reductions for the County are not included, and please correct the omission. This may require assumptions such as County/State proportionality, but reasonable estimates can be made with fairly simple assumptions; for example, per capita estimated reductions are given on p. 4.16-9 and this approach could serve as a basis for County/State comparisons. | 40
- 33.** Incidentally, are the goals established in S-3-05 and in AB 32 fixed levels (referred to 1990), or are they allowed to slip in accordance with BAU or some other standard of change? Please explain in detail, and cite specific authorities to support your assertion. | 41
- 34.** “Shaded reductions” are not included in Table 4.16-2 table even though they are promised in the second entry line. Please correct the omission. | 44
- 35.** Please explain how the “emissions cap of 365 MMTCO<sub>2</sub>E” asserted in the second entry line of Table 4.16-2 is obtained, and how it is related quantitatively to the different estimates for 2004 GHG emissions on p. 4.16-4, of 484 and 492 MMTCO<sub>2</sub>E of GHG, and of 480 at the top of p. 4.16-16. Without this information it is difficult and perhaps impossible to correlate and evaluate other GHG emission estimates provided throughout section 4.16. | 45
- 36.** Simple addition of the quantities in the 2020 Reductions column of Table 4.16-2 yields a total of 175.1, not 169. Please explain in detail why the latter figure is used. | 46

**37.** In Table 4.16-2 the category “Additional ... Sectors” is a very vague yet accounts for more than 20% of the total reductions claimed. Please explain this, and include a definition of “Additional ... Sectors”.

47

#### 4.16.4.4

**38.** For the 2<sup>nd</sup> bullet item (p. 4.16-13), please provide the total electricity consumption from which the approximate 686,000 kwh reduction is being achieved. What is the fraction of consumption this retrofit program represents? Also, please provide a conversion factor that can be used to convert this reduction from kwh electrical consumption to MMTCO<sub>2</sub>E.

48

**39.** How effective, quantitatively, in terms of MMTCO<sub>2</sub>E reductions and of percentage reduction, are the programs indicated in bullet items 4 and 5 on p. 4.16-13? It is inadequate (often useless) to quote isolated numbers without context and without comparative baselines. This and the matter discussed just above (referring to the second bullet item on the page) are critical to any quantitative assessment of current efforts toward GHG reduction. They may seem relatively trivial but nevertheless serve as initial stages of significant effort. (They are the only items in this subsection containing potentially useful quantitative information.)

49

#### 4.16.5.2

**40.** Please describe in detail how the figures at the top of p. 4.16-16 for the State of California are obtained, namely

- 1990, 2020 – 427 MMTCO<sub>2</sub>E
- 2004 – 480 MMTCO<sub>2</sub>E
- 2020 – 596 MMTCO<sub>2</sub>E BAU

In particular, please indicate the methods of extrapolation (e.g., linear or exponential) used and the basis for extrapolated estimates (i.e., the base time from which extrapolations are taken, the proxy used -- such as population or economic growth assumptions -- and the data source for the GHG emissions assumed at the base time, being explicit about the character of the underlying assumptions). Probably this can be done in a simple tabular or quasi-tabular form that is easy to read. Also please indicate the relationship of these figures and their sources to the values and sources given on p. 4.16-4, near the bottom of the page.

50

**41.** The key word in the second paragraph on p.4.16-16 is “if” and that word should begin the paragraph in order to give it proper emphasis. Please delete the first four words in the paragraph, namely “Thus, on a state level,” or explain convincingly why they should not be dropped.

51

**42.** In the fifth paragraph on p. 4.16-16, fourth line from the bottom, please delete the word “percent” since the % symbol appears just ahead of it.

52

#### 4.16.5.3

**43.** Presumably the data in the column labeled “GHG Emissions” in Table 4.16-3 are measured in MMTCO<sub>2</sub>E, but no units are shown for the column. Is this presumption correct? Please correct the table by showing the appropriate units.

53

**44.** No 1990 benchmark figure for GHG emissions (measured in MMTCO<sub>2</sub>E) is provided for Monterey County in the DEIR. Please provide this critical number, cite relevant authority for it, and indicate how it is obtained from other data (e.g., a percentage of another specified datum, such as in the same ratio to current Monterey County emissions as the Statewide ratio, or 89% -- see top of p. 4.16-16). Alternatively, direct our attention to its location in this DEIR document.

54

**45.** Where is it stated in the relevant regulatory (or quasi-regulatory) documents that the proper significance criteria are to be measured relative to BAU conditions? Both S-3-05 and AB 32 (as stated and discussed in the DEIR) appear to establish that the criteria should be determined in terms of actual 1990 conditions, not BAU conditions. That is the plain meaning of S-3-05 and AB 32 as reported in the DEIR. That is, please explain the use of BAU conditions in determining significance of impact, and provide references to regulatory authority for this choice.

55

**46.** Use of BAU conditions interposes two additional extrapolations into the calculations, namely, one to estimate State BAU from current conditions, and another to estimate County BAU from current conditions. There is no reason to expect the extrapolations to be strictly proportional. Therefore the “simplest measure of whether GHG emissions in Monterey County will be cumulatively considerable” is not to use BAU estimates, but rather is to use the plain meaning of “1990 levels” as determined by State regulatory agencies. Please explain why use of the additional BAU extrapolations is preferred in this DEIR to using the plain meaning of the regulations to estimate the significance of impacts. (If it is claimed that they lead to essentially the same results, please explain why the simpler basis for comparison – the “plain meaning version -- is not preferred.) Please provide the “plain meaning” results.

56

**47.** Three different values for California’s 2004 GHG emissions are reported in this DEIR, namely 492, 484 and 480 MMT, as noted above. The sources of these numbers are cited as CEC, CARB, and none, respectively. If the 1990 level acceptable (by CARB, guessing from the context) is 427 MMT, this is 86.9%, 88.2% or 89.0% of 2004 levels, depending on which “current level” is chosen. Please explain why the value of 480 MMT is chosen as baseline rather than either of the others, especially given that there is no citation in the DEIR for source of this number. It is noteworthy that this apparently arbitrary choice effectively minimizes the reduction of GHG emissions required to reach “no significant impact” levels, and biases the conclusions by as much as 2.4%. Please respond to this observation.

57

**48.** Accepting the plain meaning of the language in the DEIR concerning S-3-05 and AB 32, and accepting that the base level for “current” Monterey County GHG emissions is 1.394 MMT CO<sub>2</sub>E (Table 4.16-3, “Total for Existing Development”, assuming that the units used in the GHG Emissions column are T CO<sub>2</sub>E), the GHG emissions goal for 2020 for Monterey County should be 1.210, 1.230 or 1.240 MMT, depending on which 2004 CA baseline (see preceding paragraph) is used. Monterey County GHG emissions for 2020, with all GHG restrictions in place, are 1.282 MMT according to Table 4.16-3. This is 3.3% above the most development-tolerant of the three 2020 goals and therefore must be regarded as considerable and unavoidable. At the 2030 Plan horizon, County GHG emissions would be 1.371 MMT CO<sub>2</sub>E or about 11% above the 2020 threshold and would be more considerable and

58

unavoidable without further Countywide restrictions on GHG emissions that exceed prospective State standards. (Note that these conclusions do not utilize nor depend in any way on BAU.) Please explain fully, in light of this, the conclusion at the top of p. 4.16-18 that the Plan's contribution to climate change would be "mitigated to less than considerable", when the mitigations offered are largely conjectural and are not accompanied by any analysis of their capacity to reduced GHG emissions.

58

**49.** The use of "business as usual" (BAU) data is interesting and potentially useful for general comparison, but BAU is inappropriate for use in assessing significance of impact. The only proper basis, given the State mandates, is 1990 GHG emission levels for 2020 (and 80% of 1990 levels for 2050). The introduction of the auxiliary BAU variable in assessing significance is not helpful and can cause unnecessary confusion. Since BAU is used in no context other than significance assessment, the utility of its role in section 4.16 is unclear. Please explain the functional role of BAU in the GHG analysis, and describe why it was introduced. Explain also why BAU was used as the standard against which significance was measured in the DEIR.

59

**50.** The DEIR's "current" Monterey County GHG estimates apparently are based on 2006 data, and "current" California GHG estimates appear to be based on 2004 data (although varying slightly and from different sources). Please explain why there is no evident reconciliation of this difference in baselines, and why the County data is not extrapolated backwards by the two years to produce approximately equivalent baselines. Failure to do this creates a slight bias against the size of reduction of GHG needed to meet probable emissions requirements, and slight biases may produce important consequences (see, for example, item 1. above).

60

**51.** What matters for planning purposes (Table 4.16-3) is "percent excess over 1990," not "percent change from 2006" as recorded in the table. The baseline year in the regulations for GHG limits is 1990. While there is nothing wrong with including the 2006 information in the table, the reader should be directed immediately to comparisons with the 1990-based goals. In particular the key comparison is excess over the 1990 limit, and that percentage or ratio should appear prominently. Please explain why the key quantity -- percent excess of 2020 emissions over 1990-based goals, or ratio of 2020 GHG emissions to 1990-based goals -- was omitted from the table. Depending on the 2004 State baseline chosen, the percentages of 2020 GPU levels for GHG emissions above 1990 levels are 24% - 27% for development according to BAU, 16% - 19% for the next higher level of GHG reduction measures, and 3% - 6% for the most vigorous measures shown in the table. For the 2030 Plan horizon these percentages are, respectively, 32% - 36%, 24% - 26% and 11% - 13%. This information should have been displayed clearly and prominently. Please explain why these principal data were not included in Table 4.16-3 or in an additional table for easy access to the reader.

61

**52.** Please explain why the significance criteria shown as bulleted items on p. 4.16-16 and 4.16-17 are expressed in terms of BAU conditions instead of in terms of the 1990 level of emissions as specified in S-3-05 and AB 32, which are the effective regulatory criteria. There is no evident justification for this choice as opposed to use of 1990 estimates of GHG emission levels, and the choice complicates understanding of the criteria being applied, thus reducing clarity. This may significantly affect one's understanding of the ability of the Plan's provisions

62

and of the proposed “mitigations” to meet State regulatory requirements. Please provide a table showing a direct quantitative comparison between the significance standard as expressed in BAU and as expressed in the straightforward 1990 standards.

62

#### 4.16.5.3

**53.** The 2020 and 2030 GHG emission levels in Impact CC1 should be expressed directly and naturally in terms of the 1990 baseline specified by S-3-05 and AB 32 (namely, by their ratio to the 1990 level specified in those documents) rather than in terms of BAU (i.e., 72% of BAU for 2020). Indeed, for clarity they should be displayed in tabular form. Please explain why they are not.

63

**54.** Under the heading “Significance Conclusions” (page 4.16-33) it is erroneously stated that OS-10.11 “requires ... adoption of a Greenhouse Reduction Plan” whereas in fact it only promises to develop such a plan; it does not actually require even the plan’s development since the word “shall” is absent, and in addition, developing a plan is not the same as adopting one. In its entirety, the policy reads as follows:

OS-10.11 Within 24 months of the adoption of the General Plan, Monterey County will develop a Greenhouse Gas Reduction Plan to reduce emissions by 2020 to the 1990 level. At a minimum, said Plan will:

- a. Establish an inventory of current emissions in the County of Monterey; and
- b. Include an inventory of emissions as of 1990.

64

Note that, according to the Plan, even the minimal task of accumulating inventories need not occur until 2011 or later, which is less than a decade from the State deadline for reduction to 1990 GHG emissions. Given the degree to which the Plan, under the most rigorous measures included in Table 4.16-3, would fail to reach the 1990 levels, the two-year delay built into OS-10.11, along with its lack of mandatory action, indicate that the Plan is wholly inadequate with respect to GHG emissions and climate change.

In light of this, please explain how “implementation of the GHG Reduction Plan by the County would reduce emissions to the significance threshold,” as stated in the last paragraph on p. 4.16-29. This is an entirely speculative assertion for which no evidence exists, much less quantitative evidence, as is demonstrated by the remainder of the paragraph. Please explain what justifies its presence in the DEIR.

**55.** In the penultimate paragraph on p. 4.6-29 a significance criterion again is stated in terms of a percentage of 2020 BAU GHG emissions rather than in terms of the 2020 ratio to (or percentage above) 1990 emissions. As stated above, this reduces the clarity of the results. Please give a compelling justification for this approach.

65

**56.** Since the prospective removal of CO<sub>2</sub> sinks is not quantified in the DEIR (p. 4.16-22), and since an increase in CO<sub>2</sub> sinks is highly unlikely, it is probable that the report’s estimates of GHG emissions are underestimates by unknown amounts. The lone suggestion that such amounts may not be large is based on the proposition that “General Plan policies seek to limit the amount of natural land conversion due to urban growth,” which could be supported only if

66

such policies are rigorously carried out. Please provide evidence that rigorous enforcement of these policies is to be expected and that the evidence is supported by past and current practice.

66

**57.** Further, please explain why the quantities used to establish whether significance criteria are met are not as expressed as quantities greater than (>) the calculated estimates (e.g., in Table 4.16-3, bottom, "Total for 2020 >1,281,828"), given the uncertainties and general biases toward low estimates (resulting from, for example, unquantified -- and therefore unaccounted for -- loss of sinks, as above). That is, why is there not a prominent acknowledgement of these systematic biases, in the statements and discussions of significance determinations and conclusions?

67

**58.** Changes in County policy represented by this Plan (relative to the current 1982 plan) are likely to affect GHG emissions and should have been acknowledged under the heading "Impact of Development with Policies." Current emissions are based on conditions existing under the current Plan, so all changes in policy from the present General Plan to the 2007 Plan represent effects imposed by the latter. For example, the lowering of roadway level-of-service standard from LOS C to LOS D clearly is a traffic-inducing change (by permitting greater development) and has implications for GHG emissions, which should have been analyzed. While this is a report on the 2007 Plan and not explicitly its on predecessor, the LOS standard has significant implications, and at a minimum, the relative effects of adopting LOS D rather than the current standard of LOS C should have been examined quantitatively with respect to GHG emissions. (This is an important example of how legislation through DEIR "mitigation" should be unacceptable.) Please explain whether and why this change, and other potential GHG emission-inducing policy changes from the current Plan to the 2007 Plan, were ignored.

68

**59.** The various "mitigations" proposed on pp. 4.16-30 - 33 constitute a legislative package that goes well beyond the appropriate realm of mitigations to specific impacts. They require careful study in the context of the legal and existing State legislative framework, including current developments in CEQA and recent court settlements concerning AB-32 (including that with San Bernardino County). The capacity of the proposed mitigations to accomplish the objectives laid out in the Significance Determination and Significance Conclusion is questionable, but deserves investigation. Have you consulted the settlement between the State and the County of San Bernardino concerning climate change? Have you made inquiries of the State Attorney General's Office, and other agencies that Office suggests, concerning what minimum requirements concerning climate change ought to appear in a general plan? Have you consulted current CEQA requirements and guidelines in this area? Please explain why such an extensive legislative burden is appropriately relegated to "mitigations" in a DEIR. We request a response to each of these questions.

69

**60.** The proposed "mitigations" are in the form of proposals for further study and deferral of action, and even deferral to further proposed legislation, and thus appear to be inadequate as mitigations under CEQA. As "mitigations" do CC-1a, CC-2, CC-3, CC-4 (PS-5.5), CC-11, CC-12, CC-2 and CC-13 meet CEQA requirements? Please respond and explain.

70

**61.** Additional consideration of specific defensive measures against the consequences of climate change (e.g., protection against potential increases in flooding and against potential

71

increases in frequency or length of drought) should be included in section 4.16. In particular, evaluation of the effectiveness of policies with respect to adaptations to climate change, rather than mere listing of them, is needed in certain of the material under “2007 General Plan Policies” on p.4.16-22 to -29. The discussions on p. 4.16-39ff broach these subjects, but they need to be taken more seriously in General Plan policies that are focused on the 2030 planning horizon, and even in evaluating the effectiveness of the 2020 deadlines. Please explain why these matters (including those listed in the second from last paragraph on p. 4.16-43) are not examined more completely and are not included in the determinations of significance for 2020 and 2030 earlier in the DEIR.

71

**62.** On p. 4.16-29, last paragraph, the Significance Determination states that “Implementation of the GHG Reduction Plan by the County would reduce emissions to the significance threshold.” And yet later it says, “without the articulation of specific requirements for GHG reductions, the 2007 General Plan would result in a considerable contribution to cumulative GHG emissions and global climate change.” These statements are directly contradictory, the former being false (the GHG reduction plan does not exist and certainly could not do what is asserted), and the latter is correct. How is one to make sense of a DEIR that contains such extraordinary contradictions? Please explain why the document’s conclusions in general should be regarded as credible or even plausible in view of this.

72

**63.** The DEIR’s claims, at the bottom of p. 4.16-33, intended to support the conclusion of a “less than considerable” Monterey County contribution to GHG emissions “at 2020” is entirely conjectural, and even if it were true (unlikely) it flies in the face of the quantitative evidence in the DEIR itself (see above). Please explain why this conclusion should not be rejected? Why is the phrase “without the articulation of specific requirements for GHG reductions”, which appeared in the Determination, excluded from the Conclusion? Please respond fully. Is your answer that the “mitigations” are responsible for the change between the Determination and the Conclusion? If so, please describe in quantitative detail how the “mitigations” in fact “articulate specific requirements” that provide substantial evidence justifying the change from determination to conclusion.

73

**64.** The total buildout GHG emission levels in Table 4.16-4 exceed the announced 2050 California criteria by from 122% to 127% for BAU conditions, and by 88% to 93% for the circumstance in which the State GHG emission-limiting policy tools are in place. (The ranges of percentages here arise from differences in assumed values for 2004 emissions presented in the DEIR, and therefore for the 1990 emission criteria.) When buildout would be reached, even the most restrictive of the conditions now contemplated are likely to be deemed entirely inadequate, so at best the then-existing criteria would be nearly certain to be exceeded by huge margins. The “Significance Determination” on p. 4.16-42 does not sufficiently recognize the magnitude of the discrepancy between the 2050 mandates and buildout conditions, and contains highly dubious claim that

74

“Implementation of the GHG Reduction Plan by the County would reduce the emissions to the significance threshold.”

What substantial evidence is provided in the DEIR or in the Plan to support this claim? How is it possible for a “GHG Reduction Plan” -- that has not been formulated let alone adopted as part of the General Plan, and that contains no actionable quantitative provisions in any case --

to “reduce the emissions to the significance threshold”? Have you noticed that the only elements specified in the “GHG Reduction Plan” are to establish current and 1990 inventories of GHG emissions for the County? What provisions assure that the quantitative “significance threshold” would be met? Please respond in full to these questions.

74

**65.** The ‘Significance Conclusion’ on p. 4.16-44 contains the wholly unsupported and implausible assertion that

“With implementation of the policies in the Climate Change Preparedness Plan over time, new development will be resilient to these inevitable changes and would avoid additional physical harm to persons and property resultant from climate change effects. Thus, with mitigation, the 2007 General Plan would not make a considerable contribution to a cumulative impact related to adaptation to climate change effects.”

This is strictly conjecture, with no evidence whatsoever presented to support its highly optimistic assumptions. The best that can be said is that it is unreasonable to attempt extrapolation to buildout and expect it to be realistic, but in any case the barriers to successful implementation of the Plan within the likely limits on GHG emission required at buildout should be expected to be extremely high if not insurmountable. In fact there is no “Climate Change Preparedness Plan” and the speculation that “new development will be resilient to these inevitable changes and would avoid additional physical harm” utterly lacks substantive evidence. Not only is it devoid of “scientific” character of the sort encouraged and expected by CEQA, the statement is not reasonable under any criteria. Its only connection with scientific characterization is in the realm of science fiction. Please explain why such irresponsible language appears in this document. Include a discussion of why the false implications that (1) a Climate Change Preparedness Plan exists, and that (2) it contains explicit policies, and that (3) these nonexistent policies would “be resilient to ... inevitable [climate] changes and would avoid ... physical harm” are contained in the “Significance Conclusion.” Please respond in full.

75

Special general remarks

**66.** Criteria for evaluating public comments. In some instances, responses to critical public comments concerning EIRs have been dismissive of the content of the criticism because the analysis used in the comment differs from that of the EIR or is claimed to be “unconventional” in some respect. That, of course, is a wholly inappropriate and unacceptable response. The issue is not the “conventionality” of a comment or its analysis, but rather is its credibility on grounds of available evidence, relevant scientific criteria and logical coherence. Please confirm explicitly that the latter are the standards that are applied in your responses.

76

**67.** The possibility of a practical and realistic Plan meeting CEQA and the concerns expressed above. Note that a practical, realistic planning document, responding directly to the criticisms above is possible and in fact is demanded by current circumstances. It would consist of a positive active program of GHG emission monitoring requirements and with specific time-based quantitative emission milestones and well-defined monitoring criteria. Please explain why a positive program of action, acceptable under CEQA, was not recommended, and further study and delay were advocated, when the DEIR already contains significant evidence and data.

77



- a. Waiting periods of months and years, as in OS-10.11 and the “mitigations,” is not acceptable; specific action should be underway upon adoption. The County already should have actively begun the program even before adoption because it is a necessary part of conducting County business even before the Plan is in effect. Please explain why lengthy delays were deemed adequate in the DEIR, in the face of (1) stringent State requirements, (2) growing evidence of a need for direct action, (3) increasing availability of relevant data, and (4) concerted parallel GHG evaluation efforts throughout the State which could be used as potential models for action and sources of information.
- b. The program should start immediately (even before Plan approval) based initially on the data collected for this DEIR as well as data already assembled by the County, with provisions for timely updating in order to meet State mandates. It would link the enabling of development quantitatively to the meeting of quantitative emission milestones, and the latter would be tied to the phasing of GHG emission objectives over the life of the Plan. Regular updating can minimize inadequacies and uncertainties in the available data and evidence and improve the rigor of the program. Initial ambiguities in this case are not so great as to provide and excuse for further delay. Please explain why firm recommendations for immediate implementation, based on current data, were not made as part of the mitigation program of the DEIR.
- c. Since this will need to be done all across the State, Monterey County need not produce such a program in isolation, developing it “from scratch.” In effect, the State climate change mandates not only promote but require this kind of response, with such indefinite terms as “should”, “will” and “encourage” obviated entirely in the Plan, in favor of imperatives such as “shall” and “require”. (In this last respect, the “mitigations” come close to meeting the need for firmness of intention.)
- d. The County should indeed pursue vigorously many if not all of the study and organization objectives stated in the DEIR’s “mitigations” but many of these should be directives to the agencies responsible for implementing the Plan, not elements of the Plan itself. Please explain why a clear distinction between appropriate Plan provisions, on the one hand, and agency directives (supplementary to the Plan), on the other, was not made in the DEIR’s “mitigations.”

77

### Concluding Summary

The first thing to note is that all four of the categories examined in this section for impact significance should receive “considerable and unavoidable” significance conclusions. That is what the evidence supports. There are no grounds in the DEIR for a less severe conclusion. The quantitative information available in the document is quite clear on that, and there is no substantial evidence of any kind presented to refute this assessment.

78

It is unfortunate that unsupported determinations and conclusions appeared in the document, since they raise serious questions about the manner in which the EIR process has been conducted.

Reviewing and commenting on Section 4.16 of the DEIR is especially awkward because there is no section in the Plan on climate change to which the DEIR is a response. The critical defect therefore is in the Plan, and thus the DEIR is a response to an almost total absence of relevant plan content (the only exception being the paltry single policy entry OS-10.11). The DEIR should be an evaluation of the substance of Plan policies (such as the material provided as “mitigations” in the DEIR but that are absent in the Plan itself). The effect of the DEIR then, is to be an attempt at legislation by mitigation, an entirely unsatisfactory process that flies in the face of the obvious intent of CEQA.

The matter of climate change is extraordinarily important in planning, and must be confronted in spite of the serious challenges it presents. It should be treated with civic integrity and with a high degree of respect for scientific perspectives and criteria, and should be executed with technical competence.

78

There is much analysis in Section 4.16 that can serve as a foundation for preparing a suitable climate change section in the Plan itself. Our comments are directed toward improving the quality, reliability, clarity and readability of such a section when it is developed.

In its current form, however, section 4.16 on climate change is highly deficient and misleading, and this part of the DEIR should be rejected. Please respond to this conclusion.

**Comments On Section 4.6 (Transportation)  
Of the DEIR  
For the 2007 General Plan Update (GPU5)**

Some of the detailed comments below may appear to be duplicative, but each serves a particular purpose and should be read carefully. Because it is important that the discussion be accurate, CVA requests that the EIR preparer respond to each question separately and not combine the responses to several questions into a single response (which likely would lead to inadequate responses to individual questions). We have reviewed the DEIR in detail. Because the transportation and traffic section of the DEIR is confusing and inadequate on several levels there is a multitude of questions that must be raised. Each of our questions and comments is raised for a specific purpose. We ask that the effort put into the responses respect the time and resources put into the review of the DEIR by members of the Carmel Valley Association.

80

**Initial General Comments**

The environmental impacts of the 2007 General Plan with respect to traffic levels of service and emergency access (Section 4.6) are stated as “significant and unavoidable” in all four categories of study (impacts TRAN-1B,E; TRAN-2B,E; TRAN-3B,E and TRAN-4B,E, covering “existing plus project” and “cumulative plus project”, both for the 2030 planning horizon and for the buildout horizon).

81

We agree that these determinations and conclusions are implied by the data provided in the

DEIR. This means that the 2007 General Plan would unavoidably cause significant and irreversible degradation of roadway levels of service (traffic significantly in excess of capacity) on roadways in the County, and would unavoidably cause degradation in access to emergency services for County citizens.

81

However, the analysis provided in the DEIR underestimates the level of service deterioration in several ways. This underestimation arises from a variety of flaws in the study that need to be addressed. The degree of environmental impact, as well as the existence of impact, is important, and the actual degree of impact is significantly greater than the DEIR discloses in many cases. In our judgment, and based on our research for this and other projects, and our review of this and other EIRs, and our familiarity with the County road system, reporting the extent of impact is an extremely important component of an environmental impact report because it provides decision-makers with information needed to take appropriate action, and also because it is part of the evidence required to establish the significance of impacts. Deficiencies in the DEIR relevant to the underestimation of impacts therefore require comment and deserve response.

82

Many omissions, errors and other defects are listed below, with requests for specific responses. Several types of problems with the document are especially troublesome, including the following:

- A. No analysis is provided in the DEIR for County roadway intersection levels of service. Only road segment performance is analyzed, yet many County intersections already operate at deficient and marginal levels, according to County records. At a minimum this omission should be directly addressed and a rationale for it should be provided. Please explain why this was not done. Please provide an appropriate analysis of intersections, disclosure of current operational levels, and investigate and analyze impacts of the proposed project, including cumulative impacts. For all such analyses, please identify the source of your data, the date and title of the reference documents relied upon, and the method of investigation. Also, please show your assumptions and calculations.
- B. With respect to the determinations and conclusions in the DEIR that describe “project-specific impacts” (TRAN-1A, TRAN-2A, TRAN-3A, TRAN4-A), we understand the notion that such impacts would be self-curing if three conditions are met: (1) impacts are adequately studied and accurately assessed, (2) LOS standards are fully enforced and (3) supposed “mitigation measures” actually ensure that roadway performance “does not degrade below the level without development.” However, the existing roadway performance data and the County’s record for preventing degradation of roadway performance (which may account for much of the existing performance data) do not inspire confidence. Current roadway levels of service provide strong evidence that one or more of the three conditions for self-curing projects were absent in many past projects. This record is part of existing on-the-ground conditions. In many instances, the County has failed to adequately study and assess impacts, LOS standards have not been enforced or have been adjusted downward, and mitigation measures do not provide metrics for review and have not been tracked for effectiveness. Further, the analysis ignores the availability of findings of overriding consideration to approve

83

84

- projects that have significant unmitigated traffic impacts. Please explain why the DEIR assessment of “less than significant” for project-specific impacts was not accompanied by a caveat such as “contingent upon accurate assessment of project impacts, full enforcement of standards and full mitigation to prevent degradation of roadway performance” to reflect the effect of past and present circumstances on the potential effectiveness of the Plan. The DEIR should consider a mitigation that mandates the three conditions be met prior to project implementation. Please respond. 84
- C. In this connection, the effects of numerous development projects are evident in the 2030 Existing plus Project traffic scenario and especially in the Cumulative plus Project scenario. According to the DEIR, the growth in traffic in these scenarios arises from AMBAG growth forecasts, which would represent the Plan’s generation of housing and businesses, which would give rise to individual projects, which in turn would produce increases in traffic (please confirm). Since all project-specific impacts are treated in the EIR as self-curing and are presumed always to have less than significant impacts, the considerable and unavoidable traffic growth in the County that the DEIR reports for 2030 would not be possible. Thus project-specific impacts should be considered “unknown” rather than “less than significant.” Also, the system of mitigations contemplated in the DEIR should be re-examined in order to establish a system that does not lead to the very substantial increases in traffic on substandard roads that occur in this Plan. Please explain why project-specific impacts, taken consistently to be individually “less than significant” in the DEIR because of the self-curing character of the process, nevertheless produce the “significant and unavoidable” cumulative traffic impacts indicated for 2030, with two thirds of vehicles traveling on substandard roads (see below). Further, the DEIR should address the significant project-specific impacts due to the County’s failure to implement adequately CEQA and traffic standards and provide ongoing accountability. 85
- D. Full assessment and discussion of the Plan’s actual impact on traffic does not appear in the DEIR. The number of road segments at or below a given LOS category, which is a count of the number of sites where impacts occur, does not measure the impact itself. The DEIR fails to identify or discuss this important analytical point, or how its avoidance of this quantitative analysis affects the DEIR conclusions. The number of vehicles traveling on roads at LOS F, for example, is the traffic impact occurring on those roads. This information is available in the data provided in the DEIR appendices but is not used in the DEIR’s analysis. While 25% of the 286 road segments for which data is available in Appendix C are at LOS F currently, they carry 44% of the traffic. If LOS E and F together both are considered substandard, 30% of the segments are substandard, but the traffic on those segments is 52% of the total. In other words, more than half the traffic currently is traveling on substandard roads according to the Plan’s standard of LOS D. Why is the already-high proportion of traffic on substandard roadways not acknowledged or discussed in the DEIR’s consideration of existing conditions? The DEIR ignores the on-the-ground conditions and therefore fails to adequately analyze the project impacts. 86
- E. Similarly, analysis of the data provided in Appendix C shows that at the 2030 Plan horizon 41% of the road segments are projected to be substandard, but 68% of the traffic – more than two-thirds -- would be traveling on substandard roads. (See Figures 1-3, at the end of these comments on Section 4.6, for graphical representations of the 87

- impacts of traffic based directly on V/C listed the segment entries in Tables A and C of Appendix C.) Why is this exceptionally high proportion of traffic that is projected to be traveling on substandard roadways in 2030 not acknowledged or discussed? The DEIR should disclose and discuss these impacts. 87
- F. Also in this connection, note that according to the data in Appendix C the total existing ADT for the county is 71% of total existing road capacity, and the total 2030 cumulative ADT is 93% of 2030 capacity in the cumulative road capacity. That is, if traffic were distributed evenly across County roadways, traffic now is at 71% of road capacity, and by 2030 would be at 93%. This is a remarkable change that is not disclosed, investigated or analyzed in the DEIR text. Since this represents total ADT and total capacity with no correlation between where the traffic exists and where the capacity is located, the 93% figure is exceptionally high and is cause for serious and cautionary comment. It indicates that the County as a whole would receive an unacceptable collective rating of LOS E or a barely “passing” very low D. Please explain why this circumstance is not mentioned in the DEIR. Please investigate, discuss, and provide site-specific information as to these impacts. 88
- G. The existing LOS standard for Monterey County is LOS C (Monterey County General Plan, 1982 (updated), p. 130), so comparisons of existing LOS values with those projected for 2030 (and beyond) should include accounting of the effects of this change. By the current standard of LOS C, 52% of road segments are at substandard LOS D, E or F, and 71% of traffic is traveling on substandard road segments. If that standard were continued in the next General Plan, 66% of road segments would, in 2030, be substandard, and the traffic on them would be 83% of total traffic. That is to say, if current standards were maintained, in 2030 more than four-fifths of the County’s traffic would be traveling on roadways viewed as inadequate. Because the 2007 General Plan proposes to reduce the acceptable standard to LOS D, the same roadways that are now at LOS D (and are unacceptable) would be measured under a different standard under the proposed Plan, and thereby become acceptable. The DEIR fails to adequately identify or discuss these impacts, and the changed paper standards that would apply to the same roadways. Please explain why these effects of the change in LOS standard are not acknowledged or discussed in the assessments of Section 4.6, and supply a full analysis and discussion. 89
- H. The change in LOS standard has actual physical effects, and its evaluation should be included in the DEIR. Note for example, that “impacts to roadway LOS ... would be identified in [environmental] studies and... development would be fully responsible .... If a roadway already falls below the County’s LOS standard, then the development is required to mitigate ....” (DEIR, p. 4-6.33). Changes in LOS standard have environmental impacts that must be identified, quantified, and mitigated. Under the proposed Plan change in standards, 71 of 286 road segments (see Table C of Appendix C), or about 25%, carrying about 15% of the traffic would be eliminated from the requirement that significant impacts be mitigated. Please explain why in the DEIR no mention is made of the proposed Plan’s change of County standard from LOS C to LOS D, and no attempt is made to account for its environmental impact. This is a huge informational gap. The undeniable impacts of this change would affect every driver and passenger in the County. 90
- I. The “No Project scenario” is the 1982 General Plan, which includes LOS C as the 91

existing and 2030 standard. It is not at all clear what assumptions were used for “No Project”. Because the assumptions that are used control the outcome of the analysis, please list all assumptions for the No Project alternative. The 1982 Plan is more specific with respect to traffic standards than is implied by the phrase “acceptable level of service” on the first page of Section 5.3.2.6. (See p. 129, bottom, of the 1982 Plan). The DEIR reference to Table 4.6-24 in Sect. 5.3.2.6 appears to be incorrect, and suggests a lack of thoroughness in the No Project analysis. Please fix the table. The less speculative 2030 horizon appears to be absent in the No Project analysis, but the text states that “the LOS impacts of buildout of the 2007 General Plan would be greater than those of the 1982 General Plan.” That unsupported conclusion contradicts the claim that the 1982 plan would have greater environmental impacts as compared to the 2007 General Plan on transportation. As to the transportation comparisons made in Section 5.3.2.6 and in Section 5.3, please list all your assumptions, describe your investigation and consideration of impacts, and show your calculations. The DEIR should include the quantitative traffic impact analysis of the project and the No Project alternative.

92

- J. LOS standards are only vaguely defined in the proposed Plan, and the DEIR fails to use a consistent interpretation of LOS (different for Carmel Valley) in evaluating the Plan’s impacts. In particular Carmel Valley is given an interpretation distinctly different from the rest of the County. Several options are available as measurement parameters, including V/C (using ADT), PTSF, vehicle density (vehicles per mile per lane), peak hour traffic (using direct traffic count or PTSF), etc. However, the parameter -- or specific type of measure -- used to identify or evaluate LOS often is not clearly specified in the DEIR (for example “peak hour” is ambiguous as to the specific measurement parameter used). The DEIR should consider a mitigation that requires a uniform, well-defined standard for LOS for the entire County. In particular, please explain why the V/C and related data are omitted from Tables A, B, and C of Appendix C for most of Carmel Valley Road (G16) and several segments of SR-1. Please supply this missing data. If different measurements (metrics) are required, please in each case explain clearly the specific reason, specify the measurements used, and provide specific quantitative criteria for determining LOS letter descriptions. Without this it is impossible for lead agencies to exercise the informed judgment required by CEQA, and for the public to assess an EIR and its impact evaluations.

93

- K. Complete tables of quantitative criteria corresponding to LOS letter-grades should be provided both in the Plan and in the DEIR for each type of measure (ADT, PTSF, etc.) actually used. This is not done. The DEIR does not comment on the Plan’s omission in this respect, or on the resulting inability of the DEIR to adequately assess and analyze the impacts. The DEIR should specify and reveal to the public both the type of LOS measure to be used (e.g., ADT, PTSF) and the quantitative criteria for each of the various LOS “grades” (A, B, C, D, E, F). The DEIR’s deviations from the explicitly adopted Countywide standard(s) should be explained and described for any special circumstances (as in the case of Carmel Valley Road) in additional supplementary discussion, not as a replacement for descriptions using the standard for non-Carmel Valley areas. Variations from a uniform standard are, in themselves, environmental effects because physical consequences are contingent on the standards (required mitigations and improvements, etc.). The DEIR should investigate and comment

94

- critically on the Plan's failure to provide a clear quantitatively usable standard for LOS, and analyze and disclose the informational gap resulting from that failure. Please respond fully. 94
- L. According to the tables in Appendix C, the same V/C values correspond to different LOS letter grades, depending on the character of a road segment. Please confirm this or clarify this issue. However, the reader is given no guide to the correspondence or correlation between V/C values and LOS grades for different roadway types. The DEIR fails to provide understandable tables of quantitative criteria for each LOS grade within each type of measurement used. Please provide such tables. 95
- M. Please explain why the very wide ranges of V/C values in Appendix C occur for a single LOS category. For example, in Table C there are V/C values as low as 0.3425 for LOS D and as high as 0.956 for LOS C; LOS B has V/C values as high as 0.667. Are these errors or are these accurate? If they are accurate, please explain the cause and reason for the range, providing specific on-the-ground examples for the high and low end of the range, as well as all the analysis. If errors are involved, please supply corrected tables. 96
- N. Emergency service access is a critical component of traffic impact. Although this is discussed in the DEIR for some scenarios (except project-specific impacts), and although the relevant impacts in each scenario are given as "significant and unavoidable", the accompanying DEIR analysis does not investigate or disclose the relationship or comparison of emergency service delivery areas to areas of heavy traffic impacts. This relationship has a strong connection with real response times. The specific locations of traffic congestion are highly relevant to emergency service access. The degree of significance of impacts to emergency service access resulting from traffic congestion can be determined only by disclosure and knowledge of these linkages. Emergency access standards, including response times, should be determined within each local emergency service area, and the impacts of traffic on such access should be evaluated within those areas. The DEIR should give a countywide summary evaluation of environmental impacts on emergency access, and also identify specifically where (geographically) deficiencies are significant or especially high and therefore significant or especially dangerous. Please respond fully to these concerns, and provide a map of the congested areas of the County and the emergency service areas. On the map, please identify the impacts likely to result from the proposed Plan. 97
- O. Many of the proposed "mitigations" do not mitigate or relieve adverse impacts of the Plan. For example, one mitigation clearly is an exacerbation rather than reduction of impact (p.4.6-71) because it produces a weaker LOS standard on certain road segments (see below). More generally the "mitigations" offered do not appear to reduce impacts reliably or accountably and therefore do not distinguish significance conclusions from significance determinations. In the DEIR there is little or no quantitative evaluation of the efficacy of the proposed mitigations. For each of the "mitigations" proposed, please investigate, and provide for each a quantitative analysis of its prospective efficacy, given County budget limitations, staff limitations, and historic failure to follow through or implement EIR mitigations. 98
- P. The proposed mitigations generally are extensive and complex policy proposals, and appear in some cases to be attempts at legislating rather than to be efforts to mitigate traffic impacts effectively. Please describe how the proposed policies would actually 99

mitigate traffic potentially caused or induced by the Plan. Please be as specific as possible, and explain in ways the general public would understand. The general public would be directly impacted by the traffic; the general public should be respected with a reasonable and clear explanation of the traffic mitigations. What are the impacts of each of the “mitigations”? Those impacts must be analyzed and presented in this DEIR, but we cannot find the discussion thereof. Please respond fully and accurately, and explain in laymen’s terms, where possible

100

- Q. The DEIR’s ambiguity in the definition of LOS is exploited egregiously in the discussion with respect to Carmel Valley Road, where application of substantially weaker LOS criteria are used in the DEIR’s analysis, and are proposed to be adopted for the Carmel Valley Master Plan (CVMP) Area, than for elsewhere. The assertions made in DEIR to support this change in standards, or difference in interpretation (viz., peak-hour as opposed to ADT V/C, PTSF as opposed to traffic count), are (1) “because the CVMP policies establish LOS standards based on peak hour” (p.4.6-9), and (2) “because it is a more project-specific and accurate method of analysis,” and “at the project-specific or small planning area level of analysis” the alternative measure “should be used to overcome inaccuracies and impact over-estimation characteristic of daily V/C Ratio analysis.” (p. 4.6-61f) The first assertion is factually false. (See CVMP, Policy 39.3.2.1, where ADT is specifically indicated.) The second assertion indicates that both inaccuracy and impact over-estimation are acceptable for the rest of the County. Neither assertion justifies the less restrictive, more development-permissive LOS standard of analysis used by the DEIR in Carmel Valley than is used for the rest of the County. In brief, according to the DEIR, LOS means something quite different in Carmel Valley than in other parts of the County, and this LOS grades to signify lower service levels in Carmel Valley than elsewhere. This is a patently discriminatory analytical procedure; it renders meaningless, from the perspective of impact reporting, the claim implicit in Policy C-1.1 that in the 2007 General Plan the County would impose definite LOS standards. Please respond. In sum, with respect to the DEIR itself, this means that a greater level of environmental impact would be allowed in the Carmel Valley Master Plan area than the supposed LOS C standard would imply. Worse still, its “justification” is based on a false assertion. This is not what CEQA permits in the selection and definition of significance criteria. Please explain why the decision was made to apply different LOS standards in the CVMP area. Please give details on how the standards were determined. What sources did you rely on to make the choices? On what persons did you rely in making those choices? Who made the choices? Please give a full and candid picture of how this decision occurred. The DEIR analysis should be revised to disclose with specificity the LOS standards that are used in each discussion. Any differences should be fully disclosed and the rationales for them presented. The impacts of choosing each LOS standard should be investigated, quantified, and discussed.

101

- R. Entries for critical segments of Carmel Valley Road are conspicuously absent from Tables A, B and C of Appendix C, although those segments are present in Tables D and E. (Compare, for example, the segments of County Road G16 in Tables D and E of Appendix C with those in Tables A, B and C of the same appendix.) Also, entries for the segments of State Route 1 between Carpenter Street and Riley Ranch Road are missing from the same tables. Notably these are segments that interact strongly with

102



- Carmel Valley Road. Between Ocean Avenue and Carmel Valley Road, SR-1 operates currently at LOS F, while between Carmel Valley Road and Rio Road it operates at LOS E (Table 4.6-4), both well below the County standard even under the proposed General Plan. Two critical intersections of SR-1 involving the segments north of Carmel Valley Road have been reported in County records to operate currently at LOS E or F, but intersection information is not provided in the DEIR. Please explain fully and candidly why certain road segments and related data present in Tables C and D of Appendix C were absent in table A, B and C of the appendix. Please supply the missing data, and provide complete tables with entries for all the road segments (that are listed in the presumably complete Tables D and E of Appendix C). Please revise your analysis to include this data. 102
- S. Most road segments on Carmel Valley Road currently operate at much lower LOS than the DEIR asserts (e.g., in Table 4.6-5), according to County ADT data and DEIR road capacity data. (See relevant portions of Tables D and E of Appendix C, Tables 4.6-5, 18 and 21, for example, where the related data can be found, although some calculation is required.) Existing V/C ratios are at LOS F for 3 of 10 segments (4 of 11 using the Appendix listing of segments), two more are at LOS E, three are at LOS D, and only two are at or below the LOS standards assigned to them, when one uses the DEIR's road segment capacity data for Carmel Valley Road (as given in Appendix C, tables D and E), together with 2007 Carmel Valley Road ADT data from the County. These deficiencies would have been apparent if Appendix C had been complete and had County standards been applied uniformly. The data gap creates an informational gap in the DEIR. Nowhere in the DEIR are these omissions and uneven application mentioned or discussed. (Segment capacities used in these calculations are from Tables D and E of Appendix C because the relevant entries are missing from Table A; but had capacities been available in Table A they would have been no larger than those in Tables D and E, and therefore the LOS would have been no better than those just listed.) Please explain (1) these differences, discrepancies, and omissions in the DEIR, and (2) their relationship with the on-the-ground circumstances in general and (3) the DEIR's analysis itself, in full detail. Please provide the omitted information and apply the same standards consistently, or clearly disclose and explain the rationale for different standards. Then please present the revised analysis to the public for review. 103
- T. The extraordinary special attention given to Carmel Valley Road in the DEIR strongly suggests intent to weaken road segment standards there, with the specific further intent of undermining Board of Supervisors Resolution 02-024, which restricts local subdivision development. This is a wholly inappropriate use of the DEIR and raises serious questions about the objectivity and independence of the document, which is required to meet CEQA standards. This concern is heightened by the presence of obviously deceptive devices used in the DEIR "analysis" of Carmel Valley Road traffic. Please explain how, why and by whom it was decided that the DEIR provide this special attention to Carmel Valley Road. Please explain how, why and by whom the decision was made to pay insufficient attention to levels of service on SR-1 and other connecting roadways at and near the Mouth of the Valley. Please identify by name, title and date the sources that were researched and relied on in making each of these decisions. Who from the public, and which County employees, provided information that influenced this decision? 104

- U. Throughout the DEIR discussion of transportation and traffic, the conclusion “significant and unavoidable” is virtually always accompanied by DEIR language that indicates inadequate financing (e.g., “funding shortfall”) as a principal reason in arriving at the conclusion. The insufficiency of development fees to underwrite current and emerging needs for roadway improvements is abundantly clear in this DEIR, and it is also clear that the situation will become exponentially worse with the continuation of new development without a dramatic transformation in monitoring and funding. Financing traffic improvements with development fees has become, effectively, a Ponzi scheme, with fees from each new development used to fund obligations incurred from previous development, with the term “mitigation” disguising the character of the transaction. Ponzi schemes always fail in the long run, and failure of this one has, and will have, major consequences for the people of Monterey County. Yet the cumulative effect and significance of the “funding shortfalls” acknowledged in the DEIR is not addressed in the report. Please describe the on-the-ground situation, with the information to date as to past traffic mitigations and their effectiveness. Also, please provide an analysis, general and approximate but quantitative, of the long-term (to 2030, and to buildout) behavior of the road maintenance and improvement funding process in light of the financial needs created by the plan. The analysis should reflect the current financial reality.
- V. Finally, the poor organization and arrangements of sub-section headings in this section of the DEIR demands comment. The document is exceptionally difficult to follow and to read. Headings of subsections do not have fonts proportional to their organizational functions, and material that belongs in some subsections appears in others. The great bulk – roughly three fourths -- of the principal discussion appears in section 4.6.3.5, and the subsets of material in that section are not segmented in a logical, clearly visible way; they lack clear delineation by way of informative, appropriately ranked (by font size and character if not by number) titles. It is insulting to decision-makers and members of the public to be forced to find their way back and forth through such a welter of forward- and backward-referenced technical material with such poor guideposts. Please explain why such an inappropriate format was adopted, and comment on how it should be improved. Please revise and correct the section, reorganizing the materials, and responding to the comments by our organization and by other members of the public, and re-issue the DEIR for public review.

These facts are sufficient to demonstrate that the DEIR is significantly defective. In all cases we have found, the environmental impacts of the 2007 General Plan are more adverse, that is to say more damaging, than the conclusions in the DEIR. Because the impacts are more significantly adverse than the DEIR reports, the conclusions “significant and unavoidable” arrived at in the DEIR are fully warranted. For that reason, any temptation to regard them as marginally rather than fully justified should be resisted and should require a new environmental impact report in which all of the comments provided here are completely accounted for. This DEIR does not meet CEQA requirements, including those of adequacy, accuracy, objectivity, and sufficiency of quantitative analysis. This DEIR does not properly evaluate the environmental consequences of adopting the 2007 General Plan. Please respond directly and fully.

The comments below provide an extensive but not exhaustive catalogue of these and other defects in the DEIR, and include requests for direct and full responses.

107

#### Detailed Comments

1. The purpose of policy C-1.1 of the 2007 General Plan is to designate the “acceptable level of service [LOS] for County roads and intersections,” yet this DEIR evaluates service levels only for roadway segments and does not assess intersection LOS at all. Intersection behavior often is critical to the quality of service on a roadway, and some EIRs focus heavily on intersection characteristics and their LOS values. Evaluation of environmental impacts on roadway intersections in Monterey County should be included in this DEIR. In places where the segment data is not provided either (e.g., SR-1 near Carmel), there is no roadway data at all for 2030, yet both segment and intersection performance may be very poor (as is true for the example given) and the relevant road deficiencies are not in the record. This exclusion of intersection effects on circulation renders the DEIR defective and inadequate. Please respond fully, address the identified problems in detail, and provide the information and correct the analysis, or provide clear rationale for the DEIR’s omissions.

108

2. On p. 4.6-6, the second sentence of the second paragraph states that “LOS is a qualitative term” and the third states that “The LOS categories and their pairing with specific ranges of volume-to-capacity ranges are a matter of convention ....” But the DEIR relies entirely on the quantitative “conventions” in reporting LOS, which unfortunately are not stated explicitly in the report. Failure to include these critical data in the DEIR prevents evaluation, by County decision-makers and the public and alike, of DEIR assertions concerning LOS. Please provide the full quantitative description and all “conventions” for each LOS category used in preparing the DEIR, including a tabular summary of the criteria used to distinguish between LOS A and B, between LOS Band C, between LOS C and D, between LOS D and E, and between LOS E and F as used at any place in this DEIR. (A quick look at Appendix C demonstrates that this should not be hard to construct and probably could be fit onto a single page or less.) The DEIR is a legally required document for providing the general public and decision-makers with the information required for making careful judgments; these data are critical to understanding its meaning and are easy to make available in the DEIR. Why is this quantitative information not provided already in the DEIR itself? (See, for example, CEQA Guidelines 15147, especially “relevant information sufficient to permit full assessment ... by ... members of the public.”) Please respond to this question directly and fully.

109

3. Please explain why the change from a roadway standard of LOS C in the existing General Plan to LOS D in the proposed General Plan is not considered in this DEIR to be either a “direct physical change” or as causing “reasonably foreseeable indirect changes” in the environment (CEQA Guidelines, 15064d). The existing condition for the County is a standard of LOS C. Why are not all comparisons with existing conditions made against the LOS C (existing standard) so that the DEIR would assess the actual environmental effect of adopting the new and different standards of the 2007 General Plan? Please respond directly and in detail. Why is this change of standards not discussed in quantitative detail in section 4.6 of the DEIR, and why is the effect of the change not considered explicitly in all determinations and

110

conclusions that involve existing conditions? All comparisons should be with existing conditions (which include the LOS C standard), and the DEIR should adequately assess the impacts. Also, please explain why the switch from LOS C standard to LOS D standard is not included in the criteria for determining significance. Please provide comparisons that fully correct these omissions.

110

**4.** LOS criteria supplied in the DEIR are not consistent with the corresponding criteria used by the Department of Public Works (see and compare, for example, the nearly constant segment capacities for Carmel Valley Road shown on p. D-10 or E-37 of Appendix C of the DEIR, with the “threshold” data, which vary widely from segment to segment, in CVMP Annual Evaluation Of Traffic Volume, 2007). Why do these discrepancies exist? Which criteria were controlling, and why? Which criteria should be controlling? What is the protocol for resolving such inconsistencies? Why are the discrepancies not discussed in the DEIR, and why is a resolution of the differences not described? Please respond in accurate detail, discuss the issue fully, and propose a suitable resolution to the discrepancies. Please provide cogent justification for your response. Please investigate and analyze the impacts of each decision to use one criterion in the place of another.

111

**5.** Given the discrepancies mentioned in the previous paragraph please describe exactly how the references listed on p. 4.6-9 (specifically: “a recent draft traffic analysis of the CVMP and the Carmel Valley Transportation Program was available (CVMP Traffic Study, July 2007)”) were utilized in preparing the DEIR. Please describe specifically how the CVMP annual evaluations of traffic were relied upon in preparing the DEIR. To what extent was the CVTIP study relied upon? If the latter was relied upon, page references in the DEIR should have been provided to the public because of the length of the document, and important tables should have been reproduced. Why was this not done? The DSEIR for the CVTIP had been prepared well before this 2007 General Plan DEIR was prepared, and public comments on the DSEIR for CVTIP also had been submitted and were available at that time. Were these documents consulted in developing this DEIR? If so, please describe the investigation, research of the documents and their impacts on the analysis of the DEIR. If they were not, why were they not? Please respond fully to all of these questions. Also, we understand from the County that the DEIR on the CVMP traffic plan is “on hold” pending the outcome of this GPU-5 DEIR or perhaps the GPU5 itself. Is this true? And if so, please explain all the reasons it is on hold, and what kinds of effects the EIR for the GPU5, or the GPU5 itself, will have on the traffic plan. Please give full details.

112

**6.** Table 4.6-5 (p. 4.6-10) does not show the data on which the LOS assignments are based, nor does it show which of several available parameters are used to assess peak hour service. Because of this informational gap, no independent evaluation of the LOS assignments is possible. Please provide this missing information, revise the analysis, and show your work. Furthermore, there is no explanation why only one segment of SR-1 (Carpenter St. to Ocean Ave.), disjoined from Carmel Valley Road, is included in the table. Please explain why the DEIR makes this distinction. The LOS value cited for the relevant segment of SR-1 is at substantial variance from the existing LOS for that segment provided in Table 4.6-21 (p. 4.6-81ff). Please explain all investigatory efforts, research and analysis for this data. Please address the contradiction between the two tables and correct the corresponding defects. (It is

113

not sufficient to note that different standards were used in the Table 4.6-5 and in Table 4.6-21. Please reconcile the data and provide the criteria used to do so.) In other words: Please describe all research, investigation, analysis and reference documents used for the content of Table 4.6-5. That is, please provide the evidence and criteria on which the LOS grades for Carmel Valley Road in Table 4.6-5 are based, and correct or revise the table to accurately reflect on-the-ground conditions. Note that the relevant data for Carmel Valley Road are missing from tables A, B and C of Appendix C, and the pertinent criteria for LOS given in tables D and E of Appendix C differ from those in the CVMP Annual Evaluation of Traffic Volume for all recent years. Please explain why this situation exists in the DEIR. Please provide the missing data and redo the analysis, showing your work. The public cannot verify that the data and analysis are accurate without access to the data used in the DEIR.

113

7. Westbound Carmel Valley Road is contiguous with northbound SR-1 at their intersection; there is no entrance or exit for those lanes at the intersection. Yet the existing LOS reported in Table 4.6-5 for the relevant lanes of Carmel Valley Road is A/B and for SR-1 the existing LOS in Table 6.4-22 for SR-1 is reported as F. Both roadways are two lanes in the relevant directions. The DEIR data is inconsistent and contradictory. Please provide all data and analysis for this significant discrepancy. Please provide the accurate information, redo the analysis, and show your work.

114

8. According to the DEIR (Table 4.6-21, "Existing Conditions" column), several segments of SR-1 and other County roads (Rio Road, Ocean Avenue, Carpenter Street) in the general neighborhood of the SR-1/Carmel Valley Road intersection currently operate at LOS F and are firmly beyond the threshold for LOS F. This is a critical issue with respect to the environmental impacts from further development affecting Carmel Valley, especially in the western portion of the Valley, since nearly all such traffic passes through the Mouth of the Valley and through intersections affecting these segments. Please explain why implementation of the Plan would not cause "significant and unavoidable" impacts on these segments that would amount to essentially the same impacts for most roads accessed through the Mouth of the Valley. Based on the data and our members' daily experience with these roads, we believe that the Plan would cause significant unavoidable impacts on these segments. Please provide all investigation, research, the analysis for the DEIR's conclusion, and whether there was any contradictory evidence, and if so, why that contradictory evidence was discounted or ignored.

115

9. The discussion of Carmel Valley Area Plan is confusingly interposed in the section on 2030 Cumulative plus Project impacts (beginning on p. 4.6-59), with a general discussion pages 4.6-62 and 63, a table on p. 4.6-64, but then an abrupt, unannounced return to countywide matters, regional roadways in particular, at the bottom of p. 4.6-64. Carmel Valley appears next in a single sentence at the end of the last paragraph of the "significance determination" on p. 4.6-68, with a return in the next paragraph to countywide matters. But all of the extensive mitigations offered are only for Carmel Valley specifically. Moreover, the material on Carmel Valley is itself confusing and contradictory (see below). The peculiar organization of this section is especially detrimental to the capacity of the DEIR to serve its intended function. Due to the confusing DEIR presentation we cannot tell when the DEIR is addressing solely Carmel Valley issues and when it is discussing Countywide issues. Please explain, in full detail, why this confusing manner of "integrating" Carmel Valley into the

116

report was adopted. Please revise the section on 2030 Cumulative plus Project impacts to give a clear, balanced, and accurate representation of (a) 2030 conditions in the County, (b) Carmel Valley, and (c) Carmel Valley's relation to the County-wide conditions.

116

**10.** Using (1) the roadway capacities specified in Tables D and E of Appendix C for Carmel Valley Road segments 1-10 (as described on p. 4.6-62, and including the division of segment 5 into two parts in Tables D and E of Appendix C), and (2) CVMP annual County traffic evaluations for 2007, one finds that segments 5, 7 and 8 would be operating currently at LOS F, segment 6 would be more than 96% of LOS F, and segment 4 would be at more than 92% of LOS F. Note that this is LOS F, not LOS D (proposed County standard) nor LOS C (Carmel Valley and current County standard). This also means that segments 4 and 6 would be near the upper limits of LOS E, well beyond either CVMP or County standards. In fact, segments 7 and 8 are far beyond the LOS F threshold. On Table 4.6-21 on page 4.6-81, the DEIR presents similar results in the columns labeled "Existing Conditions"; the slight differences between Table 4.6-21 and the results mentioned above apparently come from using ADT data from a different annual or semiannual CVMP measurement. (See Table 1.) Please confirm this. Thus eight of the ten segments violate LOS C already, some by very wide margins. Please explain why this is not noted and discussed in the DEIR. Please explain and resolve the various discrepancies. Also please discuss in full detail why, with reference to the 2007 General Plan's policies and the DEIR's V/C criteria as they are applied to the rest of the County, this significant issue was not discussed. The information should have been discussed and analyzed to conclude that adverse environmental impact that is significant and unavoidable would result from further development, and in particular residential subdivision development, in the CVMP plan area.

117

**Table 1. Existing LOS for Carmel Valley Road using the DEIR's V/C Criteria. See accompanying text.**

Segment	2007 ADT	DEIR appendix C D-10, E-37 level E cap.	2007 data		Table 4.6-21	
			V/C	LOS - using DEIR criteria	V/C	LOS - using DEIR criteria
1	3,431	11,680	0.2938	<b>C</b>		
2	4,024	11,680	0.3445	<b>C</b>		
3	8,628	11,680	0.7387	<b>D</b>	0.7450	<b>D</b>
4	10,816	11,680	0.9260	<b>E-</b>	0.9330	<b>E</b>
5a	11,844	11,680	1.0140	<b>F</b>	0.9460	<b>E</b>
5b	11,844	11,680	1.0140	<b>F</b>	1.0060	<b>F</b>
6	14,070	14,600	0.9637	<b>E--</b>	1.0100	<b>F</b>
7	15,767	11,680	1.3499	<b>F</b>	1.4340	<b>F</b>
8	20,166	14,600	1.3812	<b>F</b>	1.3050	<b>F</b>
9	23,800	30,900	0.7702	<b>D</b>	0.7020	<b>D</b>
10	23,837	30,900	0.7714	<b>D</b>	0.8330	<b>D</b>

[Notes on the table: (1) "DEIR criteria" refers to road capacities shown in Tables D and E of Appendix C. (2) Segments 5a and 5b appear because entries listed in Appendix C pp. D-10, E-37 differ from those on p. 4.6-62. (3) There are no entries in the last two columns for segments 1 and 2 because Table 4.6-21 had no entries with that data. (4) E- and E-- appear in the 2007 LOS column because segments 4 and 6 are very close to LOS F. (5) Using the most recent 4-year averages of ADT measurements places segment 6 within just 20 ADT of LOS F.]

**11.** There are stark differences between the data in item 10 above and in Table 1 on one hand, and those in Table 4.6-5 on the other. For each difference, please discuss fully this difference, and explain why it exists. Please describe your investigation, research and analysis for the significant differences among the data used in different places in the DEIR. Please explain and describe particularly the relationships among these differences on one hand, and on the other, the ambiguity of the LOS standard proposed in the General Plan (C-1.1 ff), which does not specify either a quantitative parameter (e.g., ADT, PTSF, density, peak hour volumes) or the quantitative level-of-performance criteria to be used in evaluating LOS.

118

**12.** The reference (p. 4.6-62, last paragraph) to Table 4.6-16 should have been to Table 4.6-17. This was the difficult to ascertain because of the peculiar arrangement of material in this section. Please confirm or correct this interpretation.

119

**13.** The last paragraph on p. 4.6-62, (concerning Carmel Valley and referring to Table 4.6-16 (sic – see item 12 above)) states that “these roads are significantly impacted”, but this is not acknowledged in the “significance determination” on p. 4.6-68. Of the three roads described in the last paragraph on page 4.6-62, only Laureles Grade Rd. is included in the “mitigation measures ... proposed in the CVMP Traffic study (sic)” and even for it no capacity-increasing measure that would reduce V/C is proposed. Therefore the “mitigation measures” in the CVTIP DSEIR (if that is the intended reference) could not reduce the impacts on the three segments in question. Please clarify whether the reference o the CVMP Traffic study should have been to the CVTIP DSEIR. Please explain the DEIR’s conclusion that impacts on Carmel Valley Road could be considered “less than significant” given the issues raised in these comments. Please include in the discussion the other issues raised above and below in these comments that bear on impact significance on Carmel Valley Road and connected roadways.

120

**14.** In Table 4.6-18 the 2030 Cumulative plus Project segments of Carmel Valley Road from Laureles Grade Rd. to Rancho San Carlos Rd. are shown as LOS E, yet in the Existing Conditions column of Table 4.6-21 these segments are shown as LOS F (except for the partial segment from Laureles Grade Rd. to Miramonte Rd., which is given as LOS E). Further, the segment From Rancho San Carlos Rd. to Rio Rd. is shown as A/B in Table 4.6-18 for the 2030 horizon, yet existing LOS for that segment is given as F according to Table 6.4-21. Why? Please explain in detail. The DEIR suggests that the 2007 General Plan would have the effect of reducing LOS for certain segments, which is wholly inconsistent with available accurate data. Please describe your analysis of the environmental impacts in the face of such discrepancies and contradictory evidence in the DEIR. Please provide specific analysis of this issue and the data relied upon. We are deeply concerned that different standards (by way of different measures of traffic) were used in the DEIR. It is apparent that the preparation of the DEIR was not properly coordinated with County data, and that discrepancies between County evaluations and DEIR evaluations were not examined and resolved. Please provide an accurate,

121

complete, and more coherent assessment of segment performance for Carmel Valley Road that does not contain such anomalies, and include your investigation efforts, research and analysis explaining inconsistencies and discrepancies, and describing the methods and criteria used to resolve them.

121

**15.** Since the existing LOS standard for Monterey County is LOS C, an additional column should appear in Table A of Appendix C (which displays “Existing Conditions”) showing the V/C ratio that defines the transition from LOS C to LOS D for each segment. This is needed in order to correctly identify currently existing conditions. (Alternatively an additional table with this information could be provided.) Why was this not done? Please describe the investigation and analysis done in the existing DEIR for this issue, and discuss the impacts of the omission of the currently prevailing limit of LOS D capacities. The information in the DEIR is misleading. Please provide this data in full.

122

**16.** Please explain why references to the appropriate table entries in Appendix C are not provided wherever data from them are used in the body of section 4.6 (or elsewhere). The tables provide important explanatory data. The DEIR should provide specific page citations and should indicate where the data are used. The reader should be directed to the relevant tabulations wherever explicit use of them occurs. Please provide the indicated and requested references where relevant. Without them the DEIR is confusing, and contains informational gaps.

123

**17.** The semiannual CVMP traffic study is distinct from and inconsistent with the Carmel Valley Traffic Improvement Program. Additionally, the document entitled “Carmel Valley Transportation Improvement Program” (pp. 9, 61 and 97) does not exist. Please clarify the precise names and documents being referenced. Without knowing what you are referring, we cannot adequately comment. On this point, the DEIR is confusing for several reasons. Presumably the “Carmel Valley Transportation Improvement Program” refers to the Carmel Valley Traffic Improvement Program Draft Subsequent Environmental Impact Report (CVTIP DSEIR), and presumably the annual “CVMP Annual Evaluation of Traffic Volume” based on semiannual measurements of ADT and often called the CVMP traffic study, was not relied upon at all for the DEIR, nor was a separate document called the “Carmel Valley Traffic Improvement Program” (not the DSEIR). Please explain how members of the public and County decision-makers could reliably evaluate the assertions made in the DEIR when the source references, such as these, are unclear, incorrect and/or missing. The public should not have to expend personal time and effort, paid and unpaid, to locate the source information when it is inadequately referenced.

124

**18.** The DEIR incorrectly and misleadingly states, on p.4.6-9, that “CVMP policies establish LOS standards based on peak hour (CV-2.18-d).” The current policy is 39.3.2.1 of the 1986 (rev. 1996) Carmel Valley Master Plan, and the term “peak hour” does not occur in that policy or in any subsequent draft. In fact, the standards are stated explicitly in terms of ADT. Moreover, Policy CV-2.18 of the proposed 2007 General Plan is identical with 39.3.2.1 and therefore also does not contain the term “peak hour” and also states standards in terms of ADT. The proposed mitigation on p. 4.6-71 of the DEIR does include the term peak hour, but obviously it is not adopted policy and cannot be considered an appropriate source for the

125



assertion. This important matter is described inaccurately and misleadingly. Please provide a copy of the CVMP plan relied on for GPU-5 DEIR preparation; our organization would like to inspect all of the documents relied on to determine the accuracy of the claim. Please provide an accurate and clear definition of the term “peak hour” as used in the DEIR. Please clarify the term’s use with relation to the actual Carmel Valley Master Plan, and confirm that the term does not appear therein. Please explain how, why and by whom the decision was made to include the assertion that “CVMP policies establish LOS standards based on peak hour.” Please revise the DEIR.

126

**19.** On p. 4.6-9 the following sentence (which appears twice on the page) is unclear in its meaning and its intent: “Integration of this analysis into the 2007 General Plan EIR allows for consistency between documents.” What is meant by this sentence, in plain English? Precisely to what does “this analysis” refer? Why is “allows for consistency” used in preference to a more assertive expression such as “would provide necessary consistency”? If it means “that the roadway standards for Carmel Valley should be clarified and made internally consistent, and should then be integrated with the rest of the General Plan in such a way that the Plan is a coherent whole, with the intended distinctions in standards described accurately and understandably,” please say so. How would “this analysis” be integrated into the 2007 GP EIR? What would the “integration” look like, and who will do it? What impacts will the “integration of this analysis” have on the EIR and on the environment? Please address, clarify and respond to this issue. The intended goal and use of the DEIR should be stated directly and explicitly. If the goal intended by the DEIR is as stated above (“that the roadway ... understandably”), it has not been met, and has not been analyzed in the DEIR. If this meaning is not the one intended, then the desired interpretation should be stated without ambiguity. Please provide a clear statement of the DEIR’s intended meaning and the analysis and research documents used to reach the DEIR’s meaning.

127

**20.** Also on p.4.6-9 the following sentence appears in the next-to-last paragraph: “Two performance measures are used in the CVMP analysis; two-lane roadways are analyzed based on [(1) PTSF or] percentage of time vehicles must travel in groups behind slower vehicles due to inability to pass, while four-lane roadways are analyzed based on the [(2)] density of vehicles [or passenger cars per mile per lane], or how closely vehicles travel together making it difficult to change lanes or pass.” This misrepresents the actual situation in several ways. (1) The annual CVMP evaluation is confused here with the CVTIP DSEIR. Please clarify. (2) The latter, not the CVMP annual study, uses the two different techniques for evaluating two-lane and four-lane roadways. (3) The CVMP evaluation, however, uses comparison of semiannual measurement of ADT on road segments with “thresholds” for those segments. It also reports certain peak-hour data that is not used in the threshold analysis. It uses a single type of measurement, namely ADT, on all segments, 4-lane as well as 2-lane; ADT indeed is the same measurement type used for the rest of the County in the DEIR. Please explain clearly and accurately the several different issues that have been confounded in the discussion on p. 4.6-9 - - the distinct studies and the different metrics used for evaluating traffic levels. Also please clarify the meaning intended by the EIR preparer and significance of the discussion and analysis of the four paragraphs on Carmel Valley on p. 4.6-9 and the top of p. 4.6-10. They are confusing, and because we cannot discern what they mean, we cannot comment on them.

128

**21.** Please explain why there are 10 segments of Carmel Valley Road described on p. 4.6-62 – 63 (Table 4.6-18), but there are 12 segments on pp. D-10 and E-37 of Appendix C. Also, please explain why, in Table 4.6-18 and Appendix C, divisions into segments are different for some parts of the road, making comparison between the text and Appendices confusing, and making adequate review impossible. (This has nothing to do with segments 11 and 12 in the annual CVMP traffic volume evaluations; those segments are not included in the material referred to above.) Why are these differences not mentioned, explained and resolved in a clear and understandable way in the DEIR? Please respond by explaining in detail and resolving the differences and ambiguities, and remove the confusion caused by them. Please present the corrected information, and revise the analysis.

129

**22.** Why are entries for the western portion of Carmel Valley Road (Carmel Valley Village and west to SR-1) missing from Appendix C, Tables A, B, and C (existing, existing plus project, and cumulative conditions)? Please provide all data, research and analysis used to prepare these sections. These entries are significant. Please provide them for public review, providing also sufficient public availability, and notice of their availability as required by CEQA. For this reason and for the reason of the many other missing and incorrect data, the entire DEIR should be corrected, revised, and recirculated for public comment.

130

**23.** The presence of “Existing Conditions” data for Carmel Valley Road in Table 4.6-21 confirms that the V/C data relevant to Carmel Valley was present in the DEIR’s source material, and could have been included in Table A of Appendix C. Did the originating versions of Tables A, B and C of Appendix C contain the Carmel Valley Road (and nearby) data that was deleted for the published version of the DEIR? It appears that was the case. Please describe in detail and with full candor whether such a deletion occurred, why it occurred, and how the decision to delete was arrived at. Please describe all investigatory efforts, research, and analysis for this omission, including the identities of persons consulted and persons relied upon. Please confirm this was a purposeful omission. Please revise the DEIR data to include this information in all relevant places, and revise the analysis based on the more complete and accurate information.

131

**24.** Please identify all other discrepancies that exist among DEIR tables and text relating to Carmel Valley Road (G16), Laureles Grade Road (G20), Robinson Canyon Road, Rio Road, Esquiline Road, Carmel Rancho Boulevard, and SR-1 between Carpenter Street and Riley Ranch Road. Because critically important information on Carmel Valley Road is missing in the DEIR, and because the information that is included has been managed and presented inconsistently and ambiguously in the DEIR, all data related to Carmel Valley Road and to its “tributary” roads is suspect, and should be re-examined, corrected where necessary, and re-stated properly so that it can be reviewed and assessed understandably by members of the public, and by planners and County decision-makers whose role is to serve as the citizenry’s agents and proxies. Please respond fully and provide all missing data (see above), and revise the DEIR analysis. Please describe your investigative efforts (both prior to release of the DEIR, and after public comments on the DEIR are received) to confirm that the data is complete and accurate.

131

25. The DEIR represents the independent judgment of the “lead agency,” and the lead agency has sent the DEIR out for public review; the lead agency is responsible for the adequacy and objectivity of the DEIR (CEQA Guidelines, 15084c). Please describe the way in which this responsibility will be exercised subsequently (after the public comment period) with respect to inadequacies observed in this DEIR and reported in the comments, as well as with respect to inadequacies in the 2007 General Plan that are reflected in the DEIR’s proposed “mitigations.” Also, please indicate how and when members of the public will be informed of this exercise of responsibility in a way that will satisfy all CEQA requirements.

132

26. Table 4.6-11 contains year 2000 data, and 2030 and buildout projections, but does not contain corresponding 2008 projections (from the 2000 data). Thus it does not contain “existing” data and conditions, which should be the essential basis for comparison between future and current conditions. The DEIR should include an additional column with the 2008 projections, which easily can be found elsewhere or extrapolated from 2000 data on the basis of simple stated assumptions. Please explain this omission (which is misleading) and provide the appropriate comparative (2008) data.

133

27. Data in the third and fourth columns in Table 4.6-11 of the DEIR appear to have been interchanged, leading to erroneous interpretations. Please investigate and correct this, and check the data elsewhere in the table to insure that it does not contain further errors. Please describe the investigation, research and analysis done to compile this table. Please provide the names of all reference documents used to create the table.

134

28. The absence of “methodology or measure of performance used to determine level of service” (section 4.6.3.4, p. 4.6-29) in the General Plan is not described in the DEIR as a significant defect in the Plan. What are the environmental impacts of the absence of such “methodology or measure”? As a mitigation, the DEIR should propose a methodology or measure of performance, which would reduce the impacts. This omission of analysis in the DEIR means that determination of significance of impact is left vague and indeed arbitrary because there is no clear quantitative LOS standard in any part of the Plan. Any one of several combinations of methods and measures of performance should be utilized to define LOS letter values. This already has happened, as is demonstrated comments above. The DEIR itself, not the Plan, defines the LOS values that appear in the DEIR. Thus the standards themselves, both method and measures of performance, are established and evaluated by the DEIR. To understand the significance of this, consider that policy 39.3.2.1 of the CVMP does specify that the “yearly evaluation report ... would compare average daily traffic (ADT) counts with service volumes for levels of service.” The service volumes are established as “the level of service ... (as defined in the Keith Higgins Traffic Report which is part of ... the Environmental Impact Report ... for the ... “CVMP”).” So the CVMP uses quantitative ADT data specified in an existing EIR to determine the criteria for acceptability. The CVMP itself – the Plan, not a subsequent evaluation of traffic – determines the character of the measurements to be made (ADT) and, by reference, the quantitative “acceptable level” (otherwise known subsequently as the “triggers” or “thresholds”) against which future measurements are to be evaluated. This illustrates the principle of embedding in the General Plan a proper basis for planning, monitoring and evaluation that is capable of being responsive to CEQA requirements. It is apparent that the drafters of the General Plan did not fully understand,

135

appreciate, or identify the broad ambiguity in the meanings of LOS letter grades by themselves. Please discuss this in detail, clarify the ambiguity, and explain how specific measures will address the corresponding defect in the General Plan, and specify what methods and measurement criteria would be adequate and appropriate in prescribing clear, unambiguous and enforceable mitigations.

135

29. To explain and understand the considerable difference between LOS “standards” provided by different methods and different criteria, consider the following: Table 2 (of this document) shows existing LOS letter values for Carmel Valley Road segments using the ADT and V/C method used in the DEIR for all of Monterey County except Carmel Valley Road, compared with the 2030 cumulative plus project data using the “peak hour” method used only for Carmel Valley Road and reported on p. 4.6-63 of the DEIR. The next-to-last column should have worse letter grades by a wide margin. However, for all but one segment the LOS letter value given in that column (evaluated by the method for Carmel Valley Road) is better for the more congested 2030 Cumulative plus Project scenario than that for the existing V/C LOS value (evaluated by the method used for the rest of the County). In other words, the method used to define LOS in the DEIR for Carmel Valley simply is more permissive of development than is the V/C standard used for the rest of the County. Thus the choice of “peak hour” method is not a matter of choosing a “more accurate” measure of LOS for Carmel Valley as implied in the DEIR; rather it is a matter of choosing a more lax and development-accommodating “standard” for Carmel Valley. What exactly does the term “impact over-estimation” mean, in plain English? The term “impact over-estimation” (p. 4.6-62) is an obvious circumlocution for impact-permissive, there being no way to provide “more accurate” estimation, since the choices of LOS measurement and quantitative criteria themselves are used to define impacts! Please respond by explaining in candid detail why the implicit meaning of LOS (the original CVMP and Countywide V/C, ADT standard) is circumvented in the DEIR for Carmel Valley Road by using a more development-permissive measure. Please address, discuss and provide site-specific information for the measures and standards used to analyze this issue. Please provide statutory and case law authority for the measures and standards used in this DEIR.

136

Table 2. Comparison of LOS for Carmel Valley Road using different measures for LOS.

	Existing		2030 cumulative + project	
	2007 CVMP data	Table 4.6-21	Table 4.6-18	
segment	EXISTING LOS - DEIR COUNTY criteria	EXISTING LOS - DEIR COUNTY criteria	2030 LOS - Special CV area criteria	peak hour measure
1	C		C	PTSF ?
2	C		C	PTSF ?
3	[D]	D	D	PTSF ?
4	E--	E	D	PTSF ?
5a	F	E	E	PTSF ?
5b	F	F	E	PTSF ?
6	E--	F	E	PTSF ?
7	F	F	E	PTSF ?

36

**30.** The DEIR engages in logically fallacious and technically unsound argument by using the DEIR-determined combination of LOS measures and quantitative criteria to define environmental impact, and then selecting a different combination of measure and criteria to evaluate “measured” LOS, and therefore impact. (For instance: On p.4.6-29 under “4.6.3.4 Criteria for Determining for Significance” the DEIR says “For analysis of the General Plan, the level of service (LOS) for roadway segments is based on the ratio of projected daily traffic volume to the capacity of the roadway (V/C Ratio).” This determination is repeated at the end of the same paragraph: “For the analysis of the General Plan, the analysis is based on daily traffic volumes.” But on p. 4.6-9 it says “The roadway level of service analysis for the Carmel Valley Master Plan (CVMP) area is based on peak hour (AM and PM peak) information.” On p. 4.6-20 it says “the V/C Ratio planning measure is a good indicator of expected peak hour traffic congestion.” And so on, with “justifications” going from one measure to another and back again -- as between V/C and “peak hour”, which itself is ambiguous -- all of them selected by the DEIR itself -- and only the qualitative “LOS D” specified by the General Plan.) Using these maneuvers, the DEIR effectively chooses its conclusions, within wide constraints allowed by the different choices of data sets, by selecting which sorts of data to report and in which context to report them. The DEIR’s significance determinations and conclusions fail to meet elementary technical and scientific standards of credibility, which require external and well-defined and fixed standards against which to measure performance. The criteria are not consistent, and the measurements are not consistent. Neither are they explained to the public coherently, nor are the impacts of choosing one measure or criterion over another measure or criterion described or explained. This makes the DEIR impossible to review and comment on. The DEIR should not be deemed to meet CEQA requirements based on these flaws. Please respond.

137

**31.** In this connection, note the huge discrepancy in the DEIR in LOS values between Table 4.6-5 representing “existing conditions”, and the entries in Table 4.6-21 for Carmel Valley Road, under “Existing Conditions” (e.g., AB/BB vs. F between Rio Road and Rancho San Carlos Road). This is a result of the DEIR’s pretense that LOS by itself is a “standard”; instead it is, as indicated above, many standards, depending on specific assumptions

138

concerning the measure to be used and the quantitative criteria adopted. This is another example of how the logical fallacy in the DEIR of comparing impact defined by one technique with measurements using another leads to nonsensical and technically impermissible results. This approach is misleading. The DEIR should explain why this misleading approach was adopted. The DEIR should describe where else in the DEIR similarly misleading or deceptive practices were used. Each instance should be disclosed and corrected for consistency.

138

**32.** In line with the preceding paragraph, Policy C-1.1 of the General Plan fails to adequately specify an acceptable level of service for County roads and intersections because it does not define LOS D specifically in terms of measures of service level (e.g., ADT, PTSF, peak volume during specific time periods, or other measure) nor, of course, does it specify quantitative values for whatever measure is to be used. Furthermore, by allowing lower LOS for unspecified reasons and with unspecified limits (is LOS F acceptable in some cases -- which would mean effectively no limit to roadway degradation?) “through the Community Plan process,” it abandons General Plan control of what could be critical County road segments and intersections. Please explain why these serious deficiencies in Policy C-1.1 and its potential environmental impacts are not addressed directly and clearly in the DEIR, and mitigations not proposed. A mitigation should be to define each LOS specifically in terms of measures of service level and to specify quantitative values for each measure to be used. A further mitigation would be to limit allowing lower LOS to specified reasons and with specified limits.

139

**33.** The DEIR’s significance criteria (section 4.6.3.4) for roadway level of service (LOS) are ill-defined and therefore are inadequate as thresholds of significance for several reasons, including the following: First, as noted above, in the General Plan neither the measures (metrics) used nor the quantitative standards for acceptability are defined adequately in order for the public to understand clearly what level of development would exceed General Plan criteria; the thresholds of significance are embedded in the DEIR, not in the General Plan. Put another way, the DEIR evaluates whether its own choices of impact definitions are met, not whether the General Plan’s specifications are met. It is the General Plan, not the DEIR that produces the impact. That is, the DEIR is not evaluating against “the County’s adopted standard of LOS D” (bottom of p. 4.6-29); instead the DEIR is evaluating against the DEIR’s own interpretation of that standard. The County easily could have, and should have, adopted a clear and meaningful set of standards, but this did not happen. Please explain why not, and describe the effects of the decision to not adopt clear and meaningful standards. The DEIR should address the impacts of the General Plan, not create new impact definitions to analyze in the DEIR. Second, also noted above, the exception allowing community plans to adopt a level of service below LOS D through a “community plan process” (whose definition we have not been able to locate at the time of writing) leaves considerable ambiguity in the potential significance of the impact of County traffic growth in and near “community areas”. Please explain exactly what a “community plan process” is and how that process will be evaluated under CEQA. Please give examples. A proposed mitigation for the impacts of this exception is necessary. Third, in some tables of Appendix C certain road segments are omitted, and in other tables the tabulated LOS E capacity values (V/C ratios) differ significantly from those used in other County documents (e.g., the CVMP annual evaluations for Carmel Valley Road). These omissions and inconsistencies raise the question whether the capacity values in the table

140

are consistent throughout the DEIR as well as consistent with other County traffic evaluations. Please explain and resolve the inconsistencies and omissions. Fourth, with specific reference to Carmel Valley, threshold capacity values for V/C at LOS C should be included in Appendix C for roads and road segments. The ambiguities in the DEIR are confusing. The DEIR does not provide accurate definitions of quantitative LOS standards, and therefore the significance criteria are not defined in a way that is fully independent from choices made in the DEIR itself. To help obviate such circumstances, CEQA encourages public agencies “to develop and publish thresholds of significance” which are “identifiable quantitative, qualitative or performance level[s]” (emphasis added), but this has not been done in this case. The lack of adequate basis in the General Plan for significance criteria (that is, an absence of adequately specified County thresholds of significance) was not discussed adequately and in detail in the DEIR. The DEIR should provide specific and firm recommendations for modifications that would mitigate this problem. Please explain why the County has not developed and published thresholds of significance that are identifiable quantitative performance levels with clear qualitative descriptions. The absence thereof make this DEIR analysis very slippery, ambiguous, and subjective.

140

**34.** On page 4.6-31 the DEIR states that “Under 2007 General Plan policies new development is required to mitigate project-specific local impacts to maintain the County’s LOS standard,” but evidence from past experience and County records does not support the notion that the mere existence of such policies, without clearly specified restrictions, remedies and penalties for failure to comply, would be reliable barriers against significant adverse effects. Past degradation of County roads in the wake of development projects, in spite of the existing LOS C standard has continued. The General Plan, in response, proposes a reduction of standard to LOS D, effectively confirming the phenomenon. According to Table A (existing conditions) of Appendix C (aside from those segments of Carmel Valley Road and SR-1 that were omitted), around 52% of County roadway segments fall below the current standard of LOS C, 30% are at E or below, and 25% are at F. In terms of the more effective measure of impact, the vehicles on roads below the LOS C standard currently is 70%, while at E or below it is 52%, and at F it is 44%. County records show that reliance on policies and mitigations that are not backed by solid enforcement, or metrics that are verifiable by the public, has not worked to guard effectively against significant adverse environmental effects. These impacts of these failed or ineffective policies and mitigations are significant. Why has the DEIR not included an assessment of evidence concerning the effectiveness and timeliness of implementation of “mitigations” imposed on past projects in the County? If mitigations are relied upon to avoid significant adverse environmental impacts, there should be an assessment in the DEIR of the performance of the County’s past mitigations at achieving the maintenance or reduction of LOS intended by the mitigation. Please provide all investigation, research and analysis for this issue. Please cite specifically the documents relied upon for your response, and the research undertaken of County records to determine success of past policies and required mitigations. The DEIR should consider mitigation measures that provide for accountability, funding, and implementation of the LOS standards described in the General Plan. The DEIR should acknowledge and disclose the reality of the on-the-ground conditions. As a result, the DEIR should ensure that the mitigations proposed in the General Plan are enforced and effective. At this stage, the DEIR fails to do so. Please respond in full.

141

**35.** Please respond in particular to the potential impacts of the following in affecting environmental outcomes: (1) the exceptions in Policy C-1.3, (2) the delay implicit (18 months) in C-1.2, (3) the additional delay (12 months) in C-1.11, (4) the delays or inadequacies that typically accompany “fair-share payment” options, and (5) ambiguities that this combination of policies engender. The DEIR fails to address them adequately. These items in the General Plan actually are not policies, but are provisions and mandates to create policies. Approval of projects with as-yet-unspecified policy conditions presents special problems and has environmental impacts that should be addressed directly in the DEIR. This was not done. Please provide explanatory details where the DEIR addresses this issue. Please cite specific examples and propose mitigations in the DEIR for each issue raised above. Please provide all research, analysis and reference documents for your conclusions, and explain why the DEIR ignored these important circumstances.

142

**36.** The claim implicit in the significance determination on p.4.6-32 and the significance conclusion on p. 4.6-33, that Plan policies, including those listed on p. 4.6-31f, would be adequate to forestall significant adverse environmental impacts is highly speculative in the absence of evidential support. Evidence should include comparison of pre-project and post-project LOS values (using a consistent and well-defined LOS standard) for projects that have been completed during the last 20 years; delay times between project completion and mitigation implementation, together with the number of mitigations or conditions not yet implemented; comparison of the numbers of vehicles currently traveling on roads with LOS A-C with those currently traveling on roads with LOS D-F using a consistent V/C criterion (given that LOS C is the current standard, and LOS D-F represents below-standard and therefore the failure to maintain the standard); similarly, comparison of LOS A-C traffic V/C with LOS A-D traffic V/C to show the immediate effect of dropping the standard from LOS C to LOS D by demonstrating directly the environmental impact of the change in LOS standard (the difference, divided by LOS A-C traffic, would represent the proportional impact); etc. The provisions of CEQA prohibit speculation and conjecture. The significance determination and conclusion on pp. 4.6-31 to 32 should not be accepted without accurate and understandable evidence to support them. Please describe your investigation and analysis for your conclusions, and describe in detail the process by which you reached your conclusions.

143

**37.** Similar determinations and conclusions claiming less-than-significant impacts, relying exclusively or almost exclusively on Plan policies as rationale, also occur elsewhere in the DEIR. Please explain why they should be accepted without additional substantial evidential support. Please provide all evidence of investigation, research and analysis for each determination that a less-than-significant impact exists. Please provide the documents relied upon to reach each conclusion.

144

**38.** Please explain and discuss cogently the reliance of the last paragraph of p. 4.6-31 on traffic impact fees to achieve the equivalent of concurrent road improvements. Provide your research, data, and analysis, based on past County experience, concerning the period of delay, and the likelihood of delay, between project construction and implementation of relevant road improvements when the traffic impact fee is used as an alternative to concurrent construction. Please provide all evidence that supports this conclusion. If there is any contradictory evidence, please provide it and explain the impact of this evidence on the conclusion made. Include an

145



itemization of all projects that in the past have paid the fees levied on the project but for which the relevant needed roadway improvements still have not yet been implemented.

145

**39.** In the significance determination that includes the top of p. 4.6-33, several clauses require explanation or further definition and clarification, which include:

- “impacts to roadway LOS and project access would be identified”
- “development would be fully responsible for ... mitigation ... or for its fair share of the mitigation”
- “if a roadway already falls below the County’s LOS standard, then the development is required to mitigate ... so that ... the roadway does not degrade beyond the level without development.”

Based on experience, our personal observations concerning these matters include:

- EIRs sometimes fail to identify significant impacts to roadway LOS, which explains why 52% of County road segments listed in Appendix C do not meet current LOS standards, and 30% (and higher percentages of vehicles traveling on those segments) do not currently meet the proposed lower standards. The DEIR should propose a mitigation based on current on-the-ground conditions to address this issue so that LOS standards are met.
- It is not made clear in the Plan how meeting this responsibility would be assured in full. Existing evidence in County records show that often compliance does not occur spontaneously without responsible enforcement action taken by the County.
- [Engaging in development where roads already are inadequate creates greater impacts than where roads are adequate, and that therefore mitigations which include accountability, funding, and implementation are necessary to improve degraded roadways to County standards before further development is allowed in such locations. Restoration, not just resistance to further degradation should be the County’s aim when and where standards, especially proposed standards, have been violated. The cumulative effect of past neglect and proposed development should be considered together in assessing significant environmental impact.

146

Please respond in detail to each of these observations and the corresponding clauses from the DEIR, and include consideration of the County’s past failure to maintain road standards. The DEIR should consider County records in its analysis of the issues raised above and should propose mitigations that will ensure that the General Plan policies are implemented within a specific time frame, with accountability for all parties, and specify the funding necessary to do so, and the current status of that funding.

**40.** The significance conclusion on p. 4.6-33 includes a parenthetical statement that is inaccurate because the fair-share payment does not assure concurrent mitigation. Please respond, providing all investigation, analysis and calculations for this statement.

147

**41.** Please describe in detail the environmental impacts of the matters raised in the two preceding Comments affect the significance conclusion on p. 4.6-33. Please provide all research, analysis and quantitative data used to reach the determination.

148

**42.** In the diagram, Exhibit 4.6-7, almost all of Carmel Valley Road is missing (along with Carmel River). Please provide all analysis done to create this diagram. Please include the

149

name of the person who prepared the diagram, and explain the glaring omissions. Also discuss fully whether this omission is connected in any way with the missing Carmel Valley Road data in Tables A, B and C of Appendix C. The omission of significant data impairs the ability of the public to verify the accuracy of the statements made in the DEIR. Please correct the exhibits.

149

**43.** Because of the flaws in the DEIR analysis, including those described above, the conclusion that project-specific impacts would be less than significant is not credible or accurate. The significance determination and the significance conclusion should be reconsidered based on accurate, quantitative data. The DEIR should take explicitly into account the analytical inadequacies pointed out here and elsewhere. In particular, please explain and account for the very large 2030 cumulative impacts in the absence of project-specific impacts. Please provide all research, investigation and analysis performed for the 2030 impacts. The DEIR should analyze the less-than-significant determination and conclusion taking into account actual on-the-ground conditions. Please provide fully all evidence used to reach these conclusions, including analysis performed and calculations relied upon.

150

**44.** Under Impact TRAN-1B on p. 4.6-33, the word “exceed” (appearing twice) should be replaced by “fall below” in order to be unambiguous, correct and consistent with more general usage. This incongruity appears elsewhere in section 4.6, and a consistent usage should be adopted for the entire section of the EIR. Please correct these errors, or explain why it is deemed appropriate not to correct them. Please clarify the definition of the word “exceed” in each context in which it is used. Please employ a consistent expression for use in describing “degradation to below the standard,” which is what is meant.

151

**45.** On p. 4.6-42, under the heading Carmel Valley Master Plan, it is stated that policies “2.13 through 2.15 encourage alternate modes” but there is nothing in 2.13 or 2.14 that refers to alternative transportation. Please explain the inclusion of these policies under the alternative transportation rubric, or correct the references and allow the public time to respond.

152

**46.** On p. 4.6-43, CVMP policy 2.15 (CV-2.15) is claimed to “support consideration for a ... climbing lane on Laureles Grade”, but the policy does not do so. Please explain why policy CV-2.15 is incorrectly described and correct the reference or description. If the EIR preparers believe this to be accurate, please provide all data, which supports this statement.

153

**47.** On p. 4.6-42 the DEIR mischaracterizes policy C-2.1, stating that it “encourages establishing safety standards” whereas the policy makes no mention of safety. Taken together with the matters discussed in the two preceding comments above, this pattern of errors suggests that there may be more such mischaracterizations. Please review descriptions of Plan policies throughout the DEIR text to insure that policies are correctly characterized, and please correct them where they are mistaken. Please provide a list of all incorrectly cited policies and specify the inaccuracies for each.

154

**48.** The third paragraph on p. 4.6-44 does not make sense as it stands. Perhaps “Despite development contributions to roadway improvement funding as a result of fees generated by

155

project-specific ....” should replace “Despite development contributions to ....” Please respond by providing a sentence with the intended meaning.

156

**49.** The next-to-last sentence, under Significance Conclusion on p. 4.6-45, requires a second reading because it is confusing and ambiguous. If the word “but” were replaced by “even though” the logical flow of the paragraph would be more sensible. Please respond by providing a replacement sentence that would be more appropriate logically and convey the meaning intended.

157

**50.** Under Impact TRAN 1-C there is no mention of the interaction between roadway traffic and the airport, even though it is well known that airport vehicle traffic can have very significant impacts on the efficacy of air transportation, especially with respect to delays and waiting times arising from road or parking congestion. Why are questions concerning the adequacy of airport and nearby parking and traffic management facilities not evaluated either here or in the other roadway discussions in the DEIR? This omission is especially significant given the emphasis on tourist air traffic potentially generated by the Agricultural and Wine Corridor. Population growth in general also would likely increase air traffic to and from the area, and therefore would increase airport-associated road traffic. Even given the adequacy of the airport for passenger traffic as large as that in 1978, nearby commercial development and other events since then, including highway traffic changes on SR-68, and on SR-218, would have an effect on vehicle-serving facilities at and near the airport. Please respond in detail, providing assessments of the vehicle traffic/airport interaction not only for this section of the DEIR, but wherever appropriate throughout the DEIR. Please provide all analysis for this issue and explain the impacts arising because of this issue. Please also provide mitigation that provides for the impacts of future commercial development at or near the airport.

158

**51.** The determinative sentence in the Significance Determination for Roadway Hazards (p. 4.6-49f) is “The 2007 General Plan also has policies to limit incompatible land uses.” However, there is no evaluation of the policies’ impacts, or the adequacy of those policies to prevent significant adverse environmental effects. The presence of policies, without assessment of their efficacy, is inadequate basis for making such a determination. Please explain what evidence was used by the EIR preparer, beyond the mere existence of cited Plan policies without reference to their specific capacities to limit adverse impacts, to support the determination. Please assess whether or not, and specifically how, existing policies have prevented current significant roadway hazards or incompatible land uses from occurring, and explain how this information bears on arriving at the significance determination and the significance conclusion for roadway hazards. Please cite specific examples. Please alter the determination and/or conclusion; which should be based on the additional information, and explain the analysis, investigation and research performed. How effectively will the policies limit incompatible land uses? Exactly which policies are those? Please be specific, citing the policy number and Plan page.

159

**52.** On p. 4.6-51, under Land Use Element, fourth line, “Police 1.9” should read “Policy 1.9” The same misspelling occurs on pp. 4.6-19, 56, 78, 93 and 108.

160

**53.** Under the Emergency Access heading, on pp. 4.6-50 through 53, there is no reference to Public Service policies and specifications related to them; these would include provisions that are critical to emergency access standards. In particular, Table PS-1 contains adjacent columns showing emergency response times and "road intersection service." In many cases (1) the response times are exceptionally long, (2) the entries do not distinguish among the different emergency services, and (3) the table includes notations that indicate substantial relaxation of the stated standards under a significant range of circumstances. In effect, various policies affecting safety and emergency access are in conflict with other policies, including land use and circulation policies. When the conflicts are confronted in the Plan they generally are resolved in opposition to emergency access and safety needs. Although the paragraph under "Land Use Element" does mention this situation, the specific relevant Public Service policies should have been cited, in order to clarify the basis for the significance determination and the significance conclusion. There is clear bias toward relaxed safety and emergency standards in the DEIR. Safety and emergency standards are critical issues, and because of the bias the public cannot rely on the analysis in the DEIR for accurate and complete information. The DEIR should enforce the safety and emergency standards with specific mitigations that address the issues raised here. Please respond fully.

161

**54.** In this same connection, examination of Table PS-1 reveals that the table refers only to roadway intersections in connection with emergency services, and road segment performance is excluded, whereas the DEIR text studies only road segments and excludes intersections. Thus the analysis of traffic in section 4.6 provides no basis for evaluating impacts of traffic on emergency access that accord with Table PS-1. Both the table and the DEIR should have analyzed both intersections and road segments in order to provide adequate environmental assessment. Please explain why this issue was not addressed. Accurate and complete analysis should be presented in the DEIR for all existing road conditions.

162

**55.** In the Emergency Access discussion, primary emphasis is given to the ability of emergency vehicles to reach the sites of emergency need. This is a critical safety concern and represents the highest frequency of incidents, but evacuation capacities also are critically important and represent potentially higher levels of threat to large numbers of people and much property. Evacuation from Tsunamis is mentioned, but more likely threats requiring evacuation are wildfire, flooding and earthquake, which are ignored in the DEIR and which may require different strategies than escape from Tsunamis. Please explain this deficiency, and please address the issues involved. Even though the General Plan does not include the coastal zone, evacuation from tsunamis affects inland areas. Inland facilities, for example, must provide traffic capacities for evacuation and accommodations for evacuees.

163

**56.** The emergency access policy discussed on p. 4.6-52 with reference to the Carmel Valley Master Plan (CV-4.4) is, by itself, inadequate to the situation pertaining in the Valley. More general evacuation issues need to be addressed, given the long, narrow principal access route, the many dead-end side roads, and the confining effects of the narrow, deep valley. Why was this not addressed explicitly? Please respond and provide a complete analysis of all evacuation routes, the obstacles associated with each route, and a proposed plan that incorporates all of these issues.

164

**57.** On p. 4.6-56, beginning the second paragraph under Significance Determination, the statement, “The land uses allowed under the General Plan, if consistent with policy, would increase the need for transit service with concentrations of development in existing transit-served corridors, community areas, and near incorporated cities,” is critically important and analysis of this issue and its impacts should be included prominently in other land-use and roadway traffic sections of the DEIR. The DEIR should analyze this issue and its impacts, and the full analysis should be included in the DEIR, where the information should play a role in the relevant evaluations (land use, roadways, public services, etc.). Please respond fully, addressing this issue.

165

**58.** After the first sentence of the second paragraph under Significance Determination on p. 4-56, there is a sentence fragment that should be deleted: “The transit-supportive”. Please delete this fragment.

166

**59.** The critical clause preceding “therefore”, in the Significance Determination on p. 4.6-56, is “The increase in demand for transit service is consistent with MST’s strategic goals of increasing transit ridership, expanding service, and introducing new services ....” This, combined with the first sentence in that paragraph, clearly demonstrates the need for a mitigation that places conditions on development that depend on the meeting of MST’s strategic goals. Please explain why such mitigation was not proposed, and consider it now.

167

**60.** Since the kind of mitigation just described was not included, there is no provision for “ensuring development conforms to County policies and design standards, and are consistent with the goals and strategies of MST, the County’s transit service provider” (p. 4.6-53, Significance Conclusion). As a result, the “less than significant impact” does not logically follow. Please review this incomplete analysis and respond cogently and thoroughly. Please provide your investigation and research into this issue.

168

**61.** On p. 4.6-57, third paragraph under Year 2030 Cumulative plus Project, the appearance of “No Project scenario” serves as a reminder that data for this scenario should be based on LOS C as the Countywide standard, since “No Project” means not adopting the 2007 General Plan and instead retaining the current standards. Was this done in producing the “No Project scenario”? Please respond directly, and if LOS C was not retained, explain why, and please revise the DEIR analysis to include retaining LOS C.

169

**62.** On p. 4.6-58, under the 2007 General Plan Policies subheading, under “Project-Specific Impacts of the Development under 2030 Cumulative plus Project Conditions,” the text says “The policies ... apply to the Existing Plus Project Buildout scenario,” which is completely out of place. What does this mean? Please explain and clarify the meaning of this paragraph, and explain what analysis it is intended to provide.

170

**63.** The Significance Determination and Significance Conclusion on pp. 4.6-56 and -58 are essentially identical with those on p. 4.6-32f, with most of the text being word-for-word. As a result, all the observations and comments made above for p. 4.6-33 (see item 38 and subsequent items) apply here. In particular, issues raised above in these comments about the adequacy of the basis for the determinations and conclusions apply here also. The

171

determination and conclusion do not reflect the available facts. Evidence is even stronger here because cumulative effects are well known to be generally greater than isolated project (program) effects; that is why CEQA requires a separate analysis. Please analyze the significance determination and conclusion on pp. 4.6-58f, taking into account all the relevant issues raised above (e.g., as in items 36 and those that follow), and also provide a more analytical examination and description of the differences between cumulative and single-project contributions to environmental impacts.

171

**64.** According to Appendix C, ADT on a few road segments decreases under cumulative conditions, whereas on most segments it increases. (See for example SR-1 south of Riley Ranch Road.) Please explain why this occurs and provide the analysis, research and investigation for that conclusion in the DEIR. If incorrect, please correct and revise the DEIR analysis.

172

**65.** The assertions on p. 4.6-61 that “the roadway level of service analysis for the Carmel Valley Master Plan (CVMP) area is based on peak hour (AM and PM peak) information” and “the CVMP policies establish LOS standards based on peak hour (CV-2.18-d)” have two fundamental flaws and are highly misleading. First, they are factually incorrect, as review of existing CVMP policy 39.3.2.1 clearly demonstrates, and the many annual CVMP County traffic evaluations for Carmel Valley Road confirm. Second, the reference to policy CV-2.18(d) is grossly misleading, because in the proposed 2007 General Plan, the policy labeled CV-2.18(d) is identical with policy 39.3.2.1(d) of the present plan, which contradicts the assertions. If the EIR preparer asserts that this reference is to the DEIR’s mitigation policy labeled CV-2.18(d), that is incorrect because that policy is distinctly different from the others and is crafted to reflect choices made in the DEIR, not the policy in either the existing CVMP nor in the proposed 2007 General Plan. This cannot be conceived as anything but a purposeful deception. Please explain these misstatements in the DEIR and describe how they became part of the DEIR. Please identify all persons with whom this matter was discussed by the preparer of this report, and indicate on what communications the preparer relied for making the assertions in question.

173

**66.** No evidence is supplied anywhere in the DEIR or its appendices to support the claims that “the peak hour as opposed to the daily analysis ... is a more project-specific and accurate method of analysis” or that “at the project-specific or small planning area level of analysis, a peak hour operational analysis should be used to overcome the inaccuracies and impact over-estimation characteristic of daily V/C Ratio analysis.” (What this really says is that the peak-hour technique used here is a less stringent and more permissive standard than V/C using ADT; there is no standard of “accuracy” available, nor of “impact over-estimation,” since impact estimation is simply the LOS measure itself and the numerical estimations selected. This argument is entirely circular. And it is argument, not analysis. Furthermore, the claim implies that “inaccuracy” and “impact over-estimation” would be adequate for the rest of the County.) There are no data provided in the DEIR by which to make comparisons among relevant quantitative LOS criteria that would justify such statements. Please explain fully and cogently the deviation from Countywide LOS technique and specific standards (ADT and V/C) for Carmel Valley. Recall that CEQA requires that an EIR “shall include ... relevant information sufficient to permit full assessment of environmental impacts by reviewing agencies and

174

members of the public.” That has not been accomplished in this DEIR. Among other things, no V/C ratios should have been omitted from Appendix C, including those for segments of Carmel Valley Road and of SR-1, and other areas. Please explain why the plain meaning of CEQA was not respected in producing this DEIR. The DEIR should use the CEQA guidelines to prepare its analysis.

174

**67.** A full-fledged analysis of the CVMP area (such as the one on pp. 4.6-61 –4.6-63 under “2030 Cumulative plus Project”) was not included in each of the five scenarios (or conditions) for which the five tables are provided in Appendix C. If such an analysis is warranted for “cumulative conditions” it is warranted for “existing”, “existing plus project”, etc. Please respond, and explain, clearly, fully, candidly and straightforwardly the assumptions made in the DEIR relevant to analysis of the CVMP area and vicinity (e.g., SR-1). Please identify all persons, not employed by the consultant, upon whom those making the relevant decisions relied.

175

**68.** Why is it that “the modeling for these traffic studies assumed a higher amount of development in the CVMP area in 2030 than the analysis of the rest of the County under the 2030 Cumulative plus Project scenario” (p.4.6-62)? Please explain in exact detail why this assumption was adopted, given Carmel Valley’s various vulnerabilities to roadway degradation and inadequate emergency services, among other issues. Include in this explanation specific account of the relation of this matter to the foregoing observations concerning the Carmel Valley Master Plan, including the adoption of an interpretation of LOS that is different from that for the rest of the County. What are the impacts of that assumption, or of using a different assumption? Who made that assumption, and on what grounds?

176

**69.** Where did the number 1,188 for new housing units in the CVMP area (p. 4.6-63) come from? The current status of a housing cap has been highly controversial; County officials and staff repeatedly have failed to provide a firm and reliable accounting of available unbuilt housing capacity in spite of many requests. Please provide a full accounting of the origin of this numerical assumption, including a clear provenance for the data.

177

**70.** The fourth line from the bottom of the next-to-last paragraph of p. 4.6-62 includes reference to Table 4.6-17, but apparently it should be to Table 4.6-18.

178

**71.** The next-to-last sentence of the next-to-last paragraph on p.4.6-62 fails to point out that according to Table 4.6-4 the existing LOS for SR-1 is LOS F between Carmel Valley Road and Ocean Avenue, and LOS E between Carmel Valley Road and Rio Road, using the Countywide ADT standards. Please respond fully and address this issue.

179

**72.** 73. The following apparently gratuitous and astounding statement concerning CVMP conditions appears on p. 4.6-68, under “Significance Determination” for 2030 Cumulative plus Project (Impact TRAN-2B): “Within the CVMP, three segments of Carmel Valley Road are projected to exceed LOS standards, but mitigation measures are proposed in the CVMP Traffic study [sic] to improve these impacts to less than significant.” First, according to Table 4.6-21, four of 10 segments of Carmel Valley Road currently are at LOS F, two are at LOS E, and four are at LOS D. The standard for Carmel Valley Road nominally is supposed to be C. (There is

180

considerable confusion and controversy about the standard, but a clarification by the Superior Court in 1987, and still in effect, states “LOS C is the traffic standard adopted by COUNTY in the Carmel Valley Master Plan.”) Please describe how the proposed mitigations would turn back the clock and return these segments to LOS levels below the values specified in the current CVMP (policy 39.3.2.1) in order to accommodate cumulative 2030 traffic, and assuming that to be possible, please indicate further how this mitigative time machine could return them all the way back to LOS C! Second, presumably “the CVMP Traffic study” refers to the DSEIR for the Carmel Valley Traffic Improvement Program (CVTIP) of 2006, which contains many flaws that have been noted in public comments on the DSEIR. The FEIR for the CVTIP still has not been released, and cannot be depended upon as a source of mitigations, especially ones as miraculous as these. Please explain how this invocation of mitigations from another document, which has not yet been fully vetted, approved or adopted, can be regarded as adequate under CEQA. Third, in light of all this, please explain how the impact of “2030 cumulative plus project” development in Carmel Valley could possibly be regarded as “less than significant” even if unusually generous funding were available! Please explain this “determination” with particular reference to all the different LOS interpretations used in the CVMP area, as discussed in the foregoing paragraphs and pages, including Tables 1 and 2 above, and in the related text.

180

**73.** Material on Carmel Valley Road was inserted in the midst of material on “2030 Cumulative plus Project” to the extent that most of the discussion under “2030 Cumulative plus Project” is really about CVMP, with more general text and tables about the County as a whole scattered here and there. The information should be reorganized because it is confusing. The DEIR’s “mitigation measures” listed at the bottom of p. 4.6-68 and top of 4.6-69 apparently refer to countywide matters, whereas the text farther down p. 4.6-69 clearly is focused on Carmel Valley in particular. Please confirm this. In the midst of the page the following statement is especially relevant to the CVMP and describes the situation there with clarity, but is not specifically identified with Carmel Valley: “Many of the mitigations for roadways segments are likely infeasible due to physical, topographical, and environmental constraints, as well the social and economic impacts related to the acquisition of commercial and residential property, or loss of access, and lack of community consensus for roadway capacity-enhancing projects.” The paragraph that follows on the same page, though less lucid; implies that traffic improvement funding from development fees would be hopelessly outpaced by projected development so that the cost of mitigations required by the development could not be met. This, too, is directly relevant to the CVMP area. Taken together, these fully support the determination and the conclusion that the impact of the Plan would be significant and unavoidable. But it is difficult to reconcile this with the assertion quoted in the paragraph just above this one, implying that under “cumulative plus project conditions” help would be on the way in the form of “mitigation measures ... . . . proposed in the CVMP Traffic study (sic) to improve these impacts to less than significant.” Please help us to understand the cognitive dissonance this engenders by explaining and clarifying how all this fits together rationally, and include the impacts of current on-the-ground conditions and how they relate to the specific data used to perform this analysis. Please describe all investigatory efforts made by the EIR preparer and all sources relied upon to reach each conclusion.

181



74. The only actual “mitigating” effect contained in the version of Policy CV-2.10 proposed as a mitigation (p. 4.6-69f) is the addition to item c) in the original policy (CVMP supplement policies for the 2007 General Plan, Policy CV-2.10) of the sentence, “An interim improvement of an all-way stop or stop signal is allowable during the period necessary to secure funding for the grade separation.” Please explain why this simple addition by itself was not described as the mitigation. Restating the entire of Policy CV-2.10, buries the actual change in a rather long, many-part policy, thereby effectively hiding the effect of the “mitigation” – the actual change -- amidst a clutter of other language. The DEIR makes this confusing and misleading to the public.

182

75. In the proposed “mitigation” Policy CV-2.12 (p. 4.6-70) the only change (aside from a mislabeling of the items a-c and erroneous punctuation) is a change of wording from “Widen Highway One to four lanes between Ocean Avenue and Rio Road” to “Add a northbound climbing lane between Rio Road and Carmel Valley Road.” These two wordings lead to the same result. Was this “mitigation” added to give the appearance of providing a mechanism for further traffic relief when in fact there was none? Please confirm that this mitigation does not actually mitigate the situation or change its meaning. Please explain why this “mitigation” was proposed, and explain what substantive difference the change of wording would have effected. Please respond explicitly to the issues raised here.

183

76. The discussion above demonstrates that the re-interpretation of the old Policy 39.3.2.1 offered by the proposed “mitigation” labeled Policy CV-2.18 (p.4.6-71f) is inadequate because (1) it lacks substantive definition of LOS values in terms of a specific parameter (e.g., V/C) and quantitative criteria, (2) it fails to specify segment capacities, and (3) it relies heavily on the CVTIP for which an FEIR has not been released and for which the DSEIR was substantively faulty, so that (a) no FEIR has been certified, (b) the CTIP has not been approved, and (c) the CVTIP has not been adopted. This last renders the “mitigation” inadequate by CEQA standards because of its conjectural dependence on future discretionary events, and therefore is unacceptable. Please explain in full detail and full candor why this highly flawed “mitigation” was proposed in the DEIR, what the process of formulating it was, and how the decision to include it was arrived at. Please identify all individuals, other than those employed by the preparer of the report text, with whom the decision to include this “mitigation” was discussed. Please specify fully the character and content of all communications involved in such discussions.

184

77. The proposed mitigation policy CV-2.18 on p. 4.6-71f is not mitigative! It would in fact increase traffic impacts of development if implemented because it would lower the LOS standard for Carmel Valley Road (making it more development-permissive), as indicated in Table 2 above! A revision of the original CVMP policy 39.3.2.1 is desirable, but this mischievously formulated version is wholly inappropriate and unacceptable by any reasonable standards. A proper revision should be prepared for the Carmel Valley Road Committee by a subcommittee consisting primarily of Carmel Valley residents, and after approval the revision should be submitted to the Carmel Valley Land Use Advisory Committee for comment and advice. After that it should be incorporated in the Plan as part of the CVMP supplement to the

185

Plan. Any revision should have the following features to avoid the pitfalls already discussed in these comments: (1) The LOS standard should continue to be based on V/C, using ADT for V and stated segment capacities for C. This would eliminate the difference between the basis for County LOS grade definitions and those for Carmel Valley. (2) Quantitative road segment capacities should be stated explicitly in the CVMP, subject to annual revision in accordance with actual increases in segment capacity resulting from roadway improvements. (3) The correspondence between V/C values and LOS letter grades should be stated explicitly in the CVMP, thus giving LOS a definitive quantitative meaning with which the biannual monitoring and annual reports can be compared. The V/C LOS standards to be applied to each segment should be stated explicitly. Alternatively, and preferably, LOS letter grades would be supplanted by stated numerical V/C standards for each segment. (4) The annual reports should show the year's V/C (and letter grades, if used) for each segment, insuring that the reports are clearly readable and understandable by the general public. (5) Intersection delays should be included in the report for intersections known to be problematic, as determined annually by the Carmel Valley Road Committee. (6) The basis for evaluation of intersection monitoring results should be LOS grades defined by a table in the policy that sets out the correspondence between quantitative intersection figures of merit (e.g., delay times) and the letter grades. (7) Determination of acceptable LOS values (and grades, if used) should be made, at the time of revision of the policy, by the subcommittee of the Roads Committee charged with formulating the revision. This, if properly executed, would provide genuine mitigation. Please explain why such an approach to revision of the policy was not proposed as a "mitigation," given that its elements address the actual problems that exist and need to be dealt with concerning Carmel Valley Road, and would obviate rather than exacerbate the defects inherent the current Plan's policy 39.3.2.1 and in the present DEIR.

185

**78.** Proposed mitigation policy CV-2.19 (p. 4.6-72f), item a), is almost identical with the components of the CVTIP (the exceptions being the addition of sub-item a5, and the deletion of the 4<sup>th</sup> bullet point on p. 2-10 of the CVTIP). The CVTIP, as pointed out elsewhere in these comments, was evaluated in a DSEIR, which was commented upon by the public, but no FEIR has been certified or released and the CVTIP has not been approved or adopted. Therefore inclusion of its functional components in the mitigation amounts to a submission of the General Plan to further study that is yet to be accomplished. The mitigation is inadequate by CEQA standards. More to the point is that the provisions of the entire policy should receive the approval of the Carmel Valley Roads Committee before being adopted; once that has occurred, then item a) might be adequate as a mitigation under CEQA. However, items b) – d) are problematic and would need extensive revision before the policy would be adequate. Among other things, the financing of road improvements in the Plan is dependent on provisions that are indefinite and subject to further review and study. The "mitigation" is inadequate under CEQA. Please explain why this "mitigation" should be considered adequate under CEQA, being specific and providing CEQA provisions that substantially support the explanation. Please provide all research and analysis for this assertion and all contradictory evidence. For all contradictory evidence, please explain why the contradictory evidence was discounted or ignored.

186

**79.** No evidence whatsoever is provided in the DEIR that supports the assertions of the second paragraph under Significance Conclusion on p. 4.6-73. (1) The claim of the first

187

sentence presumes that the CVTIP is accurate, and reliable, and a matter of existing policy. The first two of these are strongly and cogently disputed in public comments on the DSEIR for the CVTIP, and the third is false. (2) The mitigation measures referred to in the paragraph lack evidence supporting their efficacy, and the formulation of the “mitigations” is based on a combination of (a) data that does not meet reasonable technical standards and (b) assertions that are unsupported and implausible. (See examples above.) (3) Utterly ignored in the claims made in the paragraph are existing conditions that already fail LOS criteria. This part of the DEIR is under the heading “2030 cumulative plus project conditions”, and these conditions include the impact of “a higher amount of development in the CVMP area than the analysis of the rest of the County” (p. 4.6-22). (4) In view of the foregoing, the statement that the “mitigation measures result in impacts for Carmel Valley Road being less than significant” (emphasis added) requires almost complete suspension of one’s rational faculties! Please, please explain why the content of the DEIR paragraph in question, given the actual evidence available, is in the least credible – or even plausible. Please confirm this is the DEIR’s intended meaning. Please provide all analysis for these assumptions given the on-the-ground conditions

187

**80.** The words “fee” or “fees” occur 50 times in the DEIR, and of these 12 refer directly to a “fee program” identified on p. 4.6-23 as “specified in 2007 General Plan Policy C-1.8.” The fee program specified in that policy does not now exist, and would not be developed until as much as 18 months after the General Plan itself were adopted. Policy C-1.2 also should have been cited in this context, and the fact that the “Capital Improvement and Financing Plans” specified in that policy also do not now exist, are not funded, and also would not be developed and adopted until as much as 18 months after Plan adoption. Any and all mitigations dependent on such fees and relying on these Plan policies thus do not meet CEQA requirements for adequacy because the effect of the policy provisions is to submit them to further study and review. Please explain why this was not made clear in the DEIR and why the significant impacts were not discussed adequately. Please provide the full analysis and discussion, including research sources and methods.

188

**81.** Please explain why the heavy dependence of the 2007 General Plan, and of the proposed “mitigations” in the DEIR, on traffic impact fees (generally fees levied on development) does not result in an inexorable growth-inducing impact. A principal source of revenue to meet roadway needs generated by development, in this scheme, becomes more development, which produces a well-known cycle of excessive development in which traffic capacity tends to fall increasingly behind. In the response, please include a discussion of the meaning and implications of the sentence (pp. 4.6-45, 69, 103) “The County and regional fee programs will continuously be updated, adding additional priority projects to the programs as initial projects are completed, but the rate of project completion will not be able to outpace the rate of development growth.” Please specify how, when, and with what funding the County intends to update these programs and propose an adequate mitigation that includes all of these things.

189

**82.** The Significance Conclusion on p. 4.6-73 appears to be carefully crafted to defy clear interpretation and understanding. It is confusing and misleading. First, it is under the rubric “2030 Cumulative plus Project” yet it refers to “buildout of the 2007 General Plan” (first

190

sentence). Does the conclusion “significant and unavoidable” in the first paragraph refer to cumulative plus project development or to buildout? Please respond. Second, does the “less than significant” conclusion in the second paragraph -- aside from its obvious contradiction to any reasonable interpretation of standards for Carmel Valley Road in the context of the DEIR, as discussed above -- refer to all of Carmel Valley Road except segment 2 (which is assigned LOS C on p. 4.6.62, but D in Table 4.6-18 and thus matches the “drop from LOS C ... to LOS D”)? Or is it segment 3 that is excluded (at LOS D in both places, but is the segment central to Carmel Valley Village)? Or is segment 4 excluded, (at LOS D in both places, adjacent to the central Village, but winding, with difficult sight lines and generally regarded as dangerous)? Please respond. Third, does “lack of feasible mitigation consistent with the rural character of Carmel Valley to maintain the higher standard” in the second paragraph refer only to whichever segment(s) above are intended to be excluded, in spite of the overwhelming evidence that “feasible mitigations” are lacking for most other segments as well? Please respond. Fourth, given the numerous (23) road segments that would move from lower higher LOS to LOS F listed in Table 4.6-19, why are only two segments (or three or four, depending on the interpretation of the second paragraph) – neither (or none) of them included in the table – given the entire attention devoted to specific roadway segments? Please respond. Fifth, is the statement “as this is mostly an existing problem, there are limitations on the use of new development fees to pay to correct an existing problem” a reliable and uniformly applied predictor of the use of development fees in implementing traffic mitigations? Is it used selectively? Has it been, and will it be, employed rigorously for development and improvements on Carmel Valley Road? Please respond to all and clarify. Sixth, is the intended interpretation of this (somewhat involved) Significance Conclusion as follows: under “2030 Cumulative plus Project” conditions all “County and Roadway Level of Service Impacts” are “considerable and unavoidable” except most segments of Carmel Valley Road (that is, all but one or two or three, depending on the interpretation of the second paragraph), for which the impacts are “less than significant”? Please respond. Please clarify fully the meaning of this Significance Conclusion, and provide clear, evidence-based quantitative justification for this meaning, using technically and logically supportable arguments.

190

**83.** The issues and questions raised above are broadly applicable also to buildout conditions, whether project-specific, existing plus project buildout, or buildout cumulative plus project. Details may differ, but the general issues remain, including obscuration, illogical argument, technical errors, omissions, failure to comply with CEQA provisions, etc. As an example, consider the text on page 4.6-97:

Impact of Development in the Carmel Valley Area Plan

The traffic analysis of the CVMP and the Carmel Valley Transportation Improvement Program used to present impacts of the General Plan on 2030 Cumulative Projects did not evaluate impacts of buildout of the General Plan to the year 2092. Therefore, roadway segments within the Carmel Valley Master Plan area are analyzed using the daily level of service methodology used to analyze other roadways in the County. These segments are included in Table 4.6-XX above and Table 4.6-YY below.

191

Table 4.6-25 presents the Regional roadway segments operating at LOS E or LOS F under 2030 Cumulative plus Project conditions. Exhibit 4.6.10 presents the segment LOS graphically. A detailed table showing the volume, the volume to capacity ratio and the resulting LOS for each Regional roadway segment is included in the Appendix.

(This is followed by two more paragraphs under the same heading that contribute nothing useful to the points that will be made below.)

First, the initial sentence contains no significant information since one would not expect in any case that buildout would be included in a discussion about impacts on “2030 Cumulative plus Project”, given that buildout here is defined to occur 62 years after 2030. Second, the second sentence is a non sequitur – its substance has no logical connection with the previous sentence -- so that the word “therefore” is entirely misleading. Third, the measure used to evaluate LOS on Carmel Valley Road segments is suddenly and arbitrarily switched to V/C measurements using ADT data (“the daily level of service methodology used to analyze other roadways in the County”). It is also confusing and misleading. In previous parts of section 4.6 the LOS for Carmel Valley Road (and only there or for adjacent segments) were analyzed using “peak hour” measurements –PTSF (according to the CVTIP, from which the data presumably was obtained) – rather than using the rest of the County’s V/C measurements. Fourth, in the last sentence of the first paragraph the placeholders XX and YY in the table labels were not replaced with the actual table numbers; this is a sign of a hurriedly (sloppily?) prepared report that was not properly reviewed by the consultant or by County staff. (A similar error occurs on p. 4.6-52 for Mitigation Measure TRAN1-E.) Fifth, the next paragraphs were entirely about the County as a whole, not specifically about Carmel Valley Road, even though they appear under the heading “Impact of Development in the Carmel Valley Area Plan”, which actually is an incorrect heading (“Area Plan” should be “Master Plan”). This again confuses and misleads the public. This is but an illustration of the many flaws of the DEIR, often compounded in a single paragraph or under a single heading. Given these and additional errors, please explain why the DEIR should be regarded as a reliable assessment of environmental impacts throughout Monterey County. Also, address the selective, inconsistent, incoherent and misleading treatment of Carmel Valley in the report. It should be regarded as seriously impairing the integrity of the general process of preparing the DEIR and of the results.

191

### Summary and Final Comments

As indicated at the outset, this list is not exhaustive, and does not cover all of the errors and inadequate characteristics of section 4.6 of the DEIR. However, it does demonstrate that this DEIR is not reliable as a full assessment of environmental impact to be expected (particularly on County roadways) from the implementation of the 2007 General Plan. The function of a Plan, among other things, is to prevent, to the extent possible, adverse effects from future development; and the purpose of an EIR guided by CEQA, is to assist in fulfilling that function by assuring that the probable effects of future development activities are carefully and systematically examined. This DEIR, however, has the effect of evading the clear intent of CEQA in a variety of ways, through a combination of distractions, misdirections, misleading

192

statements, errors, obfuscations, and violations of simple logic.

Distractions include the very poor organization of the document, with headings that are not parallel in font size and are sometimes difficult to interpret, and failure to describe for the reader the scheme for labeling the impacts (TRAN-NX, N=1-4, X=A-F), as well as the strangely arranged interspersing of Carmel Valley material in the text (as where Carmel Valley material appears “unannounced,” without separate heading, and without logical connection to other matters under discussion on pages 4.6-9 and 4.6-10; elsewhere in the report it is sometimes difficult to tell whether a paragraph is about Carmel Valley or the County as a whole. The insertions of Carmel Valley material also misdirects the reader, making it difficult to tell how to find relevant supporting narrative or data concerning either Monterey County or Carmel Valley or the wider region; the placement of Table 4.6-6 is a minor but indicative example. Another example of misdirection is the reference to Appendix C as a presumably reliable compendium of roadway segment data, when in fact critical data on Carmel Valley Road (surprise!) and SR-1 near Carmel Valley are absent from those tables. Still another is the inclusion on p. 4.6-69f of lengthy “mitigation policies” in which only one sentence is added to an existing policy, and another sentence is changed with no apparent change in meaning. An early example of a misleading statement, and an omen of things to come (there are many other examples provided above!), is the claim on p. 4.6-9 that “CVMP policies establish LOS standards based on peak hour” measurements, which simply is false. Errors include the foregoing, but also include the exchange of two columns in Table 4.6-11, and in Table 4.6-21 the final tree entries are at LOS F, not D as advertised. Obfuscations include the deletion of significant material from Appendix C, failure to specify clearly the types of standards and quantitative criteria for peak hour measurements used for Carmel Valley Road, failure to specify the relationship between letter LOS values and quantitative V/C criteria, the attempt to alter the meaning of Carmel Valley LOS grades in the proposed CV-2.18, and using (or creating?) the term “impact over-estimation” to describe standards less development-permissive than desired. They include also concluding a summarizing paragraph headed “Project-specific ...” with a sentence specifying “significant and unavoidable” cumulative impacts when the project-specific development is claimed to be “less than significant” (the first bulleted item on p. 4.6-1); the next bulleted item is headed “Cumulative Level ...”, which enhances the sense of confusion that engages the reader at this point. Failed logic includes the claim that one definition of LOS measures and quantitative metrics is “more accurate” than another, and the associated use of one set of criteria to define standards and another set to evaluate whether they are being met. Add to this the many instances of carelessness such as using words with evidently opposite meaning “exceed” and “fall below” to imply the same thing (as in various IMPACT TRAN-... statements), and it is evident that the document can only be considered highly deficient. All of these errors in the DEIR cause confusion and are misleading to the public.

These are only a few instances, which sketch the outlines of the complicated, distorted and obviously not pretty picture faced by a reader of the DEIR.

Given the array of deficiencies in the DEIR, and given the quite evident selective bias toward accomplishing certain development objectives in Carmel Valley, rather than providing in the DEIR the kind of fully objective, independent evaluation of environmental consequences,

based on evidence and on scientifically and technically respectable assessment that CEQA requires, this DEIR serves only to identify some of the critically important significant environmental impacts that would be unavoidable of the 2007 General Plan were adopted, but does not fully analyze their extent and the degree of damage.

Inappropriate objectives, sloppiness, possible incompetence and apparent deviousness all seem to have infected the process of developing this report. It lacks the kind of integrity intended by CEQA and deserved by citizens of Monterey County and of California.

Nevertheless, the significance conclusions in the DEIR concerning traffic and emergency access make it abundantly clear that the Plan in its present form is not safe for the County, and is not adequate without major changes that would substantially reduce traffic and emergency access impacts.

## Figures and Captions

for

Comments On Section 4.6 (Transportation)

Of the DEIR for the

2007 General Plan Update (GPU5)

The three figures that follow show graphically the comparison between “Existing Conditions” and “2030 Cumulative Conditions” for Monterey County traffic as reported in Tables A and C of Appendix C to the DEIR. These conditions correspond to the two most realistic scenarios represented in the DEIR and provide the best basis for determining the significance of impacts of the 2008 General Plan.

### Captions

Figure 1 compares existing (green) V/C values, distributed across the 281 road segments for which relevant data is included in Appendices A and C, with 2030 cumulative (red) V/C values distributed along the same segments. The data is organized by the sequence of LOS letter grades, from LOS F on the left and LOS A on the right. The decrease in V/C values from left to right is not monotonic because there are discontinuities in the data where letter grades shift from one to the next. The numbers of segments with each letter grade are shown in box above the data points, with cumulative totals given in parentheses. An overall characterization of the comparative data is given by the observation that sum of all ADT for existing traffic is 71.4% of the sum of existing roadway capacity, and the sum of ADT for 2030 cumulative traffic is 92.7% of 2030 cumulative roadway capacity.

Figure 2 compares the proportions (fractions) of existing (green) traffic with the portion of 2030 cumulative (red) traffic on roadways with LOS less than or equal to certain letter grades. From left to right, the three categories are LOS F, LOS E and F, and LOS D, E and F. Numerical proportions are shown at the top of each bar. The bars representing LOS E and F show relative impact from vehicles on substandard roads if the LOS D standard is adopted. The bars representing LOS D, E and F show the relative impact according to the current LOS C standard. The difference is the impact that actually will occur but will be ignored under the proposed standard.

Figure 3 shows the proportions (fractions) of existing (green) and 2030 cumulative (red) V/C values in each of the six LOS categories F, E, D, C, B, A. The numerical values of the proportions are given above the bars.

193



Monterey County Traffic: GPU5 DEIR V/C Comparisons:  
Existing, Plan, Cumulative

193

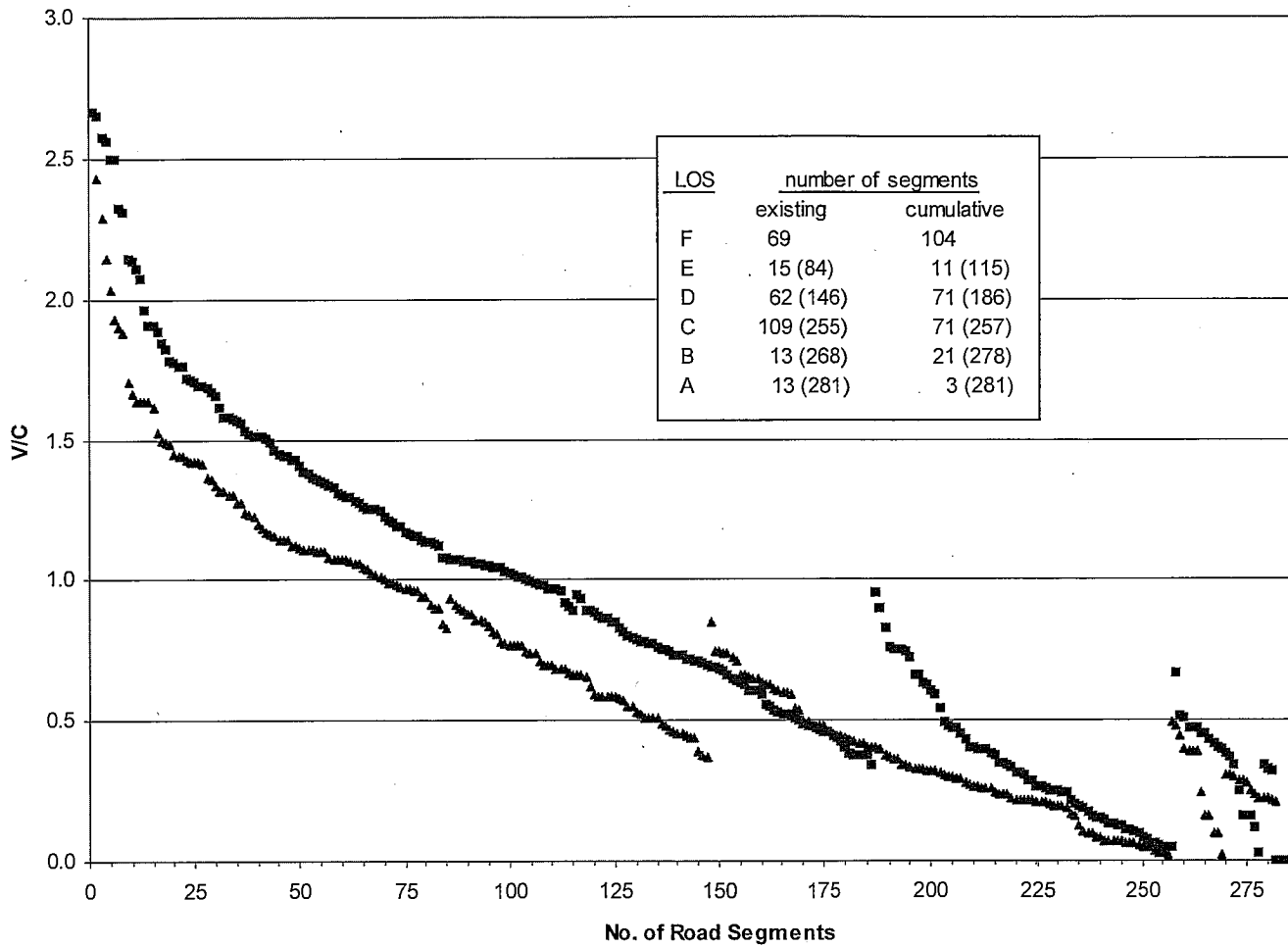
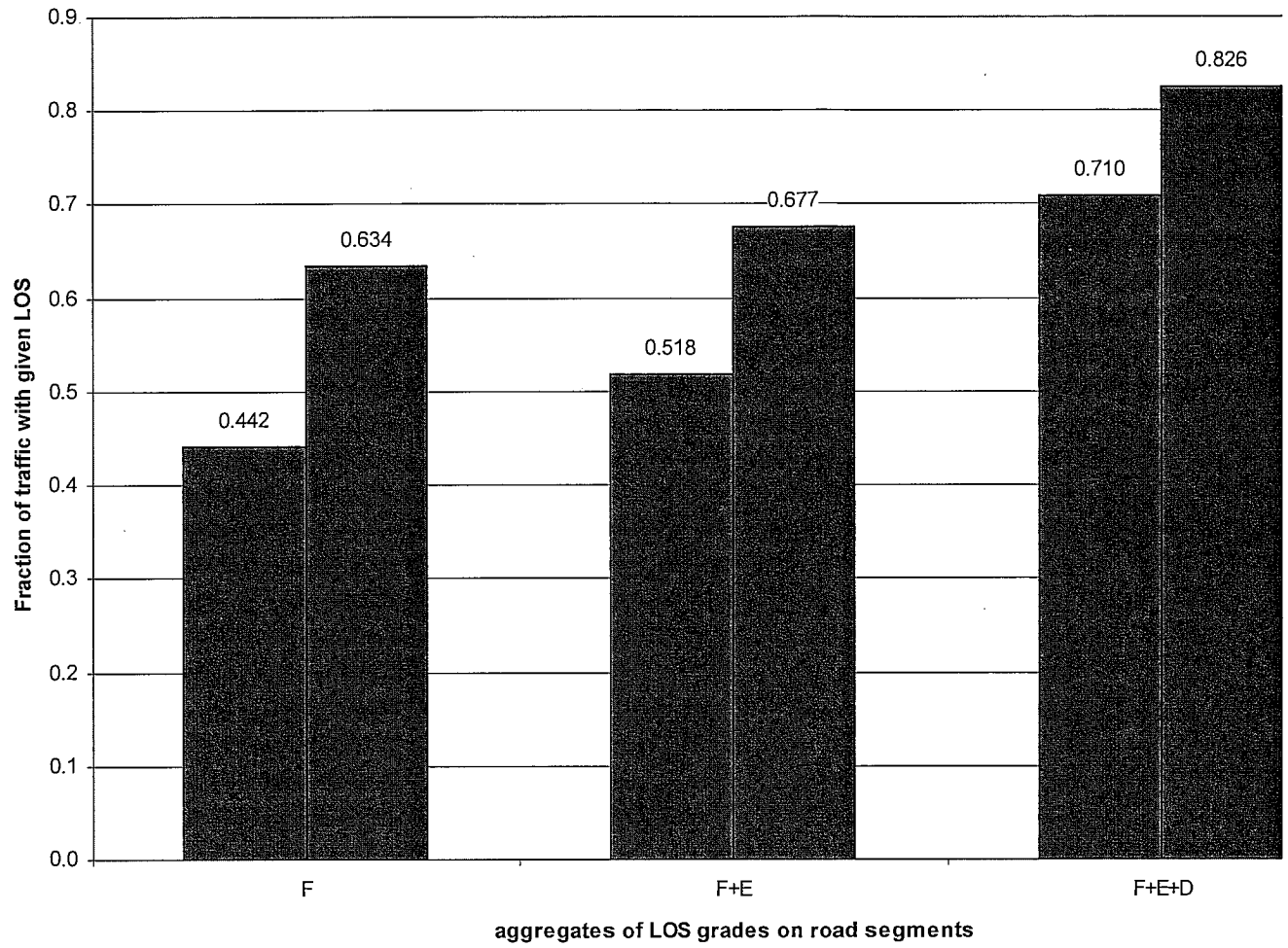


Figure 1

**Monterey County Traffic:  
DEIR for GPU5: fraction of traffic on road segments at low LOS**



193

Figure 2

**Monterey County Traffic:  
DEIR for GPU5: fraction of traffic on road segments at given LOS**

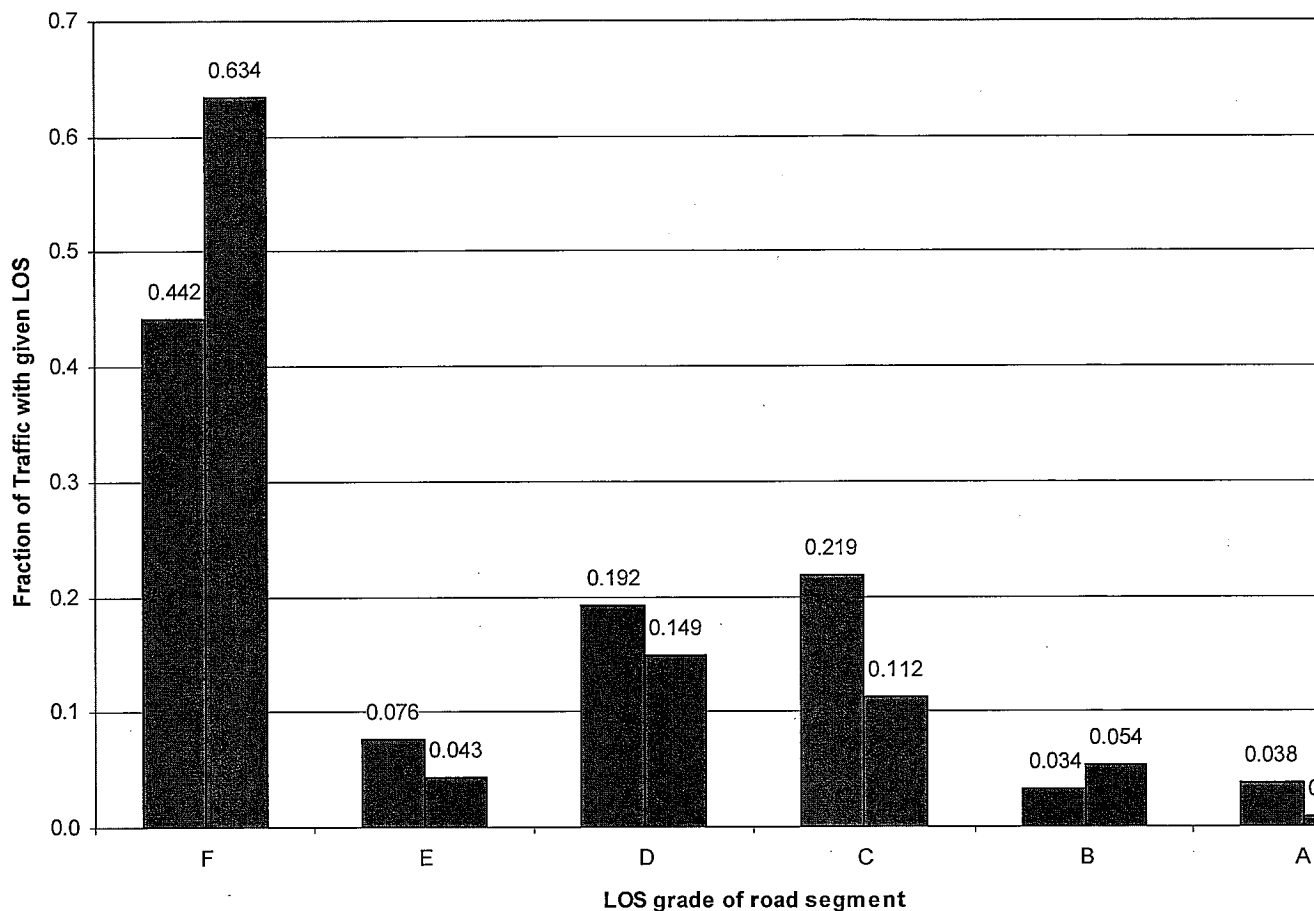


Figure 3

**Comments on Section 4.3 (Water Resources)  
Of the DEIR  
For the 2007 General Plan Update (GPU-5)**

4.3 Water Resources (4.3-1)

The section begins, “This section of the EIR discusses water and its importance as a fundamental component of the environment, beginning with an overview of the current physical characteristics of Monterey County’s surface- and groundwater systems. Water

193

194

supply and demand for human consumption and associated infrastructure is also discussed.”

1. (p.4.3-1). The section provides no more than a superficial discussion of water in Monterey County, and is totally inadequate in addressing the water impacts generated by GPU-5. It avoids addressing the most difficult questions regarding water in terms of current shortages, achieving sustainability for the current level of use, and options to provide for future growth. Water – effectively developed and managed -- is absolutely necessary for the future of Monterey County. Please address the hard questions the county faces in specific detail -- including current shortages, future impacts, mitigations, responsibilities, and alternate outcomes.

194

The following comments are directed at those portions of the DEIR section 4.3 that particularly affect the Carmel Valley.

#### 4.3.1 Abstract (p.4.3-1)

2. (p.4.3-1). Under Water Supply, DEIR states that, “Supply on the Monterey Peninsula will be adequate for current use ... assuming that the CalAm seawater desalination plant is permitted and operational by 2015.” This statement appears incredible, considering:

- a. The yet-to-be-determined feasibility of the proposed solution
- b. The proposed volume of water of 12,500 AFY to be desalinated
- c. The known water rights and claims exceeding this amount
- d. Legal measures restricting the transfer of water from one water basin to another
- e. The current practice of converting overlying rights to water for agricultural, industrial and recreational use to new residential and commercial development -- which is an expansion of use during seasonal and drought caused low water supply periods
- f. The continued reliance on the Carmel River Aquifer by CalAm in times of “water emergencies” when wells in other aquifers fail to deliver, and during frequent periods of area-wide drought

195

How is this conclusion possible given the known facts?

- a. The SWRCB 95-10 Ruling that we are in overdraft of the Carmel River Basin, and decisions by the Seaside Water Master and the MPWMD regarding supplies from the Seaside Basin
- b. The proposed draft Cease and Desist Order
- c. The known current demand

Please provide the arithmetic behind current use, approved plans, overlying claims, and known supply for the Carmel Valley and Seaside aquifers during normal and drought years, along with all needed discussion to support your conclusion of “adequate for current use.”

3. (p.4.3-1). "... assuming ... desalination plant ... operational by 2015..." This statement appears to be a giant leap of faith, considering:

- a. The EIR for the proposed CalAm plant is already 2 years behind previously published schedules
- b. The 2007 Federal Court Ruling, "Riverkeeper II," which may rule out use of power plant cooling water altogether in the near future
- c. Experience with construction and operation of other California desal plants to date, such as Carlsbad, does not support this timetable or its optimism

195

Given the extreme environmental sensitivity of Monterey Bay and the political environment, a 2015 completion date and reaching a production rate of 12,500 AFY by that date surely appears unachievable. Please provide facts and thorough discussion to support your assumption that a desal plant will be producing 12,500 AFY of potable water by 2015.

#### 4.3.2.2 Monterey County Watersheds

##### Seaside Area Groundwater Subbasin

4. (p.4.3-10). DEIR does not address issue of increased demand from overlying claims – a real factor in the Seaside Basin just as is in the Carmel River Basin. Why are these claims not addressed? Please quantify and include this data in your calculations, discussion and conclusions of future demand and supply issues.

196

##### Carmel River Watershed

5. (p.4.3-13). DEIR states, "As the allocated water has been exhausted ... claims of riparian rights have been observed ..." These rights have been acknowledged and enumerated in Table 13 of the SWRCB 95-10 ruling. Why aren't these rights specifically identified and evaluated? Please quantify and include this data in your calculations, discussion and conclusions of future demand and supply issues.

197

##### Groundwater Management and Monitoring Management Programs

6. (p.4.3-45). Why are the potential for subsidence and collapse of the aquifer not included among the dangers of over drafting? Both have occurred in California and much of the West. A discussion of the feasibility and limits to injection and groundwater recovery projects would also be appropriate here, given the potential problems and complexity of successfully injecting and mixing foreign water into groundwater basins. Please expand.

198

### 4.3.3 Regulatory Framework

7. (p.4.3.48). The DEIR mentions the complex nature of water laws, regulations and agencies, over-lapping responsibilities, etc. Why are the outright contradictions in water laws and water policies not discussed? For example, the existence of water rights exceeding available supply? Or the conversion of water rights for agricultural, industrial or recreational use to rights for domestic use? Please also address the effects of routine non-compliance and non-enforcement of regulations – particularly regulations regarding grading, run-off, discharge of material into seasonal streambeds, hard-surfacing and channeling of surface water. Please also address the inadequacies of current development laws – for example the thresholds of 500 units in SB 610 and SB 221 leading developers to propose more developments just below these thresholds. Please expand on this discussion and the implications for future development and government planning for adequate water supplies.

199

#### Potable Water Supply

##### Impact WR-4

8. Table 4.3-9 (p.4.3-115). Why does this table not include the proposed Monterey Bay Shores Resort Development in Sand City, with claimed water rights of 149 AFY from the depleted Seaside Aquifer, and to be served by CalAm in the amount of 90 AFY?

200

9. (p.4.3-125). How does the Carmel Valley Master Plan integrate with GPU-5 with regard to water issues? Will it be fully enforceable as previously written without re-adoption? Please discuss.

201

10. Significance Determination, Monterey Peninsula (pp.4.3-127-128). “Coastal Water Project ... will solve the existing supply problem ...” Discussion does not include the current practice of converting overlying water rights for agricultural, industrial and recreational use to water for new commercial and residential use, which creates water “on paper” but no new water for actual development. How does GPU-5 “...constrain(s) discretionary development until long-term water supplies are secured.” As claimed here? How does GPU-5 constrain such developments as Monterey Bay Shores Eco-Resort and Rancho Canada Village?

202

There are major differences between water uses such as using brackish well water to wash sand and well water for irrigating a golf course (where much water is pumped seasonally, and much returns to the aquifer it was pumped from) -- and treated water for year-around residential use, followed by transfer of that valuable wastewater to other locales. Such conversions of non-residential water to water for residential development and the potential loss of wastewater from the groundwater basin which produced it are not addressed by GPU-5, or by the DEIR. Please address this potable and non-potable water supply relationship problem fully, and discuss possible mitigations.

Impact WR-6 Deplete groundwater supplies ...

11. (p.4.3-147) (bottom of paragraph 4), “These include capital programs for better storage, ... development of new water supplies, including potential out-of-basin imports.” This appears to be a new idea, introduced into this document here for the first time. Please expand – what potential out-of-basin imports? Although such ideas have been discussed for a least a century, none have ever appeared feasible within normal planning time-frames. Given the increasingly tight water supplies statewide, does this refer to icebergs, Columbia River water? Or does this refer to desal? Please expand and explain.

203

12. (p.4.3-154) (paragraph 3). “With implementation of mitigation measure MM WR-1 the Monterey Peninsula would maintain this impact to a less-than-significant level.” And, (paragraph 6), “WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project.”

There is a circular quality to the thinking here that is only reinforced by the word “Solution.” As a result, the purported analysis is more boosterism than realism, and is far too hypothetical to be included here. The relative permanence of any “solution” to the groundwater problems in the Seaside and Carmel Valley aquifers should be questioned, given their current state of decline. See also comments 2, 3 and 6 above. The Monterey Peninsula should be included in those areas with “Significant and Unavoidable” problems with groundwater depletion. Please revise, or supply adequate evidence to support your opposite conclusion.

204

Impact WR-7 Land uses and development ... would increase demand on groundwater supplies ... result in increased saltwater intrusion

13. (p.4.3-163). Mitigation Measures/Significance Conclusion. See comments 2, 3, 6 and 12 above. Absent data and studies to the contrary, the Seaside Basin should be included in those areas with “Significant and Unavoidable” problems with salt water intrusion. Please provide a factual basis for your conclusions to the contrary, or revise.

205

COMMENTS ON CARMEL VALLEY MASTER PLAN

LAND USE

- Please clarify the level of future residential development in Carmel Valley as several different numbers are used. CV 1.6 says that 266 new lots will be created; Table 3.8 uses the figure 101 new units (in addition to 492 existing lots that could produce another 758 units); the traffic section “assumes development of 1,188 housing units” to 2030, while Table 3-8 uses the figure 1,148; in addition, Table 3-8 notes another 390 potential new units at mid-valley as part of the AHO, although elsewhere the

206

discussion for the mid-valley AHO is 149 units. In other recent documents, the County has provided figures of 212 and 1,044 remaining undeveloped legal lots of record in the CVMP area. CV 1.11 allows for greater densities in excess of build out quota. Is the Condon/Chugach STA subdivision (CV 1.23) counted against the buildout quota? All these contradictory figures cannot be correct. Please do all necessary and appropriate research to provide absolute clarity on the remaining undeveloped legal lots of record, how many units those lots can generate, how many new parcels are allowed under GPU-5, how many units those new parcels can generate, and how many units the AHO at mid-valley can generate. What is the real build out number in Carmel Valley, and exactly what constitutes it? Please be clear and specific.

206

- We find no adequate analysis of the impacts in Carmel Valley of all the cumulative development noted above, especially pertaining to traffic. Please do all necessary and appropriate research on these cumulative impacts, including the already approved, but not fully built projects in Carmel Valley (for example, Rancho San Carlos subdivision, September Ranch subdivision, the third ‘anchor store’ at Crossroads, the Gamboa assisted living facility (Carmel Cottages), etc.).

207

- Four STAs are identified in Carmel Valley (Rancho Canada, Rancho San Carlos, Carmel Valley Ranch, and Condon/Chugach), and one Study Area-cum-STA (Gardiner), yet there is no analysis of STA in the land use discussion, no adequate project description, and no analysis of the current, on-the-ground conditions for these STAs. There is not even a definition of what constitutes a STA. Please provide a detailed analysis of exactly what constitutes an STA in terms of land use, and provide adequate descriptions of the projects accommodated by this designation, and the current conditions on the project sites.

208

- How is the Rancho Canada STA consistent with the goals of GPU-5, especially with regard to flooding? Most of the STA is located in the 100-year flood plain, and all of it is located in the 200-year floodplain (now the widely recommended benchmark for planning in California)? Encouraging relatively intensive growth in and around the flood plain of the Carmel River appears to contradict many of the General Plan’s goals.

209

- On Exhibits 3.2 and 3.2a (Land Use Designations) there is a prominent black “master plan” designation in the vicinity of Carmel Valley Ranch. Please explain what this means. CVR has a specific plan, not its own “master plan,” so this is confusing.

210

- Corrected Exhibit 3.8 shows that all or part of the Special Treatment Area for Rancho Canada Village is in the 100 year flood plain, but GPU-5 language on this STA says only those areas outside the flood plain can be developed. Why this discrepancy? Why does the corrected Exhibit 3.8 STA for Rancho Canada Village clearly include areas in the flood plain, all the way down to and across the Carmel River? Why is it not limited to those parts (if any) of Rancho Canada Village that are above the flood plain?

211



- Please explain why Exhibits 3.7 and 3.8 show the already built commercial areas of the Crossroads, much of Carmel Rancho and the Barnyard, and the Brinton's complex as zoned "planned commercial" instead of "commercial". 212
- Please confirm that the designation of the airport as a STA in Exhibit 3.8 was a mistake and that the corrected Exhibit 3.8 that does not show the airport as a STA is correct. 213
- Please explain why the Safeway complex at mid-valley appears as zoned "planned commercial" not "commercial". 214
- Exhibit 3.26 shows the AHO at mid-valley bisecting at least 15 parcels. How can an AHO apply to only part of a parcel? 214
- Page 4.1-3 incorrectly says that the 1986 CVMP was established to "preserve the semi-rural character" of Carmel Valley. In fact, the first goal of the CVMP is to "preserve the rural character of Carmel Valley." Did your confusion over the important distinction between "semi-rural" and "rural" when it comes to Carmel Valley at all impact your analysis? If so, how? If the answer is "no" please provide satisfactory evidence. 215
- Where is the analysis for impacts in Carmel Valley? There is virtually no significant discussion of environmental impacts from GPU-5 in Carmel Valley, and thus very little for us to comment upon in the DEIR. The dearth of pertinent information about potential impacts in Carmel Valley means that this DEIR has failed as an informational document. 216

#### PUBLIC SERVICES AND UTILITIES

- Virtually all of Carmel Valley is on septic with few residents served by wastewater treatment plants. At the same time, Carmel Valley has become home to numerous artisan wineries that produce 90,000 gallons per year of wastewater (Table 4.11-7). In addition, the increase in residential subdivision noted in GPU-5 will add more wastewater discharge to Carmel Valley. What are the expected environmental impacts in Carmel Valley from this increase in wastewater production? What will be the health impacts? 217
- Page 4.11-35 notes the potential for much greater impermeable surfaces due to development that would result in greater runoff. What are the flooding implications in the Carmel River watershed of the increased impermeable surfaces, given potential buildout? 218
- The CVMP requires that post-development runoff be no greater than pre-development runoff. Please explain how it is possible for there to be no net increase in runoff in 219

Carmel Valley given the level of future growth (and impermeable surfaces) called for in GPU-5?	219
<ul style="list-style-type: none"> <li>In addition to the impermeable surfaces of current and future developments under GPU-5 that result in greater water runoff, related construction also impacts water runoff, including the channelization of runoff, increased water and sewer hook-ups, and changes to the floodway. While any one project may be found to have ‘less than significant impacts’ and other impacts may be found to be unavoidable, the real environmental issue is all their cumulative impacts. When it comes to water runoff and flooding in Carmel Valley, what are the expected cumulative impacts of current and expected development under GPU-5? And what are your recommended remedies to fix these cumulative runoff and flooding problems?</li> </ul>	220
<ul style="list-style-type: none"> <li>The Rancho Canada STA is expected to lead to a significant introduction of new impermeable surfaces along the Carmel River in areas that have historically flooded. What will be the likely environmental impacts in the mouth of Carmel Valley of the Rancho Canada STA with regard to increased storm runoff as a result?</li> </ul>	221
EXECUTIVE SUMMARY	
<ul style="list-style-type: none"> <li>On what basis in LOS D now considered the acceptable standard for segments 3-7 of Carmel Valley Road? The stated and historical LOS for Carmel Valley Road is “C”. When and how did this LOS standard change?</li> </ul>	222
<ul style="list-style-type: none"> <li>Many of the “unavoidable” impacts are indeed avoidable, if a smaller project is done. We note the GPI has much reduced environmental impacts, especially regarding land use (development), traffic, and air pollution, by comparison to GPU-5. Why is the larger project considered preferable?</li> </ul>	222
PROJECT DESCRIPTION	
<ul style="list-style-type: none"> <li>3.4.5.5 incorrectly says the proposed boundaries for an incorporated Town of Carmel Valley are the CVMP with the inclusion of Sleepy Hollow. Neither the proposal nor LAFCO staff recommendations include Sleepy Hollow. The Sleepy Hollow HOA has asked to be included within the Town’s boundaries. Please correct.</li> </ul>	223
<ul style="list-style-type: none"> <li>Page 3-33 notes that the Rancho Canada STA must include a minimum of 50% affordable/workforce housing. Is the 50% affordable/workforce housing to be in perpetuity?</li> </ul>	224
<ul style="list-style-type: none"> <li>Page 3-33 notes the limitation of 266 new lots within Carmel Valley. Does this figure include the lots created under the four STAs and the one Study Area, or is it in addition to these lots?</li> </ul>	225

- Can the “density bonuses” for AHOs noted on page 3-46 increase the mid-valley AHO unit buildout above 390 units? If so, by how many units more? Have you examined the impacts of this increased number?

226

Sincerely,

The Carmel Valley Association

Tim Sanders

Todd Norgaard

Glenn Robinson

John Dalessio