Comment Letter 50

November 14, 2012

22586 Veronica Dr.
Salinas, Ca 93908

David Mack, Planning Department
Monterey Co. Resource Management Agency
168 Alisal St., 2nd floor
Salinas, Ca 93901

Mr. Mack,

I would like to go on record by saying I am in favor of the current plan for the Ferrini Ranch project that is proposed for the land opposite Toro Park and Serra Village along Highway 68.

My wife and I have lived in Toro Park since 1976. We raised both of our daughters there and have chosen to stay in our house into our retirement. We are always concerned with any intervention that might compromise the beauty and the quality of life in our area. I think Ferrini Ranch will be an enhancement to the neighborhood. **50-1**

The only problem I have with the project is the mandated inclusionary housing. I feel the local residents should have a say in which families are chosen to live in our neighborhood. I would like to see a citizens' advisory committee formed that can help in the selection process to help insure the families that are given the opportunity to live in the area and enroll in our schools will be compatible.

Yours,

Mike Parrish

RESPONSE TO LETTER #50 – PARRISH, MIKE

Response to Comment 50-1

Comments are in support of the project; however, a citizens advisory committee is recommended.

Comment noted. No response necessary.

Comment Letter 51

From: al [alnjeannie@comcast.net]
Sent: Thursday, November 15, 2012 10:18 AM
To: ceqacomments
Subject: Ferrini Ranch, File # PLN040758

Myrna Pedersen
22309 Capote Dr
Salinas, CA 93908
(831) 484-9350

November 14, 2012

Monterey County Planning Department
168 West Alisal Street
Salinas, CA 93901

RE: Ferrini Ranch

Subdivision

(PLN040758;

SCH#2005091055)

Dear Mr. Mack:

I appreciate this opportunity to express my thoughts on the Ferrini Ranch plans. On the surface, the plan appears to be well thought out. However, in view of the current economy (with little expectation of change in the near future) I question the wisdom of adding more housing with the number of currently bank-owned, vacant, or being developed units we currently have. The water and sewer issues are a big concern as well.

The **impact on Hwy 68** is a major traffic issue. The proposed freeway expansion will have a negative impact on many homes in Toro Park Estates, decreasing their value. It has the potential of increasing the noise level throughout the Toro Park Estates subdivision.

51-1

My major concern is the **negative impact on Toro County Park safety** with the location of the Inclusionary Housing, which is bordered by Toro Regional Park, the existing homes on 117 Drive, and open land. Gangs very frequently populate this type of housing. (The increased gang activity in Seaside and southern Monterey County indicates this great possibility) The isolated location with minimal law enforcement presence, at best, will be a magnet for gangs and drugs. This will have a negative impact on Toro Regional Park, which is currently a very safe and heavily used recreation site. The developer has already stated that the proposed recreation trail from San Benancio to River Road will probably not go past this neighborhood, but will use 117 Drive at the request of bicycle groups. (No prudent person would choose to pass through a low income residential area when biking or walking, especially when alone).

11/15/2012

Comment Letter 51 Continued

There would be a **negative impact on Spreckels School District.** This district has worked hard, and successfully, to continue to increase its test scores. The way the subdivision is currently set up, all the very low and low income students would be in the Spreckels District; the upper income would all go to the Washington School District. Teachers will tell you that an influx of very low and low income students results in much lower test scores and increased behavior problems in the classroom.

We were told the site was chosen due to the requirement of a bus stop and grocery store within walking distance. The bus stop in this area is marginal for everyday transportation needs. The schedule is more for transportation of students to and from local private schools; it does not run at convenient times for doctor's appointments or traveling to most job locations. 7-11 is not a full service grocery store – no fresh fruits or vegetables or fresh healthful protein (fish/chicken). Just these facts alone should eliminate this site. The only full service grocery store would be the one proposed for the Phelps plan on Corral de Tierra, putting the inclusionary site nearer to San Benancio School. There is a currently closed grocery store at that same location. The bus transportation is no different at that location.

This housing should be put where there is more visibility to law enforcement – perhaps in the area off River Road where the Winery/Wine Tasting room is proposed. This would need to include a convenience store/deli. There is the same problem with bus transportation there.

51-1 cont'd

Alternative Suggestions:

Re Traffic: Postpone development until the road at East Garrison is open and connected to Seaside/Monterey. Much of the traffic could be directed that way.

Re: Spreckels School District: Mix all levels of housing, dividing the population between the two school districts.

Re: Current Inclusionary Housing Site: Due to the above statements, this is an inappropriate location. An ideal use of this small parcel would be a few moderate sized homes (similar to the existing homes on 117 Drive) with enough land to accommodate the raising of horses and 4-H/FFA animals. Perhaps a stable (horse boarding/riding) could be placed in that area as well. This would be more compatible with the existing subdivision. Move the inclusionary housing to an entirely different geographic area.

If it cannot be moved from this area, a residential area for low and very low income seniors (one bedroom cottages) would be best. Toro Park Estates is currently working to establish Seniors Helping Seniors and I'm sure would include these residents as well.

I would welcome the opportunity to further discuss this with you.

Yours truly,

Myrna Pedersen

11/15/2012

RESPONSE TO LETTER #51 – PEDERSON, MYRNA

Response to Comment 51-1

Comments are concerned with water, sewer, traffic on Highway 68, Toro County Park safety, Spreckels School District, and adequacy of services (i.e., bus transit, grocery stores).

Please see Master Response 1 regarding traffic concerns; Response to Comment 6-1 regarding school concerns; Response to Comments 6-3 and 73a-1 regarding sewer (wastewater); Master Response 2 regarding water issues; and Response to Comment 37-1 regarding park security concerns. Adequacy of access to transit facilities and grocery stores is not an environmental issue addressed under CEQA.

Comment Letter 52

Eric Petersen
P O Box 2416
Salinas CA 93902
November 15, 2012

David Mack
Planning Department, Resource Management Agency
Monterey County
168 W Alisal Street – Second Floor
Salinas CA 93901

Subject: Ferrini Ranch

Dear Mr Mack:

This letter is regarding the proposed Ferrini Ranch development, and are some of my comments about the proposal.

First, I would like to point out that I am not totally against the development. However, since it is in a very beautiful, sensitive area, the developers must take care to not negatively impact the area. That will be difficult. Taking such actions that I suggest, though, will also enhance their development.

If nothing else, they must not impact the fragile Highway 68 Corridor. That area is already subject to more problems than the area can reasonable handle. More on this below.

Developers

What is certainly a positive of this project is the construction company chosen by the developer. Harrod Construction has a long-standing good reputation in the Salinas area. They are a local company and the owners care about the Salinas area. What might be more important, they will remain in the area, and know that the local population will remember what they do on this project. **52-1**

Winery

This might be the best part of the project, and might be the best location for a winery along the proposed Salinas Valley Wine Corridor. The winery is probably the closest to Salinas, meaning that customers from Salinas have less to go to get there. The access is from River Road, a road which is already heavily used, but not to the point such as Highway 68, which is over capacity and is a mess. **52-2**

1

Comment Letter 52 Continued

Bicycle Path

There are several sections of the CalTrans Highway Design Manual which are relevant to this project. Unfortunately, even though the recommendations and requirements of the Highway Design Manual are sound and implemented only after substantial input from cyclists and engineers, they tend to be ignored in parts of Monterey County. Thus, even though something has been done elsewhere in Monterey County does not mean that it was done correctly or should be emulated.

Highway Design Manual 1002.1(2) deals with Class 1 bikeways, also known as bicycle paths. It begins, "Generally, bike paths should be used to serve corridors ***not*** served by streets and highways…" and "Bike paths should offer opportunities ***not*** provided by the road system." (Emphasis added).

Clearly, CalTrans believes that off-road bike paths should be used recreationally, not as a bypass to a road or highway. A good example of correct use is the Coyote Creek Bikeway in Santa Clara County, between San Jose and Morgan Hill, which parallels Coyote Creek and is mostly in parklands. Another is the American River Bikeway in the Sacramento area, or just about any Rails to Trails project. **52-3**

As I understand the Ferrini Ranch proposal, the bicycle path is to connect River Road and San Benancio Road, essentially as a bypass of Hwy 68. This contradicts CalTrans, the experts.

While one or more paved bicycle paths could enhance the lower portions of Toro Park, that would be the limit of proper recreational use in this proposal.

Just for the record, the Highway Design Manual in 1003.1(1) and (2) provides clear standards for design and construction of off-road bicycle paths. These include a minimum width of eight feet with ten feet preferable; a minimum two-foot shoulder; separation from any adjacent pedestrian walkway by at least five feet "of unpaved material;" and a minimum of two feet from "obstructions" with three feet preferred. Based on my knowledge and observations of the area, this would be impossible in several of the proposed sections, including near Toro Cafe.

Traffic Issues

Aside from bicycle traffic, there are three two major concerns regarding traffic, which have probably been already mentioned by others.

1. Impact on Highway 68. **52-4**

Highway 68 is already overused and subject to traffic problems on a daily basis. At this point, it reasonably cannot have any more traffic – yet there are more unbuilt approved projects that will add yet more traffic to Hwy 68.

2

Comment Letter 52 Continued

The only way Ferrini Ranch should be allowed to proceed is if the developers take the problems with Hwy 68 seriously and figure out a way to restrict traffic to and from the area towards Salinas only. To do otherwise will cause severe, permanent problems.

Allowing traffic to use Hwy 68 to the west of the development in any way will cause problems of a magnitude that we don't want.

2. Proposed intersection with Highway 68.

The development proposes an intersection with Hwy 68 which would also connect with the Toro Park residential area west of Hwy 68. The proposal includes a traffic signal. The concept of traffic signals is obsolete, as research and use has demonstrated that roundabouts are far preferable, for many reasons. **52-4**

The use of traffic signals is Twentieth Century thinking; this proposal should be required to use Twenty-First Century concepts, such as a roundabout. To do otherwise would be a disservice to all residents of the Highway 68 Corridor and all users of Hwy 68. There is absolutely no reason that any new traffic signal should be permitted on Highway 68.

3. Addition of new lanes on Highway 68.

Similarly, the proposal calls for adding two lanes to Highway 68 for a distance. Adding lanes will just add to the problems of the overburdened Highway 68. Research is showing that new lanes are counter-productive, that within a few years traffic volumes increase to fill up the new capacity and leave the area just the way it was previously. Adding new lanes should not be allowed on Highway 68.

<u>Geology/Building on Slopes</u>

California is a moving experience, in more than one way. We have moderate earthquakes on a regular basis, and our scenery is covered with landslides ranging from ancient to recent.

The development is proposed in an area with many steep hills. Examples of these can be found in Toro Park, which is located in between the two parts of Ferrini Ranch. Go hiking in Toro Park, while beautiful it is also challenging. There are landslide sites which can be seen. Building on steep hillsides is simply asking for problems. **52-5**

Recently, there was a major mudslide in Daly City, caused by a water main breaking, but rendering a street and all the vehicles parked on the street seriously damaged and useless. The area got wet, and slid. Photographs show cars stuck in mud to mid-door.

Just a few years ago, in 2005, the small community of La Conchita (near Santa Barbara) was devastated by a large mudslide triggered by rain. There were ten fatalities. While La Conchita was located at the foot of a steep hill, the disaster was caused when the hillside got wet and slid.

3

Comment Letter 52 Continued

Closer to home was the disaster in the Corral de Tierra area about fifteen years ago, when several homes slid off a hilltop.

During 2011, there were landslides in San Jose, Scotts Valley, and elsewhere which caused serious problems for residents.

Add to the steepness of the hills the earthquake faults which litter our area. While I am not aware of any faults inside the boundaries of the development, there are some nearby. Any earthquake of an intensity enough to be felt in the area could cause our weak hillsides to slide, especially after rain.

52-5 cont'd

Building on the hillsides in this area is just asking for problems, such as the sliding which occurred in a steep area of San Jose approximately 20 years ago and which spurred the San Jose prohibition of building on slopes over 15%. Public testimony on the proposed ordinance included a resident who commented, "Every day when I look down my hallway it is a different shape." Any building in this development simply must be limited to areas which are naturally 15% or less, for safety reasons.

If you have any questions, the best way to reach me is via e-mail at eric939@redshift.com. My telephone number is (831)758-2474. Thank you for taking my comments into consideration.

Yours truly,

Eric Petersen

4

RESPONSE TO LETTER #52 – PETERSON, ERIC

Response to Comment 52-1

Project developers.

Comments regarding the potential site developers are noted for the record.

Response to Comment 52-2

Winery.

Comments in support of the project's winery component are noted for the record.

Response to Comment 52-3

Bicycle path design.

Comments regarding the Caltrans Highway Design Manual related to bicycle paths are noted for the record. A multipurpose trail is proposed on the project site generally following the property line parallel to State Route 68, but not within the State Route 68 right-of-way. As proposed, the trail would be 8 feet wide. Trail locations are shown in Figures 2-5B through 2-5-E, although recently established habitat area of California tiger salamander in Toro Park may affect ultimate alignment.

Response to Comment 52-4

Comments raise concerns related to Highway 68 traffic impacts, project access, new at-grade intersection (Alternative 3B), and Highway 68 widening.

Please see Master Response 1 and Comment D-1 regarding these specific traffic concerns. Restricting project traffic flow in an eastward direction only would not be practical or feasible, as driving habits are not enforceable. With respect to Alternative 3B (which presents the at-grade intersection entrance alternative), a signal-controlled facility was proposed in this alternative in part through consultations with Caltrans. Page 4-29 of the DEIR details the intersection options at this location explored as part of the traffic study. See also RDEIR Alternative 5, including additional traffic analysis of this facility.

Response to Comment 52-5

Comments are concerned with building in areas of steep slopes.

Examples and commentary regarding building in hillside areas is noted for the record. Section 3.5 of the DEIR assesses the project's potential impact with respect to existing slope and geology, with mitigation provided where warranted.

Comment Letter 53

Hope that answers your questions. If not, please feel free to contact me directly once again.

David J. R. Mack
Associate Planner - Advanced Planning Team
RMA - Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
831-755-5096
831-757-9516 (fax)
mackd@co.monterey.ca.us

To view your project online via Accela Citizen Access, please use the following link:
https://aca.accela.com/monterey/Default.aspx

From: Mary Lynn Pinto [mailto:bayshoremonterey@comcast.net]
Sent: Wednesday, November 07, 2012 12:32 PM
To: Mack, David x5096
Subject: Ferrini Ranch access change

I am trying to understand the reason behind the change of access to the Ferrini Ranch development from the well improved Toro Regional Park entrance with access road to the direct access to Highway 68 by relocating the entrance to the Toro Park Community and installation of a signal light. When did this change occur and have the affects on the Toro Park community been studied?

53-1

Can you please let me know how this change evolved? Was there opposition to the proposal of access by the regional park? What was the reason for the change?

Thanks,

Mary Lynn Pinto
Broker/Owner
Bayshore Real Estate Services
(831) 484-2400 Office
(831) 484-0900 fax
homes@bayshoremonterey.com
www.bayshoremonterey.com
CA DRE #00845957

RESPONSE TO LETTER #53 – PINTO, MARY LYNN

Response to Comment 53-1

Commenter expresses concerns with a signalized intersection on Highway 68.

Please see Master Response 1 and Alternative 5 of the RDEIR regarding this issue.

Comment Letter 54

From: Andrew J. Pomo [ajpomo@hotmail.com]
Sent: Monday, September 10, 2012 12:46 PM
To: ceqacomments
Subject: File # PLN040758 Ferrini Ranch Subdivision

To Whom It May Concern,

I am a resident of Toro Park Estates. My family has owned our home at 22365 Ortega Dr. since 1968. Our property backs up to Highway 68.

Please consider this email as a formal notice of opposition to the development of the Ferrini Ranch. We enjoy living in an area where we have view of the hills, oak trees, animals and other benefits of a rural landscape. This subdivision will encroach upon those benefits and therefore we are opposed. **54-1**

Sincerely,

Andrew J. Pomo
Property Owner
Toro Park Estates

09/10/2012

RESPONSE TO LETTER #54– POMO, ANDREW

Response to Comment 54-1

Comments are in general opposition to the project.

Comments are noted for the record. Impacts to views and visual character are addressed in DEIR Section 3.1.

Comment Letter 55

From: DAVIDRAYE06@comcast.net
Sent: Friday, November 16, 2012 4:57 PM
To: Mack, David x5096
Subject: The Ferrini Ranch Project

November 16, 2012

TO: David Mack, Associate Planner, County of Monterey

FROM: Mr. and Mrs David Raye, 42A Harper Canyon Road, Salinas

RE: The Ferrini Ranch Project DEIR, File #PLN040758

Dear Mr. Mack,

We have been residents and landowners in the Toro/San Benancio area for 39 years, and we are concerned about the impacts this project poses for our area. We urge you to deny approval for this project, because of the many negative impacts on our water resources, traffic, and the scenic rural character of state scenic highway corridor.

1. Water. There is no adequate water supply for this project. Water wells are drying up across the area, and this development would further deplete our dwindling water supply. **55-1**

2. Traffic. Highway 68 is already at capacity during morning and evening commute hours. To add 2000 more trips per day would create dangerous conditions for all county residents and tourists who try to get to the Monterey Peninsula and back. **55-2**

3. Loss of Natural Resources. This plan does not adequately address the poor, erosive soils and landslide problems well known in this area. It's well known that these soils are given to serious erosion, landslides and mudslides as evidenced by such events that have occurred in the same soil formations in the nearby Rimrock Development where the county was called in at great expense to repair roads covered with mudslides. County regulations oppose grading and building homesites on slopes and grades of 30% or more as exist in this area. To do so is not feasible due to the history of soil and landslides in the area. **55-3**

4. Biological Resources and Habitat. The EIR does not adequately address or propose mitigating measures for the loss of grassland and oak woodland habitats. To many protected oak tress (900+) are slated to be destroyed. These oaks are part of vital habitat for many species of animals: badger, mountain lion, fox, bobcat, deer, owls, hawks and many other rare reptile and plant species. **55-4**

Wildlife corridor impacts are not addressed or mitigated, especially at the Toro Creek and Highway 68 parcel.

5. Scenic Viewshed Preservation. This project violates the general plan and state scenic highway guidelines for critical viewshed protection. It is unacceptable that this project proposes to build on all the hills and ridges in the area and grade and level slopes over 30%. **55-5**

1

Comment Letter 55 Continued

Only cluster development should be allowed in this area to preserve the hills and scenic viewshed. Town homes and condos are feasible here. **55-5 cont'd**

No homesites should be built on the parcel along the southeast corner of the intersection of Highway 68 and San Benancio Road. It is in a floodplain and that parcel has recently experienced erosion from bridge building. Construction of homesites would also deteriorate the wildlife corridor that exists. Dangerous traffic congestion would be created along San Benancio Road. Two schools, one for the handicapped, have caused daily congestion in that area. **55-6**

This project violates many county policies on water, traffic, and zoning. The sewer systems and schools are already over capacity. **55-7**

Therefore, we ask that this project be denied.

Thank you for your consideration.

Mr.and Mrs. David Raye

2

RESPONSE TO LETTER #55 – RAYE, MR. & MRS. DAVID

Response to Comment 55-1

Water supply and area wells.

Commenter is referred to Master Response 2.

Response to Comment 55-2

Highway 68 traffic conditions.

Commenter is referred to Master Response 1.

Response to Comment 55-3

Commenter states concerns regarding geology, erosion, and landslides.

The proposed project's potential exposure to landslides is addressed under Impact 3.5-2 starting on page 3.5-24 of the DEIR, which is reduced to a less than significant level with implementation of mitigation measures MM 3.5-2a and MM 3.5-2b. The potential for short- and long-term erosion is addressed under Impact 3.5-5 starting on page 3.5-31 of the DEIR, which is identified as less than significant with implementation of mitigation measures MM 3.5-5a through MM 3.5-5c.

DEIR Appendix E provides a comprehensive report on local geology and soil conditions relative to the proposed project. See also response to Letter RD-11.

Response to Comment 55-4

Comments suggest that the EIR does not adequately address grassland and oak woodland habitat.

Grassland habitat and its potential to support special-status species is analyzed in detail on pages 3.3-42 through -45 of the DEIR. Loss of oak trees and oak woodland habitat, including mitigation measures, is analyzed in detail on pages 3.3-51 through -53. Wildlife corridors are addressed and mitigated on pages 3.3-55 through -57. Commenter is also referred to Section 3.3 of the RDEIR for additional information addressing wildlife corridors, as well as Master Response 3.

Response to Comment 55-5

Viewshed preservation and development on slopes over 30%.

The proposed project's potential impact associated with development on slopes greater than 30 percent is addressed under Impact 3.1-5 starting on page 3.1-47 of the DEIR. As noted on page 3.1-48 of the DEIR, development on 30 percent or greater slopes is proposed to occur almost exclusively to accommodate internal roadway segments to provide access to the individual clustered development area, which would not require the leveling of slopes. Please see Master Response 1 regarding the project's relationship to existing policies and critical viewshed protection.

Response to Comment 55-6

Comments recommend that lots and homesites should not be constructed in the southeast corner of the subdivision near the intersection of Highway 68 and San Benancio Road.

Figure 3.7-2b on page 3.7-9 of the DEIR, identifies the existing floodplain in this area. The proposed project's potential impact associated with the 100-year floodplain is addressed under Impact 3.7-5 starting on page 3.7-23 of the DEIR, which is identified as less than significant with implementation of mitigation measure MM 3.7-4. Traffic congestion associated with project access is addressed under Impact 3.12-2 starting on page 3.12-41 of the DEIR, which is identified as a less than significant impact with implementation of mitigation measure MM 3.12-2a.

Please also see Master Response 1 and Alternative 5 of the RDEIR regarding potential alternatives to subdivision design in this area and elsewhere. Please see Section 3.3 of the RDEIR and Master Response 3 regarding additional information on wildlife corridors.

Response to Comment 55-7

Commenter states that the project violates many county policies on water, traffic, and zoning and expresses concern with the sewer systems and school being over capacity.

The proposed project's consistency with relevant General Plan policies that are currently in place to mitigate and/or protect resources is addressed under Impact 3.9-1 starting on page 3.9-22 of the DEIR. See also Response to Comment 6-1 regarding school impacts.

Comment Letter 56

From: Mack, David x5096 [MackD@co.monterey.ca.us]
Sent: Tuesday, October 23, 2012 8:26 AM
To: Pamela Lapham; Tad Stearn
Subject: FW: Proposed Ferrini Ranch Project by Domain Corp., Salinas

Another Comment on Ferrini for your records.

David J. R. Mack
Associate Planner - Advanced Planning Team
RMA - Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
831-755-5096
831-757-9516 (fax)
mackd@co.monterey.ca.us

To view your project online via Accela Citizen Access, please use the following link:
https://aca.accela.com/monterey/Default.aspx

From: DAVIDRAYE06@comcast.net [mailto:DAVIDRAYE06@comcast.net]
Sent: Monday, October 22, 2012 5:06 PM
To: Mack, David x5096
Subject: Proposed Ferrini Ranch Project by Domain Corp., Salinas

Dear Sir,

We are opposed to the proposed Ferrini Ranch Project for the following reasons:

1. It does not address the lack of a adequate Water supply in an area of known water problems. Many wells throughout this entire area have gone dry,or dropped drastically. Redrilling nearby is unproductive. Our wells and most of our neighbors have gone dry, in land adjoining the Ferrini ranch. ARSENIC has reached prohibited levels in nearby Ferrini Oaks subdivision, with no remedy in sight. This is why its irresponsible to approve projects where water is uncertain. **56-1**

2. The Plan does not give solutions for the significant increase in Traffic onto an overburdened Hwy 68, with its records of many serious & fatlal accidents. **56-2**

3. It creates unrealistic Fiscal Demands on County services: Fire and Sheriff Depts., that cannot be managed due to current county Fiscal deficiets. **56-3**

4. The Plan fails to remedy the result of deterioration of the Water Storage function of a damaged Watershed that will result from the removal of 900+ Oaks. and the grading & paving over of natural vegetation & native ground cover, and the erosion resulting, when runoff occurs instead of rainwater percolating naturally. **56-4**

5. Failure to adequately describe the mostly poor,easily erodible Soils that exist, that are given to landsliding & liquifaction, as have occurred in nearby areas. (I would provide county staff with a **56-5**

1

Comment Letter 56 Continued

tour of the 6-7 major slide and erosion locations, to show how bad the problems are in this very area.)

56-6

6. It fails to properly address loss of scenic viewsheds along a scenic Hwy corridor, and the damage to sensitive wildlife resources, and corridors.

MITIGATING MEASURES THAT COULD HELP REMEDY SOME OF THE PROBLEMS NOTED.

- Go to one of the Alternative CLUSTER Development plans noted in the DEIR, to solve destruction of the fragile watershed functions, and reduce erosion.

- Eliminate Wood-Burning fireplaces - use gas or electric ones, to reduce the additional Air Pollution that will result from this project, as other counties do.

56-7

-Protect scenic viewshed resources, by prohibiting grading or roadbuilding on areas of 30% Grades or more. This would reduce erosion & land slides, also.

- No construction on ridgetops, as noted in general plan, for view & erosion protection.

- To protect scenic resources, mandate color design control- using only browns, greens & grays (natural colors) for buildings.

Thank you for your good stewardship and considerations in these matters.

Sincerely, Mrs. Joyce Raye, 42 A Harper Cyn Rd, Salinas , Calif. 93908

-

2

RESPONSE TO LETTER #56 – RAYE, JOYCE

Response to Comments 56-1 through 56-7

Comments reflect similar comments documented in Letter 55, with minor variations.

Please see response to Letter #55 regarding these issues. The proposed project's potential impacts on law enforcement and fire protection services are addressed under Impact 3.10-1 starting on page 3.10-8 of the DEIR. Fiscal demands are not an issue that is addressed under CEQA. Recommendations for mitigation are noted for the record.

The proposed project's impacts on groundwater recharge are addressed under Impact 3.6-2 starting on page 3.6-31 of the DEIR. Recharge of the groundwater basin related to the introduction of new impervious surface is specifically addressed starting on page 3.6-36 of the DEIR. Table 3.6-4 on page 3.6-38 of the DEIR provides a summary of the change in recharge that would result upon full development of the project. Removal of trees and grading activities do not typically affect the rate of water recharge. The potential for short- and long-term erosion is addressed under Impact 3.5-5 starting on page 3.5-31 of the DEIR, which is identified as less than significant with implementation of mitigation measures MM 3.5-5a through MM 3.5-5c.

See also Alternative 5 of the RDEIR. The appendices to the RDEIR contain more specific post-project drainage retention plans, consistent with current County standards.

Comment Letter 57

From: t.reeves@comcast.net
Sent: Thursday, November 15, 2012 11:33 AM
To: Mack, David x5096
Subject: Ferrini Ranch Project

Mr. David Mack, Associate Planner
Monterey County Resource Management Agency, Planning Department

November 16, 2012

Dear Mr. Mack,

We are writing in strong opposition to the proposed Ferrini Ranch development currently under consideration by the county. While the proposal has been adjusted numerous times to improve its environmental and scenic impacts, there is one main impact that can not be resolved - **Highway 68 traffic**. The highway was built years ago as a two lane highway with the sole purpose of connecting Salinas Valley to the Monterey Peninsula. It was NOT designed to accommodate the amount of development allowed in the corridor over the past 20 years. The resulting traffic nightmare has been worsening year after year. Highway 68 often resembles the gridlock of an LA freeway and it is now necessary to alter travel plans (if possible) to avoid the traffic. Unfortunately, school and work hours are not flexible so at certain times of the day we are left with no choice other than to join the traffic. We moved to Toro Park Estates in the 90's, but it is only in the last 10 years that we have experienced this horrendous traffic on a regular basis. Adding 212 additional homes will most likely add at least 414 additional cars onto Highway 68, right WHERE THE BOTTLE NECK IS ALREADY AT ITS WORST. Slowing traffic down even further would be the proposed additional traffic light. Each light added over the past 10 years on the highway has ADDED to the commute slow down. For the developers to claim that a study shows that the light will have no negative impact on the commute is laughable. **57-1**

At a recent neighborhood meeting, the developers were asked about the impact Ferrini Ranch would have on traffic. Below are some of the points discussed:

1) Cars pour off of the highway and **cut through our residential neighborhood** as a shortcut back to 68. The developers claim that by doubling the highway for an extra 3/4 of a mile, commuters would "most likely" not be able to visually see the stopped traffic ahead and thus, would not take off through our neighborhood. This belief falsely assumes that the commuters are a bunch of idiots who (after driving this commute daily) can't figure out that just around the corner the traffic comes to a complete halt and it would be faster to cut through Toro Park.

2) The developers claim that adding the new signal would keep commuters from coming through our residential neighborhood, when in actuality it would ENCOURAGE the practice. Commuters would no longer have to wait at the stop sign at Torero, taking turns for drivers on Highway 68 to let them in. Rather, they will know that they will get a green light to turn right onto the highway and will get satisfaction in knowing that they just bypassed a hundred stopped cars on Highway 68 by cutting through the Toro Park neighborhood.

1

Comment Letter 57 Continued

3) In response to the above point mentioned at the meeting, the developers responded that the County has considered making the light a "No Right Turn" light during commute hours to mitigate this problem. That solves the commuter problem but **penalizes those of us who currently live in Toro Park**. If we could no longer access 68 from our neighborhood, we would then be forced up to a mile and a half back through our own neighborhood, merge onto 68 at Portola where the traffic is already gridlocked and drive slowly an extra 10 to 15 minutes before we eventually reach the place adjacent to where we first started!

4) By widening the highway you are bringing 2 lanes of traffic even closer to those homes that back up to Highway 68. Their **property values** will be affected as the noise and exhaust will increase. Their **quality of life will suffer** as their backyards become even noisier and windows must be kept shut to block out the noise. The hundreds of people who use the bike / walking trail daily will be just yards from the traffic in some places. Not exactly pleasant or safe.

57-1 cont'd

Interestingly, the developers had excellent answers and explanations for all aspects of the Ferrini project, until it came to **Highway 68 traffic**. They did their best to describe what they have come up with and why doubling a portion of 68 and adding a light was a good solution. But it was obvious that in order for their project to be approved, it is the ONLY option they have and that doesn't make it a good one. Questions asked from the audience couldn't be answered because THERE ARE NO ANSWERS. This isn't rocket science. This project cannot be supported by Highway 68. Until the unlikely day when Highway 68 will be made into a 4 lane highway all the way from Salinas to Monterey, traffic and gridlock will continue to be the norm. Don't approve a project that will only make it worse. In this case, the money would not be worth it...

Highway gridlock is bad enough, but now that it has spilled over onto neighboring residential streets that pass by an elementary school, it is unacceptable. You must do the right thing and say, "Enough!" Please do not approve a project that will compound an already serious traffic problem further, at the great expense of all of us living across the highway and of all those that currently commute on Highway 68. Common sense must prevail...

Thank you for your thoughtful consideration,

Mike and Terri Reeves
Bekki Scullen
22573 Veronica Drive
22576 Veronica Drive
Salinas, CA 93908
Salinas, CA 93908
831-484-9399
831-484-5844

RESPONSE TO LETTER #57 – REEVES, MIKE & TERRI, AND SCULLEN, B.

Response to Comment 57-1

Comments cite concerns with impacts to Highway 68 traffic, traffic cutting through the Toro Park Estates neighborhood, impacts of widening Highway 68 on the Toro Park Estates neighborhood, and property values.

Please see Master Response 1 regarding these issues.

Comment Letter 58

November 13, 2012

David Mack, Associate Planner
Planning Department
Monterey County Resource Management Agency
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Comments on Ferrini Ranch Subdivision Draft EIR (SCH #2005091055)

Dear Mr. Mack:

As homeowners in Toro Park Estates for more than 32 years, we feel compelled to voice our concerns with the proposed Ferrini Ranch Subdivision project. We appreciate the opportunity to comment on the Draft EIR.

This proposed project will definitely result in very significant impacts relative to traffic, aesthetics and noise levels to the homes along the Highway 68 corridor. While we have no problem with the type of homes being constructed across the highway, or the developer, our concerns are with the amount of traffic that will be generated to travel on our already congested highway for commuters to Salinas or Monterey. **58-1**

General Plan Policy 26.1.6.1 prohibits development in areas of visual sensitivity where the area's "natural scenic beauty" will be adversely affected. We urge the County Planning Commission and Board of Supervisors to uphold all the policies of the Monterey County General Plan and Toro Area Plan that are intended to protect scenically sensitive areas. This proposed project could not be completed without adversely affecting its natural scenic beauty.

We agree with the traffic analysis in the Draft EIR which states that this project will have significant and unavoidable traffic impacts at numerous intersections and road segments along and near Highway 68 even after mitigation measures are applied (payment of impact fees). This means a statement of overriding considerations must be adopted by the Board of Supervisors in order to let the subdivision go forward. We are all aware of the County's fiscal problems and the feasibility of obtaining public funds for road improvements won't happen for many years. Collection of traffic impact fees for this project while consistent with County and TAMC policy does not ensure traffic improvements to Highway 68 will be made in a timely manner, however, our traffic will be greatly increased **58-2**

1

Comment Letter 58 Continued

during commute hours as well as throughout the day affecting all residents of Toro Park Estates. **58-2 cont'd**

If an alternative to the project is selected that involves a new traffic signalized intersection on Highway 68, more congestion will result. Problems will not be resolved, just relocated. We believe this would be a mistake and will worsen existing travel conditions. Placement of two additional lanes would create a huge noise problem for residents. Drivers now race on the current four-lane segment in order to pass just one more car before the lane narrows to two. We have experienced several near-misses with that type of aggressive driving ourselves and this would certainly continue if two more lanes were constructed to San Benancio Road.

We feel any modification to Highway 68 along the Toro Park Estates subdivision by way of additional lanes would not mitigate the traffic generated from the additional 212 homes in the Ferrini Ranch Subdivision proposal due to the following:

- It would significantly increase the noise levels for homes that back up to Highway 68 and interior streets (noise levels already exceed those allowed); **58-3**
- A signalized intersection would create yet another stop as well high noise levels at all times of the day and night caused by heavy trucks "gearing down" as they approach the intersections; and
- The walking trail that runs along the subdivision would have to be relocated or lost due to the construction of a berm to buffer the highway traffic noise. This trail is used heavily by many joggers (very early morning hours into the twilight) and many walkers, moms w/strollers, etc.

In closing, we ask that our concerns be addressed before any decisions are made to approve or disapprove this subdivision construction. Residents living in the 476 homes of Toro Park Estates will be **adversely impacted** by any highway construction with **no resolution** to the problem.

Sincerely,

Robert and Carol Romo

cjr

2

RESPONSE TO LETTER #58 – ROMO, ROBERT & CAROL

Response to Comment 58-1

Aesthetics and visual sensitivity.

Please see Master Response 1, response to comment 27-1 and 36-4 through 36-10.

Response to Comment 58-2

Highway 68 traffic and traffic impact fees.

Please see Master Response 1, as well as responses D-1, and E-1.

Response to Comment 58-3

Comments express concerns related to Alternative 3B or other alternatives that will result in a new signalized intersection at Highway 68.

Please see Master Response 1 regarding these issues.

Comment Letter 59

Timothy D. Sanders
25075 Pine Hills Drive
Carmel, CA 93923
phone: (831) 625-4324 ▫ fax: (831) 625-4370 ▫ email: tds@oxy.edu

November 16, 2012

County of Monterey Resource Management Agency
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, Ca 93901
Attention: David Mack, Associate Planner
(831) 755-5096, MackD@co.monterey.ca.us

Re: **Ferrini Ranch Subdivision, PLN040758**

This letter strongly opposes acceptance and certification of the DEIR for the Ferrini Ranch Subdivision project, which seriously violates CEQA. It also expresses vigorous opposition to the subdivision project itself, because it would further degrade traffic on the two-lane segments of SR68, a road that already is unacceptably congested. The accompanying material provides detailed and substantial evidence on which opposition to the DEIR's analysis and conclusions, and corresponding opposition to the project, is based.

The DEIR is

(1) ***inadequate*** in that it fails to reasonably or accurately evaluate significant environmental impacts to traffic because it uses inappropriate and uncorroborated methods and criteria for assessing traffic impact, which cannot reliably or sensibly forecast or assess the effects of traffic added to SR68 by the project,

(2) ***incomplete*** in that it fails to include evidence of acceptable correlation between traffic volume and average travel speed, and fails to provide impact significance criteria for increases in traffic volume (CEQA Guidelines, Appendix G, XVa), and

(3) ***does not make a good faith effort at full disclosure***, in that it fails to disclose the assessment of the EIR for the 2010 Monterey County General Plan that all the relevant 2-lane segments of SR68 operate at LOS F, all segments exceeding their volume capacities by very large margins, and failed to disclose (or perhaps even discover) the simple observation that the significance criteria used (average travel speed) are effectively uncorrelated with changes in traffic volume and therefore are not capable of forecasting changes in average travel speeds from the project's trip-generation assumptions. Also it fails to disclose that (1) the Highway Capacity Manual is not intended as a manual for evaluating environmental impacts; (2) the Manual characterizes "alternative methods" such as the one used in the DEIR as "black boxes" in which intermediate calculation steps are effectively hidden from scrutiny by users and reviewers; therefore the methods are not suitable for "informational documents" to inform the public; and (3) the use of travel speed as the sole basis for LOS evaluation, and the term "arterial" are used only for urban

59-1

Comment Letter 59 Continued

streets in the Highway Capacity Manual, and the two-lane segments of SR68 are not classified as urban streets in the DEIR or elsewhere.

Currently all eight two-lane segments analyzed are 30% to 62% beyond their capacities (LOS F) according to the EIR for the 2010 Monterey County General Plan.

Three essential points should be noted: that

(1) the two-lane segments of Highway 68 (SR68) already are congested beyond acceptable limits (LOS F) and no addition of traffic from the subdivision is tolerable;
(2) the method used in the DEIR to analyze environmental impact and evaluate the significance of environmental impact on these segments does not in fact assess actual environmental impact as specified in CEQA Guidelines; and
(3) the DEIR's method is highly unreliable, demonstrably uncorrelated with changes in traffic volume, and lacks any independent validation, so that it is entirely unsuited to environmental impact evaluation. The detailed comments accompanying this letter substantiate these points. Their extent and detail is provided to insure that "substantial evidence" is brought to bear on these issues. Further analytical results, including additional statistical assessment of DEIR data, are available on request.

The DEIR uses a non-standard, unsubstantiated and unverifiable approach to environmental assessment of traffic. Such an approach to traffic operations is referred to as employing a "black box" in the Highway Capacity Manual, as indicated above, because of its inaccessible intermediate calculations.

59-1 cont'd

This seriously defective method of analyzing environmental impact in this report replaces the obvious and direct measure of traffic volume, which is well suited to environmental assessment (again, see CEQA Guidelines, Appendix G, XVa), with average travel speed. The latter is demonstrably inadequate as an environmental parameter for a variety of reasons, including that projections of future travel speed values based on changes in traffic volume are not at all reliable; the average travel speeds in the DEIR are very poorly correlated with corresponding traffic volumes. In this DEIR the former are based on a computer program not designed for the purpose for which they are used (according to the vendor's web site). Further, no independent means of verification of the projected travel speeds is available to decision-makers or to the public, which itself violates CEQA.

Moreover, even using the highly deficient travel speed analysis of this DEIR, five of the eight two-lane segments of Highway 68 are below acceptable quality levels (that is, at or below LOS F) under *existing* conditions, six are below these levels under background conditions and under background plus project conditions, and all eight are below acceptable levels under cumulative conditions (see DEIR, Exhibit 6).

Please examine the comments below, which provide more detailed and more complete analysis of the two-lane traffic portion of the DEIR. As indicated above, still more complete analyses are available upon request.

Comment Letter 59 Continued

The County must not approve this project, which very significantly would impair the traffic and circulation environment on which its residents and other Highway 68 users depend heavily.

59-1 cont'd

Yours sincerely,

Timothy D. Sanders

Comment Letter 59 Continued

Comments on Ferrini Ranch DEIR
Section 3.12 Transportation and Circulation

Summary

In short, the DEIR for the Ferrini Ranch project is **fatally flawed** as follows:

- Changes in traffic volume are the direct environmental impacts on traffic, according to CEQA, but **in this DEIR traffic volumes are not used as the measure** – nor even as *a* measure – **of environmental impacts or of existing (baseline) conditions**; **CEQA Guidelines**, Appendix G, **call for volume and/or volume-to-capacity ratio**, and do not mention travel speed (for very good reason!) baseline.

59-2

Please respond.

- **Use of travel speeds, as in this DEIR**, to represent environmental impact and baseline ***eliminates*** **consideration of** the direct effect of changes in **traffic volume** and thereby **violates CEQA**; the DEIR's characterization of impacts are conversions, in an unknown and indiscernible way, from traffic volume changes to travel speed changes.

Please respond.

- **Average travel speeds *cannot* represent principal environmental impacts as defined by CEQA** – for example, significance criteria based solely on travel speed (as in this DEIR) do not distinguish between 10 vehicles traveling at 30 mi/hr and 1,000 at 30 mi/hr, yet the different environmental impact is enormous; there are cases in this DEIR in which the travel velocities are identical but traffic volumes differ by as much as 97% !); only when *high volumes* <u>*cause*</u> low speeds is speed a significant environmental variable.

59-3

Please respond.

- There is essentially ***no significant correlation*** **between the travel speed and traffic volume data reported *in this DEIR***; this raises serious questions about the credibility of the projected values of travel speed based on projections of increased traffic volume; scatter plots of travel speed versus volume data have the general shape of Rorschach figures, indicting poor consistency and lack of predictability.

Please respond.

- The **"alternative method" of traffic assessment** used in the DEIR involves a computer program type that is referred to as a **"black box"** in the Highway Capacity Manual (HCM) (see HCM2010, p. 17-73) – that is, we cannot know how the output data were calculated from the input data; thus the observed lack of correlation cannot be explained as a coherent effect since we do not have detailed knowledge of the computer algorithms used, (which may be proprietary and therefore inaccessible).

Please respond.

Comment Letter 59 Continued

- The "alternative method" is an alternative to straightforward use of HCM protocols, but **HCM itself is not designed to assess environmental impact**, and the **alternative selected is even less suited to environmental evaluation, relying** as it does **exclusively on average travel speeds** as environmental criteria.

Please respond.

- "Quality of service" criteria and the level of service (LOS) system of HCM are intended to provide assessment "from traveler's perspective" (HCM, p. 5-3) or "impact on … drivers' perceptions" (HCM, p. 15-7); this is very different from the **CEQA requirement of "direct physical changes"** (CEQA Guidelines, 15064) **"within the area affected by the project"** (CEQA Guidelines, 15382), so HCM is *not* a reliable manual for EIR preparation.

Please respond.

59-3 cont'd

- Selection of the "alternative method" used in the DEIR was **tantamount to cherry-picking standards and methods** and does not qualify as legitimate environmental analysis.

Please respond.

- The authors of the DEIR essentially **invented the approach used on SR68**, taking language from HCM2000 on urban streets but leaving out the term "urban streets"; part of a table for Class I two-lane roads in HCM 20-10 (Exhibit 15-3), and using a "black box" commercial program called "Synchro" whose website does not indicate its applicability to assessing two-way road *segments*; no independent substantiation of the method is available, and as a result there is **no way to validate the credibility of the results.**

Please respond.

- A reasonably recent (2008) data **baseline** (existing conditions) for the two-lane roadway in question **exists** in the **EIR for the 2010 General Plan**, which was **neither reported nor acknowledged** in the DEIR; it showed ***every segment*** to be well ***beyond its capacity and at LOS F*** even under existing conditions.

Please respond.

59-4

Clearly the DEIR **must *not* be certified**, because it is thoroughly **inadequate**, as the remarks above and the analyses that support them demonstrate conclusively; similarly, it is **incomplete**, and it **fails utterly to disclose all that it reasonably could** (and certainly far less than it should), and therefore **does not meet CEQA requirements** (see, for example, CEQA Guidelines 15064). The methods, variables and criteria used in the DEIR are **not credible**, and assumptions made about the efficacy the unique approach of the DEIR are **not reasonable** and have **not been independently validated**. Worse, the textual content of the

Comment Letter 59 Continued

report is **deceptive** by using terms that are suggestive but ill defined (e.g., "arterial"), by essentially cherry-picking and even inventing the tools of analysis, and in a variety of other ways. The DEIR simply **does not make sense as an *environmental* report** on the two-lane portion of Highway 68.

59-4 cont'd

Extended Comments and Questions on Ferrini Ranch DEIR Section 3.12 Transportation and Circulation

These comments are restricted to the **assessment of two-lane road segments of State Highway 68 (SR68) that are included in the** DEIR (segments labeled 1 through 8) for the Ferrini Ranch project. They may, however, occasionally refer to evaluation of other roadways assessed in County documents, in order to provide appropriate contexts and to illustrate existing practices.

Introduction

Section 3.12 (Transportation and Circulation) of the Ferrini Ranch project's **DEIR does not meet CEQA standards for adequacy, completeness or full disclosure,** as is detailed below.

A central and **fatal flaw** is that the **wrong performance measure (travel speed) was used to evaluate traffic conditions and impact**: **travel speed** is essentially **uncorrelated with traffic volume**, but **traffic volume** is the **direct measure of a project's traffic impact**. ("Uncorrelated" here means that the two variables may be related largely or even primarily by random variability.) Use of travel speed to evaluate environmental impact thus is **highly deceptive**, and was **rejected explicitly by the County** earlier in disapproval of the Villas de Carmelo project.

59-5

Although the present study uses non-Highway Capacity Manual (HCM) methods, it appeals to HCM to rationalize its approach, and ***fails to report* that the HCM *restricts* use of travel speed, when used as the *exclusive* basis for level of service ratings, to the analysis of *urban streets***, yet **nowhere** in the study is there a **claim that SR68 is an urban street** – and clearly it is not. (While average travel speed can be used in the evaluation of Class I two-lane highways, according to the HCM, its use *always* is in conjunction with another variable called PTSF, which is *not* used in this report.).

The report **vaguely asserts that authority for using travel speed** as the parameter for assessing the significance of environmental impact is **obtained from County and State** agencies, but **does not document that authority**.

Nor does it **disclose** the clearly observable **absence of correlation between travel speed values and volume values** reported; also, it is unlikely that the County and State agencies involved were made aware of the lack of correlation during whatever negotiations took place in "discussions with Monterey County and Caltrans staff" (DEIR. §3.12, Appendix D, p. 5). The specific and detailed comments below are presented as substantial evidence for our assertions concerning the DEIR's defects concerning two-lane Highway 68.

Comment Letter 59 Continued

Specific and Detailed Comments

1. The DEIR is **not certifiable** under CEQA, the pertinent portion of the document being **deficient** with respect to **completeness** of information (15151), **adequacy** (15151) and **objectivity** (15151, 15084) of analysis and assessment, **sufficiency of evidence** (15064, 15204), and good faith effort at **full disclosure** (15144, 15204). Comparison of the Ferrini Ranch DEIR with specific CEQA Guidelines is the basis for arriving at these conclusions. (Numbers in parentheses above refer to CEQA Guidelines.) Please respond to these assessments.

2. It is **well known** that the **2-lane segments of SR68 already are excessively congested** (with volume to capacity ratios v/c exceeding 1.0) and **cannot accommodate impacts from further local development** or other sources. This DEIR, however, **avoid**s direct evaluation of traffic in terms of the critical **environmental measure**, **traffic volume,** in comparison with realistic road capacities (using volume to capacity ratios, v/c). Instead, it assesses traffic on the basis of *average* ***travel speeds***, which are **not even correlated with vehicle volume**, as demonstrated by the Ferrini Ranch DEIR's own data for the eight two-lane segments (see graphs below). As a consequence, the comments that follow regrettably must deal, in considerable detail, with a host of technical issues raised by

   a. the DEIR's **unwarranted and misleading reliance** on methods in the **Highway Capacity Manual (HCM), or related alternative methods** (see HCM2010 section 6.3 concerning "alternate tools" such as Synchro and HCS software and their associated "black box" models; see also p. 15-42 f, and p. 17-72 f), whereas HCM is **not intended for use in environmental impact evaluation**;

   b. inadequate substantiation of the suitability and reliability of "alternative methods" described or suggested in HCM. Note that HCM2010 states: "No alternative deterministic tools are in common use for two-lane highway analysis. …[U]ser experience with these tools is insufficient to support the formulation of useful guidance ….". (HCM2010, p. 15-42) Thus use of such "alternative tools" for two-lane roads is not ratified by HCM even for non-environmental applications for which HCM methods might conceivably be appropriate;

   c. the absence of evidence to support the DEIR's the report's deviation even from alternatives described in HCM;

   d. the presence of evidence that correlation between average travel speeds and traffic volumes on SR68 is extremely small to nonexistent.

   Please respond to each of these points, referring as appropriate to HCM and CEQA Guidelines, and supplying substantial evidence.

3. The DEIR relies also "on **discussions with Monterey County and Caltrans staff**" whose substantive contents are not disclosed and that are **not documented in the DEIR**. As a consequence, **neither clear authority nor substantial evidence** supports the use of average travel speed as criterion for significant environmental impact. Please explain and provide the requested evidence and source(s) of authority.

59-5 cont'd

Comment Letter 59 Continued

Please provide full authoritative justification for the decision(s) to use travel speed as the variable of impact significance.

4. The **alternative to HCM methods** that was chosen for the study

   a. is **not fully described** to the degree that even technically sophisticated members of the public or decision-makers not familiar with traffic engineering jargon could evaluate it,

   b. **does not readily allow inspection** of the internal logic and calculations it uses (and thus is a **"black box"** to the public and decision-makers; see HCM2010, p. 17-73), and

   c. produces **results in terms of travel speed,** that ***do not correlate*** **with the fundamental impact of adding to traffic volume** (see evidence on correlation, or lack of it, below).

.

Please respond by providing the relevant information needed to conform with CEQA Guidelines, and explain how data for uncorrelated variables can be used to forecast, systematically, reliably and accurately, one of the variables on the basis of values of the other. Supply substantial evidence in support of the response.

59-5 cont'd

5. **T**he DEIR's **references** to material in the HCM typically are **vague and non-specific**, **failing even to state chapters, sections, pages or exhibit numbers** etc. in support (1) of the DEIR's adoption of HCM-supported or alternative variables (performance measures) and "tools", and (2) of the conclusions drawn from their use. This violates the CEQA requirements, among others, that **substantial evidence** be presented in sufficient detail to yield a **fair argument** for the analysis (15384), and that a **good faith effort** be made **at full disclosure** (15204). Although HCM methods were not followed in detail, and an alternative approach to evaluating environmental impacts was adopted (DEIR, Appendix G, p. 5 f), the DEIR referred to HCM in numerous places, including its adoption of the LOS levels for average travel speed (HCM2010, Exhibit 15-3; DEIR, p. 3.12-4) leading to the presumption that **HCM** is taken as the authoritative **source of assessment standards for the report**.

Please describe, in detail sufficient to satisfy CEQA Guidelines, the authority for using the DEIR's methods; include that found in HCM and any other suitable sources that were relied upon.

6. Travel speeds were used recently as the metric for environmental impacts in the final Villas de Carmelo project application, on grounds that SR1 near Carmel is an "urban street". The County rejected the urban street characterization of the roadway; average **travel speed assessments were disallowed**, the **EIR** was **not certified,** and the **project** was **disapproved**. The same fate should await this project.

Please explain why average travel speed should be accepted as the sole measurement of level of service for the relevant two-lane segments of Highway 68. Provide clear authority for your

5

Comment Letter 59 Continued

explanation from relevant documents, including HCM and CEQA Guidelines. Support with substantial evidence.

7. The DEIR fails to disclose results of the 2010 Monterey County General Plan study of this roadway (see, for example, 2010 General Plan, §4.6, Appendix C, p. A-6).

Please provide a full accounting of the reasons for this failure to disclose this relevant and important information. Provide substantial evidence for the content of your response.

8. According to other **recent County evaluations**, **existing traffic volumes on *all* of the relevant eight SR68 road segments exceed their capacities** by from 30% to 62% (2010 General Plan EIR, Appendix C, Table A), with the consequence that any addition to traffic volume, even one daily trip, on any segment constitutes a **significant impact**. Indeed, with the volume levels so far above capacity, only major and extraordinarily expensive modifications of the entire 2-lane roadway could possibly "mitigate" the impacts of further traffic-generating development.

Please explain why this information was omitted, and describe what was accomplished by its omission. Provide substantial evidence for all assertions.

9. The excessive and unwarranted technical detail of the DEIR related to the travel speed assessments **misdirects attention from the key environmental issues** and **obscures** the relevant **analysis**, clearly **violating CEQA** guidelines.

59-5 cont'd

Please explain why the straightforward and easily understood use of traffic volume and v/c to assess traffic environmental impacts was not adopted for this project, but was replaced by the much more complex, un-validated and apparently unreliable (uncorrelated, for example) travel speed technique using a "black box" (HCM's description) alternative program to convert incremental traffic volume data to average travel speeds, Include a discussion of how decision-makers and the public would be expected to intelligently review and evaluate the reliability of your results. Provide substantial evidence to support all assertions.

10. A development's **direct environmental impact on traffic is from the volume of vehicle trips that it generates** in the vicinity of the project. **"Average travel speed"**, the Ferrini Ranch DEIR's performance measure, does **not reliably reflect traffic volume changes**, and its use **effectively evades direct consideration of volume differences**. Therefore it **cannot reliably measure actual environmental impact**. The coefficient of **correlation between travel speed and traffic volume for this study** (data from DEIR Table 3.12-4, or Appendix G, Exhibit 06, p. 1, existing conditions, is used here and below when DEIR is referred to) **is essentially *zero*** (-0.19 for AM peak, +0.08 for PM peak, 0.039 overall in the DEIR; the opposite signs affirm the *absence of meaningful correlation*, and the presence of *any positive* correlation – namely in am westbound data – indicates the presence of counterintuitive cases in which *greater speed corresponds with greater traffic volume*!), so with no correlation between average travel speed and traffic volume, **average travel speed cannot be regarded as a reasonable measure of environmental impact**. (See figures 1. and 2.below, which demonstrate the absence of correlation.) Since travel speed is essentially uncorrelated

Comment Letter 59 Continued

with traffic volume on the relevant road segments, its **reliability in *forecasting* the effect of additional traffic is negligible**.

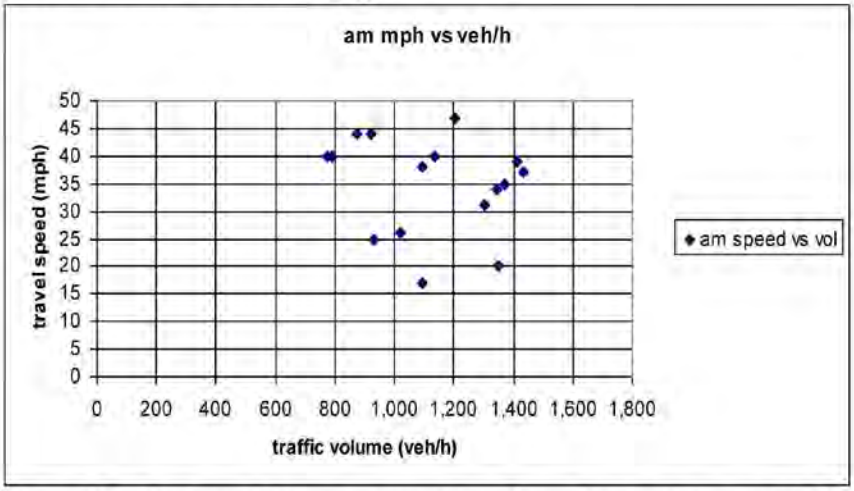

Figure 1. Lack of correlation: am average travel speed and traffic volume, 2-lane SR68 (existing conditions)

59-5 cont'd

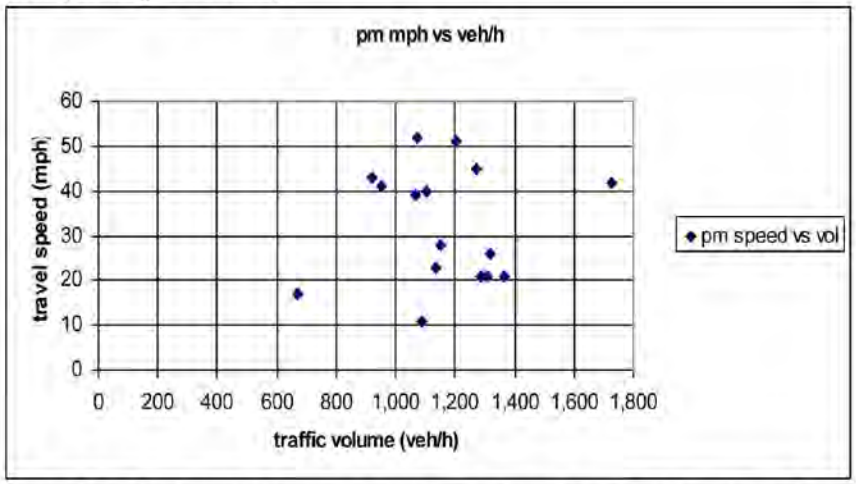

Figure 2, Lack of correlation: pm average travel speed and traffic volume, 2-lane SR68 (existing conditions)

We have examined a wide variety (existing, background plus project, background plus project minus existing, cumulative) of plots of travel speeds versus traffic volumes from the relevant DEIR data, and all of these plots have the same general features as those above, in no case showing significant calculated linear or curvilinear correlation between the variables. More detailed examination of the relation between trips added by the project and corresponding differences in travel speed – as reported in the DEIR – shows that the relationships between these variables are not physically plausible.

Comment Letter 59 Continued

Please explain (1) why traffic volume values were not used as principal criteria in determining LOS ratings for the two-lane segments (as suggested in the traffic section Appendix G of CEQA Guidelines), given that they represent the direct effect of project trip generation, (2) whether (and if not why not) the average travel speeds in the report were examined for correlation with traffic volume, and (3) how, other than through the use of a "black box" computation program such as "Synchro", projections of average travel speed could be estimated from existing travel speed and changes in traffic volume. Provide substantial evidence to support all assertions.

11. While **intersection controls** complicate vehhicle behavior on a segment or sequence of segments, they **cannot diminish the environmental impact** of increasing the vehicle volume. They merely **add delay and other effects**, and may improve safety, **without reducing the impact of volume growth**. A change in LOS rating achieved by changing the underlying traffic performance measure (*e.g.,* from volume to averagetravel speed) does not alter the environmental impact of the addition of traffic. Any **changes in LOS induced by changes in performance measure** from traffic volume to something else (such as travel speed) are **secondary or tertiary effects**, and do not constitute reductions in impact. Thus the **improvement in "existing" LOS values in this DEIR** relative to those in, for example, the EIR for the 2010 General Plan, are **illusory and correspondingly deceptive** as representations of environmental impact.The lack of correlation between the traffic volume and travel speeds demonstrates this.

59-5 cont'd

Please explain in detail and with substantial evidence the ratoinale for using average travel speed in lieu of vehicle volume as the impact significance criterion. Include explanation for adoption of the higher LOS ratings (less severe – that is, less than LOS F in these cases) achieved by using average travel speed (in lieu of volume), when the volume of traffic remained unchanged (existing conditions) or increased (background, etc.).

12. **Authority** for using travel speed as the arbiter of environmental impact significance is **attributed vaguely** in the report **to County and State agencies** (DEIR, Appendix G, p. 4), essentially as surrogates for the presumed authority of HCM:

> "…based on discussions with Monterey County and Caltrans staff, it was decided that an alternative method for analyzing the 2-lane portion of the SR 68 corridor (from Josselyn Canyon Road to San Benancio Road) would be appropriate."

The DEIR goes on to say that the "alternative method" was used to obtain

> "…quantitative level of service analyses for eight of the seventeen study road segments (extending on SR 68 from Josselyn Canyon Road to San Benancio Road). The GPS approach to determine travel speed, travel time, and delay along SR 68 provided a more accurate depiction of the existing traffic operations along SR 68 than the other methodologies."

Thus straightforward use of explicit HCM methods was replaced by an alternative not fully described in HCM. (We do not object to such substitutions if they meet CEQA

Comment Letter 59 Continued

guidelines and also are suited to the task, fully described, and specifically authorized by appropriate and reliable agencies.)

Please explain in full detail the authority or authorities on which the DEIR relied for using the methods and criteria adopted in the DEIR. Provide publicly accessible source data and references for "discussions with Monterey County and Caltrans" and for any other otherwise undocumented sources, including dates and names of discussants.

13. **Only travel speed was used to rate levels of service** in the report (whereas in HCM, PTSF also is required for the standard analysis of Class I two-lane roads). **No information** is supplied **to support the efficacy** of average travel speed as measure of **environmental impact**, including **no acknowledgement** of the **lack of correlation** between traffic volume and travel speed, and there is **no specification of the meaning** of "more accurate depiction" (DEIR, Appendix G, p. 5) – e.g., what parameters or variables are at issue (which more, which less accurate), by what criteria is accuracy to be judged, etc. Finally there is **no evidence** here that any of these matters were considered in the discussion in which "it was decided"; apparently the **decision** was **made without adequate, accurate, or complete disclosure of critical information.** If the decision was made in this way, the **report also is deficient in the same way.**

59-5 cont'd

Please explain in detail why and how these circumstances occurred, and in what way they conform with CEQA guidelines. Provide substantial evidence to support all assertions.

14. Use of **travel speed** as the determinant of Level of Service (LOS) for the DEIR clearly involves **"standard-fishing"**, or **seeking and selecting a "standard"** – a combination of a particular variable (travel speed) and related LOS criteria – that is **favorable** to the **developer's interests**, but **fails to fairly evaluate environmental effects**. In the Ferrini Ranch DEIR the reported data from 2006 – 2008 (Appendix A, p. 15, section 2.4) yielded LOS grades of B for 1 segment/direction/peak hour, C for 2 of them, D for 6 of them, E for 16, and F for 7 (a total of 32 segment/direction/peak hour measurements on the 8 segments; see Table 3.12-4). By contrast, the EIR for the 2010 General Plan (data from 2002 to 2006, adjusted to 2008 [p. 4.6-22]) utilized **traffic volume** as the standard variable for environmental significance on SR68, which produced ***only*** **LOS F for *all* 8 relevant segments** (8 measurements since the 2010 General Plan EIR did not distinguish between directions, and looked only at 24-hour traffic volumes; see 2010 General Plan, §4.6, Appendix C, Table A, p. A6) and there were no close calls: **all 8 grades** are ***deep*** **into LOS F**, by 30% to 62%. By avoiding traffic volume – the most direct measurement for environmental traffic impact – as the LOS standard, the Ferrini Ranch DEIR **evades** the suitable and proper **LOS F environmental assessment** for all 8 segments. (The traffic volume data reported in the Ferrini Ranch DEIR are consistent with the data for SR68 in the 2010 General Plan, and would yield the same LOS F ratings as in 2010 General Plan, and also would be at essentially the same depths into LOS F, namely by 30% to 54%.)

Comment Letter 59 Continued

The following table demonstrates this circumstance, with peak hour volumes estimated as 10% of ADT in order to effect comparison.

Table 1. Comparison of two-way traffic volumes for DEIR and 2010 General Plan EIR

	DEIR		2010 General Plan (daily converted to peak hour)	
	am	pm		
segment	2-way vol	2-way vol	ADT/10	**Capacity**
1	2,025	1,991	2,175	**1,530**
2	2,233	2,237	2,175	**1,630**
3	2,777	2,793		
4	2,125	2,190	2,125	**1,630**
5	2,203	2,338		
6	2,123	2,192	2,125	**1,630**
7	2,249	2,383	2,485	**1,630**
8	2,325	2,514	2,635	**1,630**

59-5 cont'd

Please explain why the 2010 General Plan EIR data and LOS assessments were not reported in the Ferrini Ranch Subdivision DEIR, as adherence to CEQA Guidelines would require. Explain also how this is related to use of average travel speed as the significance criterion for the DEIR. Provide substantial evidence to support all assertions.

14. **Evidence of standard-fishing** is contained in the following quotation from the Ferrini Ranch DEIR (Appendix G, pp. 4, 5):

> "Two commonly accepted methods used to evaluate the operations of road segments include the Highway Capacity Manual's Arterial and Two-Lane Two-Way Highway methodologies.
>
> "The two-lane portion of SR 68 between Josselyn Canyon Road and San Benancio Road can be considered a Class I two-lane highway, but there are also a number of signalized intersections located along the study route, which could classify it as a 2-lane arterial. Although all methodologies previously used to evaluate road segments were based on the Level of Service (LOS) concept, different methodologies produced different results."

59-6

a. The Highway Capacity Manual **does not contain a general "Arterial method"** except with respect to ***urban streets*** (see the next numbered item below). In HCM2010 the word "arterial" hardly appears at all (in the glossary only "arterial street" is listed (HCM2010, P. p-10) and the term "arterial" plays no role in methodological descriptions), whereas in HCM2000 all urban streets are vaguely divided between "principal arterial" and "minor arterial" (HCM2000, P. 10-6), so in HCM2000 all urban streets are "arterials", and only urban streets are "arterials". Thus, in the DEIR the phrase "Highway Capacity Manual's Arterial" simply means "urban street": **"arterial" is a euphemism for "urban street".**

b. According to HCM2000, "The average travel speed along a segment … is the determinant of the operating level of service (LOS); HCM2010 states, "Through-vehicle travel speed is used to characterize vehicular LOS … along an urban street facility." Thus, "arterial methodology" is **used merely to provide an indirect excuse**

Comment Letter 59 Continued

for using average travel speed to evaluate environmental impact on two-lane SR68, **without using the words "urban street".**

c. **No evidence** is provided in the DEIR to indicate that any of the eight 2-lane segments in the study is properly or reasonably classified as an **urban street**, (i.e. "2-lane arterial" as described in the DEIR).

d. The circumstance that "different methodologies produced different results" does ***not* constitute license to select** a "methodology" (or part of a methodology) because it yields results more favorable or desirable to the developer. Instead, the variables and **criteria should be determined by how well the "methodology" reflects environmental impacts** in comparison with other available alternative methods. In particular, the existence of "different results" does *not* release the analyst from the mandates in CEQA guidelines and the primacy of **reliably assessing environmental impact**.

e. As shown above, the DEIR's choice of travel speed as the LOS-determining variable essentially ***ignores*** (*zero* correlation) the **direct environmental effect** of the project on traffic volume. **Using travel speed the environmental criterion clearly *violates CEQA***. (Even in HCM when travel speed is used for Class I two-lane highways as distinct from urban streets, it is *always* used in conjunction with PTSF, and the two variables together – not just one of them – determine LOS grades. Thus the **DEIR deviates even from normal existing HCM practice as well as from CEQA guidelines**.)

f. It is very difficult to understand the DEIR's convoluted and obscurant use of language involved in the quoted paragraphs other than in terms of a concerted **effort at deception**, which itself **clearly violates CEQA**.

59-6 cont'd

Please respond to this comment. Include explanation of why the term "arterial" was used in the DEIR for a two-lane highway when it is generally reserved for use with urban streets, why this restricted usage was not mentioned in the DEIR, and whether the matters discussed in this comment affected the choice of travel speed as the variable to determine impact significance. Provide substantial evidence to support all assertions.

15. **Further evidence for standard-fishing** in this DEIR is contained in the following quotation:

> "For example, the Synchro software allows the analysis of arterials based on the Highway Capacity Manual's (HCM) arterial analysis methodology. The results of the HCM's arterial analysis are strongly influenced by the operations of the signalized intersections along the corridor, and in this case yielded results that were significantly better than what is actually perceived by the motoring public." (Appendix G, p.4)

a. First, as stated above, the term **"arterial" is used in HCM only in connection with "urban streets"** and not in connection with 2-lane highways such as SR68; the term generally appears as "arterial street" – see the HCM2000 or HCM2010 glossary; the term does not appear in the indexes in HCM2010, and appears only in association with urban street in the HCM2000 index. **Nothing** in this DEIR **explicitly identifies SR68 or any of its segments 1-8 as urban streets**. Yet the so-called HCM "arterial analysis methodology", however that may be defined, must be located entirely within the chapters on urban streets, but is not explicitly formulated there; the

Comment Letter 59 Continued

phrase does not seem to be present in the HCM at all, and in any case is not an HCM term for 2-lane highways.

b. In particular the Ferrini Ranch DEIR's **LOS definitions** listed in Table 3.12-1 **do not correspond with** those in the HCM2000 definitions (Exhibit 15-2, for urban streets, Class I column: principal arterials) **nor do they correspond with** the HCM2010 urban street LOS criteria (Exhibit 17-2) without further data. Authority for use of these criteria is missing. (Note further that in the latter criteria, if the volume-to-capacity ratio is equal to or greater than 1.0, the LOS rating is F, independent of average travel speed.)

c. Thus the **appeal to HCM for justification** of the "arterial analysis" the DEIR (see for example Appendix G, pp. 4, 5, 13, 14; also see HCM2000, Exhibits 10-3, 4; 15-2; and HCM2010, Exhibit 17-2) is highly **ambiguous and not credible**. Note than on p. 3.12-1 of the DEIR SR68 is classified as a "major state highway", and as a "two-lane rural highway".

d. In brief, the Ferrini Ranch DEIR commits the **same transgression as the uncertifiable Villas de Carmelo EIR**, although more covertly by avoiding the term "urban street", and **should be disallowed** in the same way.

e. Also, the "Synchro software" (Ferrini Ranch DEIR, Appendix G, p. 5) evidently is a "tool" for analyzing intersections, and, as described on a software vendor's website, "implements the Intersection Capacity Utilization (ICU) 2003 method for determining **intersection** capacity. Version 8 also supports the HCM 2010 methodology for signalized intersections and roundabouts", according to the vendor. **Nothing identifies it as a proper instrument for evaluating environmental impact on** the relevant ***segments*** of SR68. HCM2010 states [p. 17-73] that such alternative tools effectively **"operate as a 'black box'**, providing little detail describing the intermediate calculations", or in short are not analytically accessible to the public or decision-makers, and therefore are **not suitable for CEQA analysis;** EIR's are required to "**permit full assessment** … by … members o the public".

f. Finally, the phrase "better than what is actually perceived by the motoring public" is **entirely obscure and ambiguous**.

   i. **No criterion for "better"** is provided (any such value judgment should be accompanied by a clear rationale, and in this case one that refers distinctly to environmental assessment), and "perceived by the motoring public" is undefined.

   ii. **No referent is provided** for the comparative "better than".

   iii. "[P]erceptions of the motoring public" – whatever that may mean, and whatever they may be – are **not changes in the "physical conditions within the area affected by the project"** that are **required by CEQA (Guidelines, 15382).** Thus the arterial analysis method" **cannot meet CEQA guideline mandates**.

59-6 cont'd

Please respond in detail to each item in this comment. Provide substantial evidence to support all assertions.

16. Most of p. 5 and the top of p. 6 of Appendix G of the DEIR is devoted to discussion of an approach devised as an alternative to HCM methods to assess traffic conditions on

59-7

Comment Letter 59 Continued

SR68. It is emphasized here that the two software programs used (Synchro and HCS) were based on HCM methods; but **HCM methods**, as noted elsewhere in these comments, often lead to analyses that are **inconsistent with CEQA**. Moreover, the **"black box" character** of such programs makes their **appropriateness for environmental impact analysis dubious** in any case. Finally, and most importantly, the **output performance measure** that is used in the DEIR for the relevant road segments is **travel speed**, which is essentially ***uncorrelated* with existing traffic volume** on SR68, and is therefore **wholly unacceptable as an environmental impact measure**.

59-7 cont'd

Please respond detail including substantial evidence to support your response.

17. In order to analyze the DEIR, and to understand in reasonable detail the deficiencies indicated in item 1. above, one must first understand the s**tated purposes and requirements of CEQA**. The following excerpts from CEQA Guidelines and observations are key to such evaluation:

a. "An EIR is an **informational document** which will **inform** public agency decision-makers and **the public generally** …" (15121) The EIR serves as a public exposure document …" (15149) "The information contained in an EIR shall include … relevant information **sufficient to permit full assessment of significant environmental impacts** by reviewing agencies and **members of the public**." (15147) "An EIR … enables … a decision which **intelligently** takes account of environmental consequences …" (15151) "The courts have looked for … **adequacy, completeness** and a **good faith effort at full disclosure**." (15151)

b. "… Lead agency shall consider **direct physical changes** … and reasonably foreseeable indirect physical changes in the environment which may be caused by the project. " (15064) "An EIR must include a description of the **physical environment conditions in the vicinity of the project** …. This will normally constitute the **baseline physical conditions** …." (15125) "'Significant effect on the environment' means a substantial or potentially substantial adverse **change** of any of the **physical conditions within the area affected** by the project. (15382)

59-8

c. "'**Substantial evidence**' … means enough **relevant information** and **reasonable inferences** from this information that a **fair argument** can be made to support a conclusion …. Whether a fair argument can be made … is to be determined by the whole record …. **Argument, speculation, unsubstantiated opinion or narrative**, evidence which is **clearly erroneous or inaccurate, or** evidence that is **not credible** … does **not constitute substantial evidence**. Substantial evidence shall include **facts, reasonable** assumptions **predicated upon facts**, and expert opinion supported by **facts**." (15064, 15384) "The Lead Agency is responsible for the **adequacy** and **objectivity** of the draft EIR." (15084)

d. *CEQA Guidelines-Environmental Checklist, Traffic* poses the following question: "Would the project cause an **increase in traffic** which is substantial in relation to the existing traffic load and capacity of the street system (***i.e.***, result in a substantial **increase in** either the **number of vehicle trips**, the **volume to capacity ratio** on roads, or **congestion at intersections**)?" (Appendix G, XVa)) *Note that the **recognized criteria** for traffic conditions on road segments are the **traffic volume***

Comment Letter 59 Continued

*(number of vehicle trips), and the **volume to capacity ratio**, which is the number of vehicle trips divided by a specified volume capacity for the segment.*

e. A significant difference between what CEQA requires and what HCM provides is evident in the HCM2010 introductory summary of its purpose, which states that "quality of service" is defined in HCM "from the *traveler's perspective*". (HCM 2010, p. 1-2). Similar statements appear in HCM2000, including that "quality of service measures apply to the traveler's *perceived satisfaction*". But in contrast, **CEQA demands assessment of "*physical conditions* within the area affected by the project."** (CEQA 15382)

59-8 cont'd

Please respond in detail, explaining how the DEIR meets CEQA Guideline requirements. Provide substantial evidence to support all assertions.

18. For this project, **the direct physical changes** to traffic and circulation caused by the project **in the vicinity** of the project are the **addition**

a. **to daily traffic volume** (ADT or AADT) of 2,392 trips,
b. to AM peak hour traffic **volume** of 215 trips (9% of added ADT), and
c. to PM peak hour traffic **volume** of 302 trips (13% of added ADT), according to the EIR.

The **distribution of these additions** along SR68 constitute the **direct physical changes to each study segment of SR68**, which would be added to the **baseline traffic volume** and would constitute the **direct impact** of the project to each segment. Assessment of this distribution in relation to the baseline of existing traffic volume is the **first and fundamental task of the EIR**.

Please respond in detail, explaining how the DEIR meets CEQA Guideline requirements. Provide substantial evidence to support all assertions.

59-9

19. The measured **baseline** for the project's **direct physical impact** on the relevant segments of SR68 is the set of existing **traffic volumes** on each of the first 8 rows of data shown in the DEIR's Table 3.12-4 in the 4th and 8th columns. Unfortunately, the traffic volumes on these segments, though reported, are **not used in the DEIR directly as criteria for environmental impact**, as noted above. This is a **principal, serious and fatal defect** of the DEIR. **Increases in traffic volume** are the **direct causes** of all adverse traffic impacts. In contrast, travel speeds are only secondary or tertiary effects, and are not even significantly correlated with volume changes.

Please respond in detail, explaining how the DEIR meets the relevant CEQA Guideline requirements and identifying those relevant requirements. Provide substantial evidence to support all assertions.

20. Although the HCM may be useful as a source of technical insights concerning traffic issues such as the analysis and design of roadways, **HCM is not an environmental assessment document;** the **purpose of HCM does not include direct environmental assessment**; its various measures, techniques and "tools" do **not generally constitute suitable environmental variables or criteria**. Examples:

Comment Letter 59 Continued

a. **Travel speed** as measured in this study **is not even statistically correlated with traffic volume**, changes in the latter being the obvious direct effect of development projects. (See above.)

b. PTSF (see the HCM chapter on two-lane highways) produces supposed impacts (changes in PTSF value per vehicle added) that decrease sharply with increases in traffic volume, especially at high volumes. This implies that as congestion becomes greater, the environmental impact of each added vehicle grows smaller, eventually drastically smaller, which is **contrary to all experience**. A number of **irrational conclusions follow inevitably from use of PTSF** as an environmental assessment variable. (See relevant public comments in the 2010 General Plan FEIR, especially those concerning traffic in Carmel Valley.)

c. The **one-size-fits-all value of 3,200 vehicles per hour** as the essentially universal maximum **two-way capacity for all two-lane roads** simply **does not correspond with observation** and **cannot be used as a reasonable guide for environmental evaluation.** In various HCM applications, this maximum is modified by adjustment factors, but it nevertheless can produce volume-to-capacity (v/c) ratios that make no sense in environmental assessments. (See Table 3-2 of the 2010 General Plan FEIR for examples of average daily 2-way 2-lane traffic volume capacities used in Monterey County, and that do not use the 3,200 vehicle per peak hour HCM capacity assumption. For **comparison** of the FEIR daily traffic volumes with the Ferrini Ranch DEIR peak hour volumes, the daily capacities must be divided by 10; the results are 1,630; 1,500; 1,460; 1,200; 1,168; 960 and 2,490, the last being used only on SR1 for the five segments between Spindrift (south of point Lobos) to the southern Monterey County Line.)

d. The HCM repeatedly states that "the traveler's perspective" or "travelers' perceptions" form the basis for its quality criteria (level of service, LOS); but under CEQA the basis for **environmental *impact*** is **"direct physical change"** in the area affected by the project, which involves substantially **different quantitative variables and criteria** (*e.g.,* traffic volume, v/c). Again, **HCM is not an appropriate source for variables that meet CEQA requirements** (except volume v, and capacity c), and certainly it is not satisfactory as an exclusive source. In short, HCM methods by themselves do not provide suitable environmental variables and significance criteria for traffic evaluations. As a result, **this DEIR**, depending critically as it does on HCM, **supplies no clear and objective basis or standards for assessing environmental traffic impacts**.

59-9 cont'd

Please respond to this comment, providing substantial evidence of the Highway Capacity Manual's relationship to environmental assessment and to CEQA.

21. Given the **fatal inadequacies** of the DEIR's **choice of measures (variables) and assessment methods** for evaluating environmental impacts of traffic, and its **consequent inability to satisfy CEQA guidelines**, the application of these measures and methods to projected effects on traffic conditions (for project, background or cumulative scenarios) is both **speculative and irrelevant**. In addition, the **methods** themselves, and the **models** (software) on which they are based, are **not accessible** to decision makers nor to the public, and **cannot meet CEQA guidelines**.

Comment Letter 59 Continued

Please respond to this comment, providing substantial specific evidence of the ability of the travel speed methods used in the DEIR to estimate environmental impacts from changes in traffic volumes.

22. **Inadequate EIR documents** such as this – especially ones that understate environmental impacts and use approaches that tend to be deceptive to the uninitiated – are inherently **growth inducing**. They produce a condition of **"moral hazard"** if they are accepted, by establishing a **reduced level of accountability** to which other applicants also are likely to seek access.

Please respond.

23. CEQA **encourages agencies'** to develop and publish **thresholds of significance** for determining the significance of environmental effects (Guidelines 15064.7), which by implication would incorporate the defining of impacts in terms of specific physical changes arising from a project. We recommend that the **County officially adopt traffic volume, v, as the principal variable for assessing traffic levels and environmental impacts, and also specify volume-to-capacity ratios, v/c, as threshold-of-significance criteria for each two-lane road segment**. This requires establishing appropriate **segment capacities** (other than the inflexible and generally inappropriate HCM two-way two-lane prescription of 3,200 vehicles per hour) **tailored to roadway segment characteristics**; such capacities should be determined in part by safety issues, such as typical braking deceleration data and roadway sight lines. Note that when v is the volume in vehicles per hour, 3,600 sec./hr./v is the average time interval between cars (front bumper to front bumper) and can be useful in determining segment capacities.

59-9 cont'd

Please respond.

24. Because the baseline (existing traffic) analysis in the DEIR is seriously deficient, and because the ATS results have nearly zero correlation with traffic volume on two-lane SR68, it **makes no sense to attempt projection of future impacts** based on the baseline data. Nevertheless, we note that the projections provided in the DEIR, based on the **deficient methods of the analysis and biased toward underestimation**, show all eight two-lane segments to be at LOS F, an entirely unacceptable and unmitigatable circumstance. Thus, even with all the "benefits" provided to the project by the flawed DEIR, the evidence is overwhelming that **Ferrini Ranch subdivision should not proceed**.

Please respond.

TDS
11/16/2012

RESPONSE TO LETTER #59 – SANDERS, TIMOTHY

Response to Comment 59-1

Summary of issues.

Issues summarized here focus on the traffic impact methodology and thresholds of significance. Detailed comments and responses are itemized below.

Response to Comment 59-2

Comment argues that the DEIR does not use changes in traffic volumes as a measure of impact.

Traffic volumes of the project have been applied to Background Conditions to document "Background Plus Project" conditions, as quantified on page 3.12-35 of the DEIR. The DEIR identifies that the project would generate approximately 2,392 daily trips. These trips are used to determine if the thresholds of significance (DEIR pages 3.12-27 and -28) would be exceeded. The thresholds clearly state that impacts are significant if the addition of project traffic would cause levels of serve to deteriorate (page 3.12-27). The assessment of impacts is a level of service–based assessment.

Response to Comment 59-3

Thresholds of significance used in the DEIR's traffic analysis.

The comments are focused on the DEIR's discussion of travel speeds, travel time, and delay along the Highway 68 corridor. DEIR page 3.12-30 states, "Although conventional thresholds of significance are recognized and used in this report, the County considers the delay study to be an important discussion with respect to understanding corridor operations and the relative net effect of the proposed project on those operations." In other words, the DEIR studied travel time and corridor delay to inform the assessment of segment operations, but ultimately used traditional level of service (LOS) thresholds to assess impact significance.

The threshold of significance criteria is described starting on page 3.1-27 of the DEIR, which is recognized by Monterey County and is consistent with the County's analysis methods for other projects. It is also noted that Caltrans uses a Corridor Management System Approach to develop the best solutions to address congestion issues on State Route 68 and regional network facilities in general. Caltrans, TAMC, and Monterey County are currently exploring more meaningful methods by which to analyze regional corridors such as State Route 68 and to evaluate them in the context of corridor-wide effects rather than a series of impacts to individual roadway segments and intersections.

The Traffic Impact Analysis (TIA) was prepared by a traffic engineer using industry standard software in accordance with Highway Capacity Manual (HCM) methodologies. The methodology used to analysis traffic impacts is summarized starting on page 3.12-28 of the DEIR and in more detail starting on page 4 of the TIA included in Appendix G of the DEIR. As noted on page 4 of the TIA, two commonly accepted methods used to evaluate the operations of road segments include the Highway Capacity Manual's Arterial and Two-Lane Two-Way Highway methodologies. The Synchro software allows the analysis of arterials based on the Highway Capacity Manual's (HCM) arterial analysis methodology, while the HCS software allows analysis

of two-lane highways based on traffic volumes, road capacity, and the percent-time-spent-following for a two-lane highway. The results of the HCM's arterial analysis are strongly influenced by the operations of the signalized intersections along the corridor, and in this case yielded results that were significantly better than what is actually perceived by the motoring public. It was found that the HCS software also did not accurately reflect the actual conditions in the field for the two-lane portion of State Route 68. Due to the unique characteristics of State Route 68, and based on discussions with the Monterey County Planning and Public Works Departments and Caltrans staff at multiple meetings, it was decided that an alternative method for analyzing the two-lane portion of the State Route 68 corridor (from Josselyn Canyon Road to San Benancio Road) would be appropriate.

As noted on page 3.12-29 of the DEIR, methods for analyzing traffic were not selectively picked from the HCM to guide the analysis conclusions but to provide an accurate evaluation of actual conditions on the State Route 68 corridor. As noted on page 5 of the Traffic Impact Analysis included in Appendix G of the DEIR, GPS (Geographical Positioning System) and GIS (Geographical Information System) based technology was used to evaluate road segments and corridors based on actual conditions that are experienced in the field. A test vehicle equipped with a global positioning device traveled along the study corridor while the GPS device recorded the position of the test vehicle in one-second intervals. The collected data was used to determine the travel speed, travel time, and delays along the corridor under existing traffic conditions to calibrate the Synchro traffic analysis software by inputting the actual field-measured delay at each intersection and along the highway in order to assess the road segment operations under the projected traffic conditions (background, background plus project, and cumulative). As noted on 3.12-29 of the DEIR and in Section 2.4 of the TIA (Appendix G of the DEIR), intersection traffic counts were collected during the weekday A.M. (7:00 to 9:00 A.M.) and P.M. (4:00 to 6:00 P.M.) peak hours at the 21 study intersections in 2006 and 2008 to establish existing traffic flow. Synchro input and analysis and traffic counts are included in the appendices and exhibits of the TIA.

As noted in Appendix A1 of the TIA (Appendix G of the DEIR), at signalized intersections the capacity is evaluated in terms of ratio of demand flow rate and capacity, and the level of service is evaluated on the basis of control delay per vehicle. The operational analysis of the State Route 68 segments was based on multiple methods included within the 2000 HCM, depending upon the segment analyzed.

The commenter is correcting in stating that travel speed was used to determine level of service on the two-lane portion of Highway 68; however, this is an appropriate measure of vehicle throughput on two-lane highways. The 2010 Highway Capacity Manual states, "[o]n two-lane highways in developed rural areas, LOS is defined in terms of percent of free-flow speed" (p.5-11). The Highway 68 corridor qualified as a "developed rural area" designation as it travels through relatively undisturbed countryside, but also has common urban elements such as traffic signals, businesses, residential neighborhoods, and driveways directly serving these uses.

The CEQA Guidelines do not require the use of traffic volume or volume-to-capacity ratio as the means to determine an environmental impact. Appendix G of the CEQA Guidelines provides sample questions intending to encourage thoughtful assessment of impacts and does not necessarily represent thresholds of significance (CEQA Guidelines, Appendix G). The sample questions in Section XVI (Transportation/Traffic) of Appendix G of the applicable CEQA Guidelines are noted on page 3.12-27 of the DEIR. In accordance with the California Environmental Quality Act (CEQA) and agency and professional standards, specific impact

criteria were applied to the study intersections and road segments to determine if a significant impact would occur due to the implementation of the proposed project. The impact on operations along the roadway network is the direct physical impact the trips generated by the proposed project would have on the roadway network.

Response to Comment 59-4

Baseline for existing traffic conditions.

The baseline for the proposed project is the date the application was deemed complete, which was April 2005 as noted on page 2-1 of the DEIR. The DEIR's traffic study was updated in 2008 and again revised in 2010. The DEIR timeline preceded the County's General Plan analysis. Based on the application date, the DEIR is consistent in evaluating the project against the standards and policies of the 1982 General Plan.

Response to Comment 59-5

Extended/additional comments regarding assessment of two-lane road segments for Highway 68.

The comment reiterates previous comments regarding analysis methodology. Please see Response to Comments 59-1 through 59-4.

Response to Comment 59-6

Roadway classifications used in the traffic analysis.

Highway 68 is composed of a mixture of different roadway types, from two-lane highway to multi-lane highway to freeway. Thus, different methodologies were used for different segments of the highway. However, along the segments of two-lane highway, the traffic signals control traffic flow more so than the number of lanes. For that reason, the urban streets analysis methodology was used to analyze sections of Highway 68. The 2000 Highway Capacity Manual agrees with this approach, stating "...traffic signals spaced at 2.0 mi [miles] or less typically create urban street conditions..." (p. 12-1) and are thus subject to urban street methodologies. The 2010 Highway Capacity Manual reiterates this statement – "Where signalized intersections are less than 2.0 mi [miles] apart, the facility should be classified as an urban street and analyzed with the methodologies of Chapter 16, Urban Street Facilities, and Chapter 17, Urban Street Segments, which are located in Volume 3" (p. 15-1). All of the signals along Highway 68 are spaced at less than 2.0 miles apart; therefore, use of the urban streets methodology for Highway 68 is appropriate.

The commenter is correct that the Synchro analysis software was used in this analysis. The consulting traffic engineer chose to use Synchro for operational analysis, because of its signalization-specific capabilities, and because it incorporates Highway Capacity Manual methodologies, such as the urban streets corridor analysis used in the DEIR. The Synchro Studio 8 Users Guide states "[t]he Arterial Level of Service Report contains information about the speed and travel time for an arterial. This report mirrors the reports used in the Arterials section of the HCM 2000, Chapter 15" (p. 16-21).

As noted in the DEIR, many of the segments of Highway 68 will operate at LOS F with the project. In fact, all of the two-lane segments of Highway 68 analyzed herein are shown to operate at LOS

F with the project, and are said to be an impacted segment in the DEIR. This is consistent with the expectations expressed by the commenter. Thus, the methodology used to analyze Highway 68 in the DEIR resulted in a more precise analysis and supported the quantification of the benefits of the stated mitigation for the corridor, as well as helped to determine the project's fair-share contribution towards said mitigation.

The Highway Capacity Manual's reference to "black box" methodologies refers to the Synchro-specific methodologies for signal operations. However, that is not what is used in this analysis; what was used was the Highway Capacity Manual urban street analysis to derive travel speeds, and applied those to the two-lane highway level of service scale. The only "manipulation" made to the analysis was the addition of a Level of Service "F" threshold, which is not present in the Highway Capacity Manual methodologies. Therefore, the "black box" statement does not apply to this analysis.

In response to the questioning of use of the term "better," this refers to our initial calculations that showed faster operations along Highway 68 than our existing GPS travel time runs. As this result, the topic was discussed further with County and Caltrans staff, where it was decided to use the Highway Capacity Manual method that is documented within the DEIR.

Response to Comment 59-7

Analysis methods.

See Response to Comments 59-1 through 59-4.

Response to Comment 59-8

Comments quote several excerpts from the CEQA Guidelines, requesting responses.

The CEQA citations regarding the purpose of CEQA are noted for the record. The County of Monterey must make several findings regarding the environmental document prior to its certification.

Response to Comment 59-9

Physical changes, traffic volumes, baseline, analysis methodology.

Please see Response to Comments 59-1 through 59-6.