

Comment Letter 70

Pamela Lapham

Subject: FW: Comments on DEIR Ferrini Ranch

Importance: High

From: Stephen Tremper [<mailto:stevetremper@comcast.net>]
Sent: Monday, November 12, 2012 11:09 AM
To: Mack, David x5096
Cc: 112-Clerk of the Board Everyone; 100-District 5 (831) 647-7755
Subject: Comments on DEIR Ferrini Ranch
Importance: High

Mr. Mack, we are property owners on 117 Dr. and would like to address our concerns as follows:

- Very Low to Low-Income Housing – While view shed is an important aspect of the Ferrini Ranch development along Hwy 68, it appears that no consideration was given to the residents along 117 Dr. with the designation of all the low income/inclusionary housing directly in our backyard. The development of such housing does not effect anyone else along the Hwy 68 corridor at the level it affects our small neighborhood. The impact it has on the residents of 117 Dr. includes the View Shed, Noise, Traffic Congestion, Privacy and more importantly our Home Values. Upon communicating with other property owners on 117 Dr. there is a general feeling that we have been discriminated against by placing this type of development along the rear of our properties. No other property owners in the Toro area would complain about this part of the development because it does not directly affect them; leaving only 10 voices to have to contend with. Had the low income area of the project been filtered throughout the whole development there would be less impact on any one significant group of homeowners.
- Home Value – The properties currently established along 117 Dr. are unique in the fact that they are all approximately .5 flat Acre with no through traffic and offer scenic views of natural occurring landscape. This is a rare environment in this area and the incorporation of Low-Income housing will directly impact our home values. If the developers don't feel that the incorporation of such housing will directly effect our home values then why don't they filter the low-income/inclusionary housing throughout the entire development?
- View shed – We purchased this property last year predominately for the open space to the rear of our property. The view shed is composed of Oak trees and open land. The incorporation of very low to low income apartments/dwellings will significantly compromise the view shed of not only our property but that of 117 Dr. residents.
- Noise – Our property on 117 Dr. is already affected by Hwy 68 traffic noise. The traffic noise was considered when we purchased this property but the View Shed outweighed the noise generated by the traffic. However, the incorporation of housing units within the view shed of our property and the traffic associated with it will significantly impact our family as well as other residents on 117 Dr.
- Traffic – Currently, people from various areas frequent Toro Regional Park. These visitors refuse to pay the Park Entry fee and park along 117 Dr. This creates significant congestion on the weekends. The incorporation of additional housing in the area will only exacerbate these issues.
- Privacy/Security – Currently, residents along 117 Dr. are afforded a certain level of Privacy and Security based on the natural occurring landscape to the rear of our properties. The introduction of low to very low-income housing brings in an unknown element that will compromise our Privacy and may compromise the Security of our properties too.

I hope these issues are taken into consideration, since they directly effect our neighborhood.

Respectfully,

Steve and Heather Tremper

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RESPONSE TO LETTER #70 – TREMPER, STEVE AND HEATHER

Response to Comment 70-1

Comments express concerns regarding the project's affordable housing component, property values and security, impacts to views, increased noise, and parking along 117 Drive.

Please see Master Response 1 regarding these issues. See also the analysis of Alternatives 3 and 5 of the RDEIR regarding noise impacts and an alternative layout for the affordable housing component. Property values are not an environmental impact subject to review in the EIR.

Comment Letter 71

November 1, 2012

Monterey County Planning Department

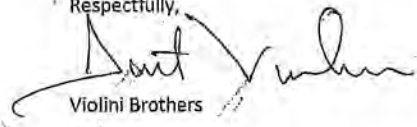
Attention David Mack

Regarding: Hiway 68- Ferrini Ranch Development

Mr. Mack,

Violini brothers has been leasing the property and grazing cattle on the Ferrini Ranch for many years. We support the project and look forward to working with the developer and will continue grazing cattle on the available lands as the Ranch project progresses. I have seen the proposed project and it should preserve the visual character of Hiway 68 corridor.

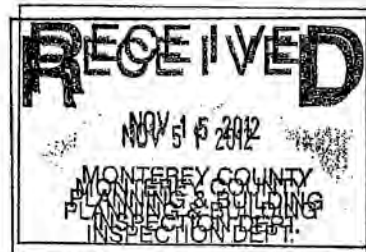
Respectfully,



Violini Brothers

P.O. Box 7396

Spreckels, Ca. 93962



RESPONSE TO LETTER #71 – VIOLINI BROTHERS

Response to Comment 71-1

Comments are in support of the project.

Comments noted. No response is necessary.

Comment Letter 72

November 13, 2012

TO: David Mack, County Planner

County of Monterey

c/o mackd@co.monterey.ca.us

cc: Carl Holm: HolmC@co.monterey.ca.us Mike Novo: novom@co.monterey.ca.us

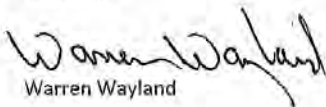
SUBJECT: Comments on Ferrini Ranch Draft Environmental Impact Report

This letter is sent to express my support of the Ferrini Ranch project either as proposed or as noted in the Draft EIR as Alternative 3B.

The proposed project has been well designed to respect and minimize potential visual, traffic, wildlife corridors and open space impacts. It provides opportunity for helping the local economy with inclusion of a wine-related facility as well as jobs during planning and construction of the homes and facility. It will not draw water from the Toro Basin. It will permanently preserve scenic views within the Highway 68 corridor. It provides an opportunity for a public pedestrian and biking trail along this section of the Hwy 68 corridor, and it maintains about 600 of the project's 870 acres in open space. Proposed development with all these positive features is commendable and should be supported.

I believe that Alternative 3B may offer a better solution than entering through an access road near Toro Park because a signalized intersection across from Toro Park can assist both the project area and the Toro Park Estates areas directly and can also help improve traffic flow for everyone in the area or using Highway 68. However, I support either the project as proposed or Alternative 3B.

Sincerely,


Warren Wayland

RESPONSE TO LETTER #72 – WAYLAND, WARREN

Response to Comment 72-1

Comments are in support of the project as proposed or Alternative 3B.

Comments noted. No response is necessary.

Comment Letter 73a

Monterey County Planning Department
To: Project Planner: David Mack
re: Ferrini Ranch Subdivision DEIR
Planning File Number: PLN040758
Toro Area Plan
Via email: MackD@co.monterey.ca.us
From: Mike Weaver, Chair
The Highway 68 Coalition
(831) 484-6659

November 14, 2012

Ferrini Ranch Wastewater

Dear Mr. Mack,

An issue in this DEIR is the treatment of project wastewater and sewage. I reviewed Appendix E, the July 14, 2008 Kleinfelder Preliminary Geologic, Geotechnical, Hydrogeologic, Erosion, Drainage and Environmental Phase 1 Assessment. Located in Section 4.7, on page 52, Waste Water Discharge, I found that Kleinfelder's assessment as to the adequacy of sewage treatment capability was based on a phone call, referred to as a telephone interview, on December 7, 2006, to Robert Adcock, the owner of California Utilities Service. Kleinfelder reported they were told the treatment plant has a 300,000 gallons per day capacity, and they are currently treating 220,000 gallons per day. No other investigation was reported.

This is problematic for many reasons. It is such an important issue and has been afforded no real environmental assessment. Why not? Here are some of our concerns:

- 1) Robert Adcock, the source of the 220,000 gallons per day number, passed away June 9, 2007. We understand his son; Robert Adcock, Jr. is now operating the business.
- 2) The credibility of Robert Adcock's reporting of health and safety issues with his ALCO Water companies was an issue in 1999-2000
Please reference: <http://elr.info/sites/default/files/litigation/31.20227.htm>
United States v. Alisal Water Corp
The U.S. EPA, the U.S. Department of Justice, as well as the Monterey County Environmental Health Bureau were involved in this case.
Please also reference the May 20, 2004 order by the U.S. District Court imposing the largest penalty ever against a public water system, the Alisal Water Corporation. The penalty was \$500,000. (Owners Robert and Patricia Adcock)
- 3) The Monterey County Environmental Health Bureau's records should show a history of problems and issues with this sewage treatment facility. The facility is immediately adjacent to the Salinas River. Have water quality tests been done downstream of this facility? Where are they? Why are these not included in this report?

73a-1

Comment Letter 73a Continued

Page 2

How far back does water quality testing downstream of the CUS sewage plant go? Does Monterey County EHB share information with the State Regional Water Quality Control Board in San Luis Obispo? Where are these County records kept?

4) A Public Records Request review in October 2012, of the Ferrini Ranch file at the Monterey County EHB revealed a November 29, 2005 internal email regarding a year 2005 investigation as to CUS sewage capacity. No investigation notes were found. No conclusive notes were found. Are these records in another file? Aren't these records pertinent to this Ferrini Ranch project DEIR? If not, why not?

5) Following are some of the sewage plant historical records that should be reviewed:

February 23, 1993 Walter Wong requesting compliance to Monterey County Code Chapter 15.23 (monitoring requirements), this after granting CUS a two week extension

August 20, 1993 Walter Wong final request to comply 15.23

January 10, 1994 Walter Wong letter stating no reports for 1993 no compliance with 15.23

Nov 1994 back up pump failure

Nov 1994 Effluent diverted to holding ponds

Nov 1994 200-gallon overflow

April 14, 1995 Rhod Alden request flow reports, and even includes a sample form to be used in compiling the reports

April 28, 1995 Rhod Alden requesting CUS to complete 1992 application

April 25 1995 Inspector Rhod Alden-overflow pond overrun by Salinas River and in need of repair. Spray fields damaged and in need of repair. Spray field only 20 acres

Nov 1995 Coliform greater than the 23 limit

October 26, 1998 Inoperable flow meter from May to October, and discrepancy in written reports regarding the flow meter

November 2001 Coliform Violation, Charlie Barr, plant operator, "believes the contamination was done by himself or at the lab"

June 26, 2002 Notice of violation for lack of adequate sludge drying facilities. This problem had been brought to CUS attention on December 5, 1997 and again on January 10, 1998, per Lida Tan and Ryan Lodge inspectors for water quality board.

73a-1
cont.

Comment Letter 73a Continued

Page 3

6) A November 29, 2010 letter to the Ferrini Ranch Project Planner from Monterey County EHB contains a chart of "Estimate of Wastewater Flow" with the words underneath "This table needs to be added to the RADEIR" Please note I cannot find this table in the Ferrini Ranch DEIR. This table lists (Robert Adcock's December 2006 estimate of the existing connections sewage) as 220,000 gallons per day, with EHB's estimate of cumulative project connections bringing it to 292,500 gallons per day. Where is this located in the DEIR? Did we miss it? Why and how did the baseline number of 220,000 gallons per day get adopted?

7) There are several previous projects in the Toro Area that have had issues with that sewage plant.

*For example, The Villas of Corral de Tierra Condos were initially not allowed occupancy because of a lack of capacity at the sewer plant.

*Phase I of the Markham Ranch was initially not allowed occupancy because of a lack of capacity at the sewer plant.

*Approval of the Corral de Tierra Meadows project was delayed and restructured because of a lack of capacity and maintenance at the sewer plant.

All these projects were held up because Monterey County EHB was providing enforcement at the time, and the sewer plant was not adequate. All these projects, and others, continue contributing sewage to CUS.

8) Current Toro Area residents connected to the CUS sewer plant are paying \$140 per month for the service. Additional service connections will further worsen the problems at CUS and may well drive monthly sewer connection charges even higher. Don't you agree this Ferrini Ranch project could aggravate existing problems? Don't you agree this Ferrini Ranch project could aggravate existing ratepayers monthly bills?

9) Regarding CUS: Attached here is testimony given to the County of Monterey during a December 2010 Corral de Tierra Shopping Center hearing from a member of the Meyer Group. This is a public record:

My name is Susan Bacigalupi and as a member of the Meyer Community Group, a homeowners group in San Benancio Canyon, I was assigned the task of determining at what level of capacity the wastewater disposal plant, California Utilities Services, Inc., ("CUS") is currently operating.

73a-1
cont.

Comment Letter 73a Continued

Page 4

After extensive investigation in the summer & fall of 2004 it was determined that CUS is exceeding its wastewater permit that permits 300,000 gallons a day per State Water Resources Control Board Order Number R3-2007-0008.

The information on the spreadsheet, was obtained during the summer of 2004 by physical canvass of the entire Toro Area. Neither the State nor County at that time had any records that indicated area served, number of hook ups, etc. I was told by the county health department (Marianne Dennis) to go count them if I wished to know the total number of hook ups, so I did. The areas covered were: Corral de Tierra from four corners, North and South side of Hwy 68 to the Salinas river bridge. This was done twice going door-to-door and asking questions.

Mr. Adcock of CUS stated in October 2004 his total number of hookups to be 1,114. According to Mr. Adcock this represents a “full and accurate count of all hookups to the utility’s collections system.”

Once again, sloppy record keeping by CUS. We counted 1306 hookups. Truth of the matter is CUS does not have accurate records of their hookups.

**73a-1
cont.**

Comment Letter 73a Continued

Page 5

We extrapolated data based on 3 different levels of usage; 375, 300, or 250 gallons per day per hook up. All of these numbers produce more than 300,000 gal/day. The addition of the large shopping center (Corral de Tierra) that is projected to use 9 acre feet of water/year will severely exacerbate this over capacity situation.

The latest figures for flow per day as reported by CUS is 220,000 / day. This is ludicrous. This is less than they reported in 1990. This is a self-reporting system and as we have seen in the past with Mr. Adcock's water companies the reporting is sketchy at best.

According to Matthew Keeling, of CRWQCB - Central Coast Region, "CUS upgraded calibrated influent and effluent flow meters a number of years ago and my understanding is that they are relatively accurate..."

According to CRWQCB from their own web site May of 2010 there was no influent monitoring. I am submitting a list of the violations for the last 4 years.

CUS has no plans for increasing capacity. They solve that by reporting smaller flow numbers.

**73a-1
cont.**

Comment Letter 73a Continued

Page 6

Their record keeping is sloppy at best.

An engineer who toured the plant in March 2010 reported however, the lab area was quite dirty and disorganized, with lab equipment appearing dusty and unused. These are the exact words used 6 years earlier in a letter to the County from CRWQCB.

CUS is not capable of efficiently & safely serving this increased demand and based on sewage issues alone this project should not go forward until there is adequate waste management available, not just promises.

All supporting data is available upon request.

END

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9) The attachment spreadsheet on the next page is an independent count of the number of CUS service connections done in November 2004. This chart was part of a declaration submitted to the County of Monterey, during the Harper Canyon, LLC hearings, and should be in the County files. This chart was also submitted to the County during the Corral de Tierra Shopping center hearings. The information contained is pertinent as not much has changed at the CUS treatment plant and there are no fewer service connections. What has Monterey County done with this report? Why is the information it not being utilized?

**73a-1
cont.**

Comment Letter 73a Continued

California Utilities Service Sewer Hookups

Permitted for 300,000 gallons average daily flow per day
 Emergency conditions 450,000 gallons per day

Robert T. Addcock-Owner
 Order 95-23 C.R.W.Q.B.

Development	Houses	Avg Household Daily Flow (gallons per day ^{***})			
		375 Gallons	300Gallons	250 Gallons	
Toro Park School	26	9,750	7,800	6,500	410 Students 40 EMP.
Toro Park Deaf School	3	1,125	900	750	18 students 10 EMP.
Toro Little League Stand	1	375	300	250	
Toro Park	476	178,500	142,800	119,000	
Toro Views	10	3,750	3,000	2,500	
Toro Sunshine	37	13,875	11,100	9,250	
Toro Hills Estates	42	15,750	12,600	10,500	
Serra Village	132	49,500	39,600	33,000	
The Villas + Clubhouse	64	24,000	19,200	16,000	
Corral de Tierra C.C.	27	10,125	8,100	6,750	30-35 EMP.-60-100
The Meadows	121	45,375	36,300	30,250	golf /lunch-not include
Vista Dorada	20	7,500	6,000	5,000	spcl events-weddings
El Rancho Corral de Tierra	26	9,750	7,800	6,500	
Corral de Tierra Terrace	10	3,750	3,000	2,500	
Markham Ranch Lower	100	37,500	30,000	25,000	
700 Block Mtry-Sal Hwy	8	3,000	2,400	2,000	
Cypress Church & School	15	5,625	4,500	3,750	
Villa Allegra Estates	8	3,000	2,400	2,000	
7-11 Business Park	14	5,250	4,200	3,500	
15881 Toro Hills Equine Vet	5	1,875	1,500	1,250	
15885 Toro Hills-next to vet	2	750	600	500	
Encina Hills et al	0	0	0	0	Encina Hills=17 The Oaks=9 14 Lot Line=14 total=40+ Existing homes=10=50
Creekside	102	38,250	30,600	25,500	
Phelps Shopping Center	0	0	0	0	Shopping Cntr C. de T / hwy68 200+ employees, 25+ hookups
18391 Portola	3	1,125	900	750	
18911 Portola	3	1,125	900	750	
18921 Portola	5	1,875	1,500	1,250	
19000 Portola	6	2,250	1,800	1,500	
19040 Portola	7	2,625	2,100	1,750	
19045 Portola	10	3,750	3,000	2,500	
19055 Portola C H P	5	1,875	1,500	1,250	
19065 Portola	14	5,250	4,200	3,500	
305 Hilltown Sheib Vineyard	4	1,500	1,200	1,000	
Total hook ups	1306	489,750	391,800	326,500	Total Flow per Day

*** 375= National Avg No., 300= realistic no, 250= CUS no

- Numbers gathered by door to door canvassing 11-30-04
- Institutional numbers by canvas, observation and calculation
- Calculations reference: Wastewater Engineering -Treatment, Disposal, and Reuse Metcalf & Eddie, Inc. 3rd Edition, Chapter 2, pp 18-25
- numbers are BEFORE the addition of the 3 San Benancio developments, the Corral de Tierra shopping Center and the expansion of Corral de Tierra Country Club. those projects are currently up for county approval with The Oaks, and 14 Lot already approved
- Addresses in Magenta not on CUS Report 10-29-04
- CUS 10-29-04 1,114 hookups

73a-1
cont.

RESPONSE TO LETTER #73A – WEAVER, MIKE

Response to Letter/Comment 73a

Comments question the capacity of the existing (California Utilities Service) wastewater treatment plant. Comments cite public records related to the plant, and question whether water quality tests have been performed downstream of the plant.

The operations of the existing California Utilities Service (CUS) wastewater treatment plant at 16625 Reservation Road is subject to the conditions upon the existing waste discharge permit issued by the Regional Water Quality Control Board (RWQCB). As identified on page 3.10-20 of the DEIR, the current permit allows CUS to collect, treat, store, and discharge up to 300,000 gallons per day. DEIR page 3.10-25 (Table 3.10-3) identifies a cumulative estimate of wastewater flows through the plant at 292,900 gallons per day, based on County information. Compliance with the existing permit is the responsibility of the operator, as regulated by the RWQCB.

CUS provides quarterly and annual water quality monitoring reports to the RWQCB. Downstream water quality is regulated by the State via the waste discharge permit. As a sprayfield disposal system, CUS provides quarterly and annual water supply monitoring reports from a number of wells. Based on the Annual Report to the RWQCB dated January 30, 2014, the average annual monthly flow for the calendar year 2013 was 189,000 gallons per day, which represents 63% of the plant's rated capacity. This recently reported value is lower than the assumed "existing" flows reported in the DEIR of 220,000 gpd. The project's contribution into the system remains well within the plant's design capacity.

Comment Letter 73b

Monterey County Planning Department
To: Project Planner: David Mack
Re: Ferrini Ranch Subdivision DEIR
Planning File Number: PLN040758
Toro Area Plan
Via email: MackD@co.monterey.ca.us
From: Mike Weaver, Chair
The Highway 68 Coalition
(831) 484-6659

November 15, 2012

Ferrini Ranch Water

Dear Mr. Mack,

We've read the DEIR dated August 2012, and the Appendix E provided to us thereafter. We have been trying to establish what, where, and who is the water source.

1) Several references are made that the water for the entire project is coming from wells in the Spreckels area. Spreckels is in the Greater Salinas Planning Area. Other references state water is coming from the El Toro Area. Which is it? Please clarify and be specific.

2) We find references that current wells on the property are to continue to be used for the grazing of cattle. We find other references that state existing wells are to be destroyed.

a) Which is it? Please clarify and be specific.

b) How many cattle will be grazed yearly. An average is ok.

c) How much water do cattle need?

d) Will water for cattle use be confined to that use or will the water be diverted for landscaping or other purposes? How to know? Will the water use be measured?

Who would it be reported to?

3) We read that California Water Service, whose local office is on Commission Street in Salinas, will be the sole water source provider for the entirety of the Ferrini Ranch project. We find a copy of a "Can & Will Serve " letter, dated November 23, 2004, and signed by Michael L. Jones. It states California Water will provide water for domestic use and fire protection "pending approval of the service area map by the California Public Utilities Commission."

This 2004 letter is not expanded upon in the DEIR dated August 2012, to inform the reader whether this service area map was ever approved by the CPUC.

a) Was this ever approved by the CPUC? Please clarify and be specific.

b) Were there CPUC conditions of approval?

c) What is the CPUC File Number?

d) What was the date of application to the CPUC?

e) What was the project description on the application to the CPUC?

73b-1

Comment Letter 73b Continued

Page 2

The November 23, 2004 Can & Will Serve letter from California Water and sent to Whitson Engineers, has no mention that the water will be from the Spreckels area.
f) Why not?

73b-1
cont.

4) We find the July 14, 2008 Kleinfelder report to be incomplete, not using the most current data, and coming up with false assumptions.
For example:

a) On page 45, a Toro Area groundwater study called the Anderson Nichols report is quoted from, regarding adequate water. The Anderson Nichols report was from October, 1981. However, the El Toro Groundwater Study commissioned by the Monterey County Water Resources Agency, produced by Geosyntec and **dated July 2007** says the El Toro area is in overdraft. The groundwater is being mined.

a) Why is a 1981 report being used when the later Geosyntec report built upon lots of previous information, and reports, including this 1981 Anderson Nichols report?

b) Why don't we find references to, and more about this Geosyntec Study analysis, summary, and conclusions in this Kleinfelder environmental assessment regarding water?

After all, The Kleinfelder Report is dated July 14, 2008.

c) If the water source for the project is coming from wells near Spreckels, why is El Toro groundwater being analyzed at all?

5) Page 45 of the Kleinfelder assessment references the year 1990 Markey & Soms report. Regarding the annexation of what is the Ferrini Ranch property to MCWRA Zone 2 and 2A, it states, "This 1977 annexation to (2 & 2A) to allow extraction from the El Toro groundwater basin."

73b-2

a) Was this the reason for the 1977 annexation? Please clarify and be specific.

b) Please explain how Zones 2 and 2A became Zone 2C.

c) Isn't groundwater from Zone 2 prohibited from being exported outside of Zone 2? Or 2C?

6) Page 53 of the Kleinfelder assessment lists water use demand. The low numbers listed, especially for residential use, seem overly optimistic by about 50%. The numbers are not in keeping with other water use demand numbers for residential housing in the Highway 68 area.

a) Why so low? Please provide comparative numbers for residential housing in Corral de Tierra, San Benancio, Laureles Grade, Hidden Hills, Pasadera, York Estates.

7) Part of the water balance analysis estimates an irrigation return of about 34 acre feet per year to the groundwater. (325,851 gallons per acre-foot X 34 acre-feet = 11,078,934 gallons). Figuring 212 houses, plus commercial uses, in the proposed subdivision, in some cases almost half their calculated water per house will be returned to the groundwater.

Comment Letter 73b Continued

Page 3

- a) How does this work? What is the math for calculating amounts of residential water to be returned to the groundwater?
- b) Aren't all these houses, and commercial uses, to be on a sewer line?
- c) Another issue is, won't these houses be required to have drought tolerant landscaping?
- d) Where is the discussion of a specific landscape plan for the project?
- e) Will independent irrigation wells for landscaping be allowed by the Monterey County EHB? And, if so, why isn't this water use calculated?

8) Kleinfelder environmental assessment, Page 56. Project Water - Source Summary. Again the reader is told on one hand California Water Service is to provide water from wells near Spreckels (not in the Toro Area), and yet in this summary it refers to water being drawn from multiple wells, in the language below.

"Water sourced from several wells in the El Toro area operated by California Water"

This was apparently authored about year 2007.

- a) Is water for the project to be provided by wells near Spreckels, or sourced from several wells in the El Toro area operated by California Water?

This report refers to existing water wells being monitored in the San Benancio area. The report repeatedly misspells San Benancio as San Banancio.

- b) Were the authors familiar with the area they were assessing?
- c) Why are existing wells in the San Benacio area being monitored for purposes of this report, when that is not to be the water source? Or is it?

9) The Kleinfelder analysis concludes there has been very little change in average rainfall of about 13" annually measured at the Salinas airport for 57 years.

- a) Periodic droughts lasting many years are not analyzed for the effect they may have on this subdivision and the cumulative effect it may have to the area. Why not?

10) Kleinfelder Report, page 60, states; Seawater intrusion may reach Spreckels and need management by year 2015. According to the DEIR, this is where the source wells for the project are going to be.

- a) That's three years from now. What type of management is proposed?
- b) How might additional groundwater pumping for the Ferrini Ranch project effect this seawater intrusion and the costs associated with managing it?

11) Kleinfelder Report, page 61, assumes the County's ability to manage ongoing erosion. We have a big concern in that the County has sometimes demonstrated little ability to manage conditions of project approval, and mitigation monitoring. Reference SOP v Monterey County in year 2000, and again SOP v. Monterey County in 2010.

- a) Why aren't these cases analyzed regarding the County's ability to manage ongoing erosion, especially on a project of this size?

73b-2

73b-3

73b-4

Comment Letter 73b Continued

Page 4

Between the years of average rainfall, are years of drought and some years of extremely heavy rainfall. Neighbors remember years of heavy rainfall in nearby San Benancio when hillsides slipped and washed down, bringing portions of houses and trees with it.
 b) The question is; if erosion is referred to as ongoing, specifically how might the County manage it?

73b-4
cont.

12) Kleinfelder, page 84. Yet another reference to project water to be derived from the El Toro Area.
 a) Why doesn't the report state that the El Toro Area is in known groundwater overdraft?
 b) Why isn't the existing B-8 zoning near the western edge of this project site fully explained?
 c) Why doesn't the assessment state access to B-8 water is prohibited for this project?

73b-5

13) Kleinfelder, (page 86 of 92) - Regarding run off water. These are more assumptions without specifics. Refers to post construction with references to inlet filters, and many other items. It states the County "shall" and the operator "should". However, it all looks like deferred analysis that is to come sometime later.
 a) Why is this deferred?

73b-6

14) Reference is made of California Water possibly running a water main extension from the western end of Toro Park Estates subdivision to serve the western end of the Ferrini Ranch proposed project across Highway 68, but there are no calculations as to size of pipe, booster pumps needed, or any infrastructure logistics we could find.
 a) What are the basics of the waterline infrastructure? We understand if exact location details cannot be shown. That is ok.
 b) We are asking what are the basics for getting potable water from wells near Spreckels to both the eastern and western portions of this Ferrini Ranch project?
 c) The water from the wells near Spreckels is referred to as being of generally good quality. However, if the water needs treatment for such things as nitrates, coliforms, arsenic, or volatile organic compounds, where would the treatment plants be located?
 d) Would costs associated with treating water for the Ferrini Ranch be passed along to current residential California Water customers?
 e) Will all water storage tanks be located underground, as they were required to be at the Markham Ranch and Vista Dorada? Please recall the Las Palmas water tank that was put in by the developer and was out of compliance, with nothing ever really being done about it by this County. (Reference SOP v Monterey County-Las Palmas Ranch). How to prevent that from happening again?

73b-7

15) The Ferrini Ranch project developers, Mark Kelton and Ray Harrod, Jr. are also apparently still principals for the Ferrini Oaks project in San Benacio. (This project is also known as "Ambler Oaks".)
 This Ferrini Oaks project is currently out of compliance with some conditions of project approval, regarding water, and is currently being studied by Monterey County staff as part of the SOP v Monterey County settlement.

73b-8

Comment Letter 73b Continued

Page 5

A contract signed by this developer's representative with California American Water doing business as Ambler Park Water Utility, and on file in Monterey County, reveals an agreed upon easement through Lot #1 of Ferrini Oaks for purposes of running a water main from the existing, but now unused water well in Ferrini Oaks, to the east of the Ferrini Oaks, to a water storage tank site in the Ferrini Ranch area. Please reference the contract between Ferrini Oaks, LLC and California-American Water Company dated November 3, 2006, included and identified as "**ATTACHMENT#3**", especially

* In this attachment, Exhibit A-2 diagram shows the plan.

* The contact language in C-6

a) Isn't this important information that needs to be included in the Ferrini Ranch EIR? It is in San Benancio and is immediately adjacent to the western end of the Ferrini Ranch proposed project.

b) Might this call into question just what is the intended source of water for at least the western portion of the Ferrini Ranch project?

16) A February 3, 2011 Monterey County letter to Ray Harrod, Jr., the apparent successor in interest to Bollenbacher and Kelton's Ferrini Oaks subdivision, is included and identified as "**Attachment6**"

17) A December 23, 2011 letter from the MCWRA included and identified as "**ATTACHMENT #1**" states the MCWRA has no records of quarterly production or quarterly consumption from the existing well at Ferrini Oaks.

**73b-8
cont.**

The Highway 68 Coalition finds the Ferrini Ranch DEIR and it's Appendix E mostly unintelligible. We suggest it be reassessed, reevaluated, clarified, rewritten and then the DEIR recirculated.

Thank you,

Mike Weaver
Chair, The Highway 68 Coalition

Attachments, from our files, and labeled as:

*ATTACHMENT#3

*Exhibit 6

*ATTACHMENT#1

MONTEREY COUNTY
WATER RESOURCES AGENCY

PO BOX 930
SALINAS, CA 93902
(831)755-4860
FAX (831) 424-7935

CURTIS V. WEEKS
GENERAL MANAGER



STREET ADDRESS
893 BLANCO CIRCLE
SALINAS, CA 93901-4455

September 23, 2011

Michael R. Weaver
Email: michaelrweaver@mac.com

Re: Your Public Records Request dated 9/13/11

Dear Mr. Weaver,

The letter is in response to your Public Records Request dated September 13, 2011 wherein you requested the following:

1. The quarterly production records from the new Ambler Oaks well from October 20, 2006 until September 13, 2011.

Response to Request No. 1:

The Agency has no records responsive to this request.

2. The quarterly water consumption records for houses in Ambler Oaks subdivision from October 20, 2006 until September 13, 2011.

Response to Request No. 2:

The Agency has no records responsive to this request.

3. Monterey County Water Resources Agency files on above described subdivision project including correspondence and emails.

Response to Request No. 3:

The Agency has records that may be responsive to this request. You may call the office at 831-755-4860 to make an appointment to review and possibly copy them.

Comment Letter 73b Continued

Page 2
Michael R. Weaver
September 23, 2011

4. Monterey County Water Resources Agency Schedule of Condition/Mitigation Measure and Clearance files, correspondence, and emails regarding conditions of project approval numbers 34, 35, and 38 through 47 inclusive.

Response to Request No. 4:

The Agency has records that may be responsive to this request. You may call the office at 831-755-4860 to make an appointment to review and possibly copy them.

Sincerely,



Alice Henault
Public Records Coordinator

Comment Letter 73b Continued

CALIFORNIA-AMERICAN WATER COMPANY

MAIN EXTENSION CONTRACT



FILED

09-02-11

04:59 PM

District: Monterey
50 Ragsdale, Drive.
Monterey CA 93942-0951

Utility California-American Water Company
880 Kuhn Drive
Chula Vista, CA 91914

Applicant Ferrini Oaks, LLC
Att: Ray Harrod, Mgr.
365 Victor St.
Salinas, CA 93907

Preliminary Statement

This contract is entered into pursuant to the requirements of and in accordance with the various applicable provisions of Utility's Main Extension Rule (hereinafter referred to as the "Rule") in effect and on file with the California Public Utilities Commission ("CPUC"), a copy of which is attached hereto and made a part hereof. This contract does not require specific authorization of CPUC to carry out the contract terms and conditions.

Purpose of Contract

Applicant hereby applies for a water main extension. The facilities described in attached Exhibit B shall be installed by Utility and those described in Exhibit C installed by Applicant and conveyed to the Utility. Such facilities will be used for the purpose of furnishing public utility water service to that certain property delineated on the map attached as Exhibit A and known as THE OAKS SUBDIVISION. Utility agrees that it will, as soon as necessary materials and labor are available, and necessary permits, franchises, licenses or other governmental authorizations have been obtained, commence and prosecute to completion with all reasonable diligence, the work of installing the Facilities, and when complete and accepted, will provide utility service in accordance with Utility's tariffs.

Facilities to be Installed

Subject to Refund (Section C.2.)

Distribution System (Applicable - Non-Applicable)

Applicant shall advance the amount of \$ 407,697.00 to cover the cost of distribution facilities described in Exhibit B or C pursuant to Section C.1.a. or C.1.c. of Rule. This amount includes \$ 1,000.00, which has been advanced pursuant to Section A.5.b. of Rule.

Special Facilities (Applicable- Non-Applicable)

Applicant shall advance the estimated cost of special facilities (other than fire protection) described in Exhibit B or C pursuant to Section C.1.b. of Rule, which is \$ 192,000.00. The number of lots and customers to be served by these special facilities shall be considered to be 9.

Refunds

The Amount Advanced Subject To Refund shall be refunded pursuant to Section C.2. of Rule. Until Applicant shall notify Utility in writing to the contrary, all refunds hereunder shall be paid by Utility to Applicant.

Not Subject to Refund

Fire Protection (Applicable - Non-Applicable)

The distribution system is designed to meet fire flow requirements in excess of the minimum fire flow contained in Section VIII 1(a) in CPUC General Order No. 103, as ordered by Decision No. 82-04-089 dated April 21, 1982. Applicant shall pay, as a contribution in aid of construction pursuant to Section D.2.

Comment Letter 73b Continued

FORM NO. 30

CALIFORNIA-AMERICAN WATER COMPANY

MAIN EXTENSION CONTRACT

of Rule, the increase in cost of the distribution mains necessary to meet such higher fire flow requirements. The amount of such cost is \$ N/A

Special Facilities (Applicable- Non-Applicable)

Applicant shall pay, as a contribution in aid of construction pursuant to Section D.3. of Rule, the estimated or allocated cost of special facilities primarily required to provide fire protection service, which is \$ N/A.

Plant Facilities (Applicable - Non-Applicable)

Applicant agrees to contribute the amount of \$ 117,840.00 to cover the cost of facilities described in said Exhibit B or C pursuant to Section C.1.d. of Rule, which amount includes \$ N/A which has already been deposited pursuant to Section A.5.b. of Rule, before construction of the main extension is commenced.

Adjustment to Cost and Utility's Right to Offset

Amounts advanced or contributed are subject to adjustment pursuant to Section A.6.e. of the Rule and Utility shall have the right to offset against any refunds payable hereunder, the amount of any indebtedness then due or owing by Applicant to Utility.

Conditions

The Utility will not be required to make extensions under this Contract where the easements, rights-of-way or streets are not kept free from other interfering construction or street work during installation of said water system. Applicant agrees to use its best efforts to assist Utility to obtain any and all permits or other governmental authorizations which may be required for the installation of the facilities. Applicant will provide any easements or rights-of-way required for the installation prior to construction.

Successors and Assigns

The obligations of the Applicant shall be joint and several. This Contract shall bind and inure to the benefit of the heirs, representatives, executors, administrators, successors and/or assigns of the respective Parties hereto.

Jurisdiction of the Public Utilities Commission

This Contract shall at all times be subject to such changes or modifications by the Public Utilities Commission of the State of California or as said Commission may, from time to time, direct in the exercise of its jurisdiction.

The effective date of this Contract shall be Nov 3, 2006.

CALIFORNIA-AMERICAN WATER COMPANY

APPLICANT Ferrini Oaks, LLC

By [Signature]
Vice President

By [Signature]
Ray Harrod, Manager

By AMERICAN ENGINEERING DIRECT

By _____

Date _____

Date _____

Comment Letter 73b Continued

FORM NO. 16

CALIFORNIA-AMERICAN WATER COMPANY

MAIN EXTENSION CONTRACT

EXHIBIT A

PROPERTY MAP

Comment Letter 73b Continued

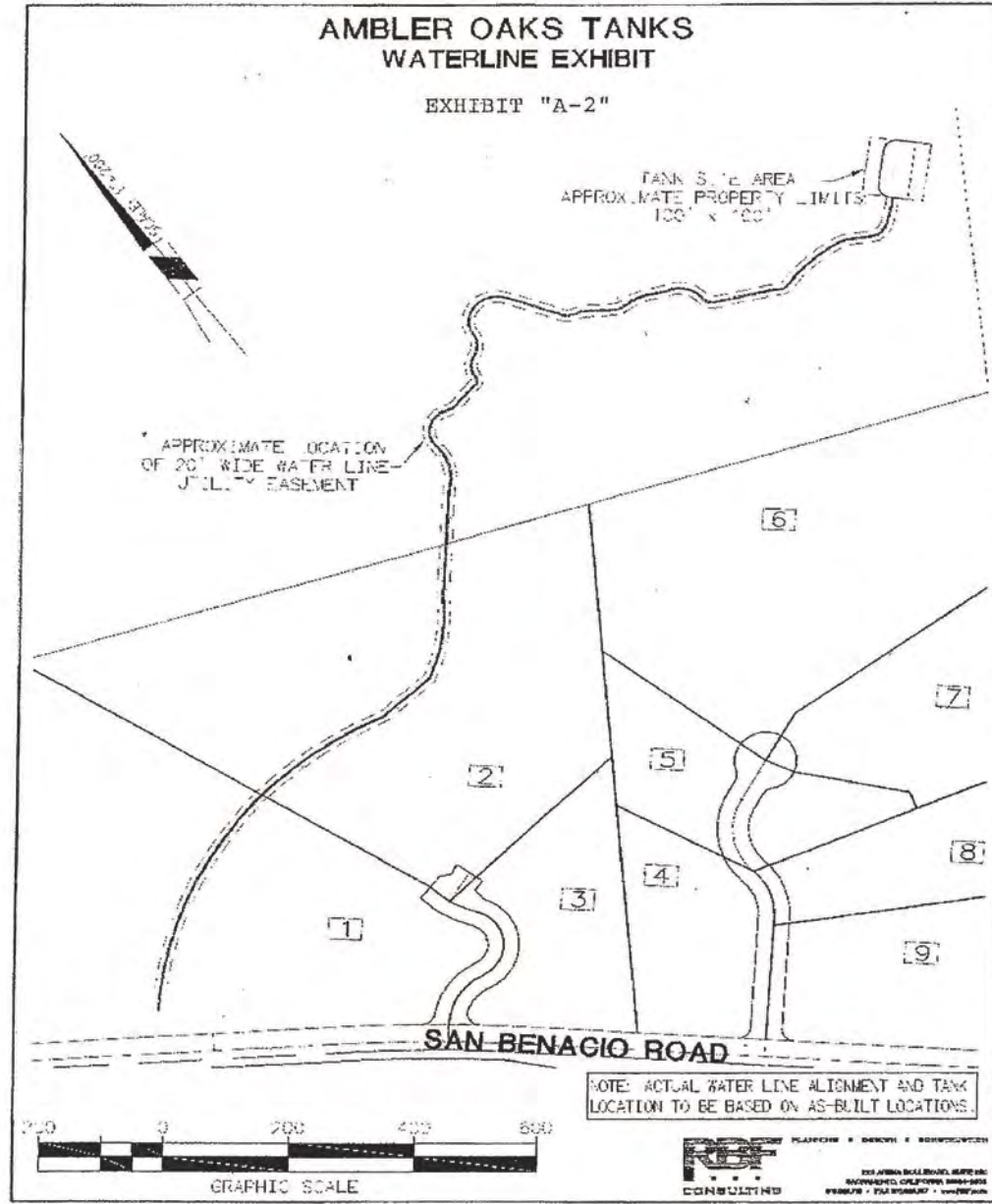
FORM NO. 18

CALIFORNIA-AMERICAN WATER COMPANY

MAIN EXTENSION CONTRACT

AMBLER OAKS TANKS WATERLINE EXHIBIT

EXHIBIT "A-2"



Comment Letter 73b Continued

CALIFORNIA-AMERICAN WATER COMPANY

MAIN EXTENSION CONTRACT

EXHIBIT B
FACILITIES TO BE INSTALLED BY UTILITY

Work to be completed by utility and paid for by applicant

UTILITY ENGINEERING AND INSPECTIONS ON DISTRIBUTION SYSTEM.....	\$15,000.00
UTILITY ENGINEERING AND INSPECTIONS ON SPECIAL FACILITIES.....	\$5,000.00
UTILITY ENGINEERING AND INSPECTIONS ON PLANT FACILITIES.....	\$10,000.00
TAX ON SERVICES INCLUDING UTILITY ENGINEERING AND INSPECTIONS (\$14,854.27 @ 38.42%).....	\$5,707.00
TOTAL PROJECT FEES DUE TO AMERICAN WATER.....	\$35,707.00*

* Amount included in cost described in attached exhibit C

Comment Letter 73b Continued

FORM NO. 16

CALIFORNIA-AMERICAN WATER COMPANY

MAIN EXTENSION CONTRACT

EXHIBIT C

FACILITIES TO BE INSTALLED BY APPLICANT

1. Distribution System—Refundable

1.1 8" water main in San Benancio Rd. and Paseo Vaqueros Road.	5090 -ft	\$330,850
1.2 6" water main in Oak subdivision Roads	920 ft	\$34,040
1.3 Fire Hydrants [Two(2)]		\$7,800
1.4 Service line (9-2" & 2-1" = 11 Total)		\$14,300
1.5 Utility engineering and inspection	Lot	\$15,000
1.6 Taxes		\$5,707
	Total	\$407,697

2. Special Facilities—Refundable

2.1 4" offsite raw water main	3400-ft.	\$187,000
2.2 Utility engineering and inspection	Lot	\$5,000
	Total	\$192,000

3. Plant Facilities—Non-Refundable

3.1 37 gpm (min.)water well, well head equipment,	LS	\$60,000
3.2 SCADA and other accessories	LS	\$20,000
3.3 4-in raw-water main, onsite	480 ft	\$27,840
3.7 Utility engineering and inspection		\$10,000
	Total	\$117,840

4. TANK SITE EASEMENT.

Utility has identified a potential 100' x 100' storage tank site on a property adjacent to The Oaks Subdivision in a location shown on the attached Exhibit A-2. Applicant agrees to provide, at no cost to Utility, a non-exclusive pipeline easement across The Oaks Subdivision in the location shown on Exhibit A-2. In addition, Applicant shall convey to Utility a non-exclusive easement from the owner of said adjacent property, at no cost to Utility, for said tank site as shown on Exhibit A-2 and for access thereto. Conveyance of the tanks site shall be either grant of an easement or fee simple conveyance and shall be subject to all applicable governmental regulations, including, without limitations, those of Monterey County, and also subject to all existing easements and other rights of use and/or possession. The easements shall contain standard Cal-Am easement language and shall contain indemnities of Ferrini Oaks, LLC and the adjacent property owner and shall otherwise be in a form and contain terms that are reasonably acceptable to both parties. The easement across the adjacent property shall include, without limitation, right of the grantor to relocate the access easement as necessary to accommodate any future use and/or development if said property.

Comment Letter 73b Continued

FORM NO. 16

CALIFORNIA-AMERICAN WATER COMPANY

MAIN EXTENSION CONTRACT

EXHIBIT C (Continued)

FACILITIES TO BE INSTALLED BY APPLICANT

5. Applicant shall provide the above-referenced easements to Utility prior to Utility's commencement of service to the residential lots but Applicant shall not have any other responsibilities in connection with said easements and the improvements to be constructed thereon.
6. Utility shall bear all costs and risks in connection with the permitting and the construction of the water storage tanks, pipelines, access roads and any related improvements and shall provide service to the Oaks regardless of whether Utility has or has not obtained all required governmental approvals for such improvements.
7. Utility acknowledges that the Distribution System listed in paragraph 1 and the Special Facilities listed in paragraph 2 above are an advance from the Applicant and subject to the refund provisions of CPUC Rule 15.
8. Utility acknowledges that the Special Facilities listed in paragraph 2 above are subject to the "late-comer" reimbursements provision of Rule 15. In accordance with this Rule, Utility will collect and refund to Applicant funds from any new development that connect to the Special Facilities described in paragraph 2 above. The proportion of the funds to be reimbursed by a new developer will be calculated as stipulated in Rule 15.

Comment Letter 73b Continued

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY

COPY

PLANNING DEPARTMENT, Mike Novc, Director

168 W. ALISAL ST., 2ND FLOOR
SALINAS, CA 93901

(831) 755-5025
FAX (831) 757-9516

February 3, 2011

Ray Harrod, Jr.
Ferrini Oaks LLC
365 Victor Street, Suite S
Salinas, California 93907

HEALTH DEPARTMENT
FEB 6 4 2011
ENVIRONMENTAL HEALTH

SUBJECT: OAKS SUBDIVISION (PC94170)
Compliance with Water Supply Restrictions/Permits
San Benancio Road

Dear Mr. Harrod:

It has come to the County's attention, specifically the Environmental Health Bureau (EHB) and the Resource Management Agency—Planning Department, that the Oaks Subdivision on San Benancio Road (PC94170) may not be in compliance with requirements for the subdivision's water system. This letter shall serve as notice that, until the issues concerning water supply to the subdivision are resolved to the satisfaction of the County, the County will not issue any additional building permits for the lots in the Oaks subdivision.

We are directing this notification to you because County records indicate that six of the nine parcels created by the subdivision are owned by Ferrini Oaks LLC, and therefore, Ferrini Oaks LLC appears to be the successor in interest to Bollenbacher and Kelton, Inc., the prior applicant for the subdivision and developer of the subdivisions. We request to meet with you or the appropriate representatives of the Ferrini Oaks LLC at your earliest convenience to discuss resolution of the issues.

Our records indicate that pursuant to condition 34 of the Oaks subdivision, Bollenbacher and Kelton (the "Developer") entered into an agreement in 2004 with the California-American Water Company ("Cal Am") in which the Developer agreed to construct a well and water distribution infrastructure for the Oaks Subdivision and to transfer the water system to Cal Am in exchange for Cal Am's agreement to operate and maintain the water system to provide domestic and fire flow water supply to the Oaks subdivision. Pursuant to conditions 34 and 35, the system was required to meet the standards of Title 22 of the California Code of Regulations.

When the tentative map was approved on May 8, 2001, the Maximum Contaminant Level (MCL) for a Primary Inorganic chemical, Arsenic, was 50 ppb (parts per billion). Subsequent to approval of the tentative map, the federal and state standards for Arsenic were strengthened and the current MCL for Arsenic is 10ppb. A well sample taken in August 2000 was 35ppb, which did not exceed applicable standards when the County considered the tentative map, but this level is over three times the current MCL for Arsenic. Therefore, for reasons of health and safety and compliance with federal and state law, EHB required that the water from the Oaks well be treated to reduce the Arsenic level to comply with the current standard before it qualified as a potable water supply for the subdivision.

Comment Letter 73b Continued

An option to address treatment of the water included transporting the Oaks well water to the Cal Am Ambler Unit for purposes of treatment. However, the Oaks well is located in the Monterey County Water Resources Agency zones of benefit, which do not allow the export of water out of this zone. Also, the Ambler treatment plant is located in the County's B-8 zone, which does not allow intensification of water use. As such, exporting water from the Oaks well to the Ambler treatment system must result in an equal exchange of water in order to comply with these restrictions. In 2006, Cal Am agreed to monitor both the production records from the new Ambler Oaks well and the water consumption of the nine lots in the Oaks subdivision for this purpose.

The County has learned that the Cal Am Ambler unit is currently supplying water to those homes in the subdivision that have been built, without a corresponding transfer of water from the Oaks well to Cal Am for treatment. This one-way supply of water from Ambler to the Oaks subdivision has not been permitted by the County, either as part of the subdivision approval or separately. Additionally, Cal Am annexed the Oaks subdivision into the Cal Am Ambler service area, which is the subject of a pending complaint filed with the California Public Utilities Commission. (*Highway 68 Coalition v. California American Water Company* (Case No. 10-08-022, filed August 31, 2010)).

Accordingly, the water supply for the Oaks subdivision is not assured until the PUC proceeding is concluded and the potential code violation is resolved. In addition, Monterey County has different land use permitting requirements depending on the size of the system. For reasons of public health and safety, the County will not require cessation of water supply to the three lots that have been sold (Assessor Parcel Numbers: 161-013-005, -006, and -009) pending resolution of these issues. However, until the PUC proceeding is concluded and the potential code violation is resolved to the satisfaction of the County (e.g., applicable permits), the County will not issue any building permits for the remaining vacant lots within the Oaks subdivision (Assessor Parcel Numbers: 161-013-001, -004, -007, -008, -013, and -014).

We would like to meet with the appropriate representatives of the Oaks subdivision to address these issues. Please contact Mr. David Mack (831-755-5096 or mackd@co.monterey.ca.us) at your earliest convenience to arrange a meeting to discuss resolution of this matter.

Sincerely,



Carl P. Holm, AICP
RMA-Planning Department
Assistant Director

cc: R. Harrod, Jr., owner of APN 161-013-006-000
J. Nucci, owner of APN 161-013-005-000
M. Campion, owner of APN 161-013-009-000
J. Ramirez, EHB
R. LeWarne, EHB
R. Van Horn, EHB
W. Strimling, County Counsel
M. Novo, Planning
D. Mack, RMA-Planning
M. Kelton, Bollenbacher and Kelton

RESPONSE TO LETTER #73B – WEAVER, MIKE

Response to Comment 73b-1

Comments request clarification on the project's source and use of water.

As identified on DEIR page 3.6-10 and elsewhere in Sections 3.6 and 3.10, the proposed project's water demands would be met by water procured from wells that pump water from the 180/400-Foot Aquifer Subbasin of the Salinas Valley Groundwater Basin. The wells are operated and managed by the California Water Service Company (CWSC) and are part of the Salinas Hills System, located along River Road in an area near Spreckels.

As noted on page 3.6-34 of the DEIR, three existing on-site wells meet the site's existing water demands (from one residence and grazing) by procuring groundwater from the Corral de Tierra Subbasin of the Salinas Valley Groundwater Basin. The applicant intends to continue use of the existing wells for cattle grazing, consistent with the existing use and grazing operations. Water demand calculations and assumptions for residential and nonresidential water use are identified in Table 3.6-4. Mitigation measures MM 3.6-2a through 3.6-2c include additional water conservation measures. The California Public Utilities Commission (CPUC) would consider approval or expansion of service areas when needed, in this case following project approval.

See also Master Response 2.

Response to Comment 73b-2

Kleinfelder report, subsequent groundwater studies, and use of information in the EIR.

The Kleinfelder report was finalized in 2008 and was based on the most current data available at the time the document was prepared. Appendix E of the DEIR includes a memorandum from Kleinfelder dated June 12, 2012, clarifying and updating certain sections of the 2008 report. In addition, Sections 3.6 and 3.10 of the DEIR include the more current data. The Geosyntec report is discussed and summarized in context on page 3.6-2 of the DEIR. As reported in the DEIR, the study represents a growing body of groundwater data made available to the County that is referenced in the EIR. While the Kleinfelder report provides a substantial amount of information as known at the time, critical sections of the EIR—including Section 3.6 and the analysis of groundwater conditions, seawater intrusion, and estimated project water demand—were completed in direct consultation with the County's Water Resource Agency and Environmental Health Bureau.

For example, as noted on page 3.6-34 of the DEIR, the water demand rates utilized by Kleinfelder were based on water demand rates for the Las Palmas and Hidden Hills developments, which take into account building codes that require the use of water-efficient plumbing fixtures. Since this analysis was prepared, more detailed data has become available to more accurately estimate the water demand for the Ferrini Ranch project. This additional data includes the Supplement to the El Toro Groundwater Study (MCWRA 2010), the water demand rates of the Final Revised Water Demand Analysis for the September Ranch Subdivision Project (Monterey County 2010), water demand rates for wineries per the 2010 Monterey County General Plan EIR (Monterey County 2008), and the Salinas Valley Water Project. In addition, the actual agricultural/industrial uses proposed on Parcel D have been further defined by the project applicant. Therefore, water demand rates have been revised in the Draft EIR to account for the

2.0 RESPONSE TO COMMENTS ON DEIR

more recent data. As noted on page 3.6-35, water demand rates and loss rates used for the proposed project were similar to those identified for other approved developments (i.e., September Ranch, Monterra, and Tehema).

The previous water standby and availability charges for Zones 2 and 2a were replaced by Zone 2c with the development of the Salinas Valley Water Project (SVWP). This was approved through Proposition 218 in April 2003. As noted on page 3.6-77 of the DEIR, the Monterey County Water Resources Agency (MCWRA) established a special assessment zone, Zone 2C (formerly Zones 2a and 2b), as shown in Figure 3.6-6. Zone 2C benefits are deemed special benefits received by only those parcels that fund the SVWP. Zone 2C was defined based on geologic conditions and hydrological factors that define and limit the area of benefits derived from operation of the Nacimiento and San Antonio reservoirs and construction of the SVWP.

Regarding groundwater recharge, and as noted on page 3.6-38 of the DEIR, this analysis assumed that any recharge from irrigation was considered to be minimal and excluded from the overall post-project recharge rate.

With respect to periodic droughts, Kleinfelder (DEIR Appendix E, page 51) is simply reporting historic rainfall levels locally, including drought conditions and precipitation trend lines at the Salinas and Monterey airports. Kleinfelder concludes that, given the relatively constant quantity of rainfall over the past 57 years near Salinas, minor changes in climatic conditions are not expected to affect levels of groundwater in the area. All urban water suppliers such as California Water, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet annually are required to prepare an Urban Water Management Plan (UWMP). UWMPs address the ability to meet water demands under normal, single year drought, and multiple year drought conditions.

Response to Comment 73b-3

Seawater intrusion management.

Commenter is referred to Master Response 2.

Response to Comment 73b-4

Ongoing erosion.

Commentary regarding erosion management in the county is noted. Potential erosion impacts are addressed under Impact 3.5-5 starting on page 3.5-31 and Impact 3.7-1 starting on page 3.7-16 of the DEIR. Impacts related to erosion are identified as less than significant with implementation of mitigation measures MM 3.5-5a through 3.5-5c.

Response to Comment 73b-5

Water source and Zone B-8 addressed.

Overdraft of the El Toro Area is addressed starting on page 3.6-2 of the DEIR. The proposed project would not increase the demand on water resources within the El Toro Area. Please see response to comment 73b-2 and Master Response 2.

Response to Comment 73b-6

Runoff and drainage facilities.

Section 3.7 addresses impacts associated with changes in drainage, surface hydrology, and water quality. The language of the DEIR section—not the supporting technical reports—provides the applicable mitigation for potential impacts. See also DEIR Appendix E, Preliminary Drainage Report (Whitson Engineers 2011). In addition, please see RDEIR Technical Appendices (Attachment 6 to Section 4.0, Alternatives) for additional information (Whitson, April 2014) regarding new drainage and water quality requirements that will be required for the project or any alternative.

Response to Comment 73b-7

Waterline infrastructure details.

Please see pages 3.10-21 and 3.10-22 of the DEIR. Water tank locations and visibility are addressed on page 3.1-48.

Response to Comment 73b-8

Relationship to Ferrini Oaks project.

Comments refer to circumstances associated with an adjacent project. Comments are noted for the record. Please see Response to Comment 73b-2 regarding the project's water source. In the course of processing the Ferrini Ranch application, it should be noted that Cal-Am and the County of Monterey have recently executed a Memorandum of Understanding (MOU) regarding the Oaks well and treatment of water within the Ambler system.

Comment Letter 73c

Monterey County Planning Department
To: Project Planner: David Mack
Re: Ferrini Ranch Subdivision DEIR
Planning File Number: PLN040758
Toro Area Plan
Via email: MackD@co.monterey.ca.us
From: Mike Weaver, Chair
The Highway 68 Coalition
(831) 484-6659

November 16, 2012

Ferrini Ranch Traffic/Transportation/Circulation

Dear Mr. Mack,

The supplementary disc provided with the copy of the Ferrini Ranch Subdivision DEIR is labeled Volume II APPENDICES. Section G of this disc contains a **Draft Report of Traffic Impact Analysis** prepared by Hatch McDonald/Keith Higgins. It is a large document. However, we are disappointed beginning with, for some reason, the Monterey County Planning Department doesn't seem to produce DEIR's with traffic analysis for projects in Monterey County other than those authored by Keith Higgins or Gary Black. Is there a list of Registered and Licensed Traffic Engineers the County draws from for these reports? Or, is there a list the County points to when asked by an applicant, who he gets to choose from? Or, is it left up to the EIR Consultants who prepare the EIR?

Page 10 of this Section G document has:

Table 4. SR 68 Traffic Improvements Identified by the Advisory Committee (Source Monterey County Public Works April, 2008)

Please know this Committee resulted from a condition of project approval imposed on the Bishop Ranch Subdivision (now Pasadera), whereby residents of Highway 68 would get a say on how the \$2 Million in Developer Traffic Impact Fees from the Bishop Ranch would specifically be spent on Highway 68.

This condition was later implemented by one Supervisor who chose representatives from some Homeowner Associations on Highway 68. Not all Homeowner Associations were included, or even asked. For example no one from Corral de Tierra was included. San Benancio Canyon had one representative on the Committee. The thousands of people living near Highway 68 that are not part of a Homeowner's Association had no representation. The Board ok'd this.

Of the Homeowner representatives that met, and could vote, discussion was what best to spend the \$2 Million on? Then, one evening, a CalTrans representative presented an "exercise" to the Advisory Committee. The exercise was; of about ten suggestions for possible improvements to Highway 68, the voting members in attendance that evening, were asked to rate and select them on an order of one to ten. Please know, analysis, costs

73c-1

Comment Letter 73c Continued

Page 2

and likelihood of implementation was sketchy. Also sketchy were explanations of existing Plan Lines for Highway 68. Rating numbers were then added and divided by the voting members present that evening, determining a priority list that was called:
SR 68 Traffic Improvements Identified by the Advisory Committee

This exercise did not account for the fact that the singular projects listed cost well over \$2 Million. This was not the condition of project approval imposed on the Bishop Ranch Subdivision, nor was it the task of this Committee.

However, subsequent to the last meeting of this Committee, the Board of Supervisors accepted the Committee's report, thanked them, each voting member was presented with a plaque of appreciation, and then somehow this exercise list shows up as a list of projects, leading people, including now, decision makers, to somehow think that it was fully analyzed, developed, and cost projected to be both doable and the only answers to Highway 68.

I am attaching to this DEIR response to Ferrini Ranch, the Highway 68 Coalition comments to a letter, regarding a recent Draft Document about Highway 68 from CalTrans. These Highway 68 Coalition comments are from October 12, 2012 and are for the following document:

**Re: Draft Transportation Concept Report
State Route 68
District 5 (2012)**

http://www.dot.ca.gov/dist05/planning/sys_plan_docs/tcr_factsheet_combo/TCR_68_draft062012.pdf

The point of including the Highway 68 Coalition responses to this CalTrans Draft Transportation Concept Report for State Route 68 document, in this response letter to the DEIR for Ferrini Ranch Subdivision is:

- A) Some historical background of how we got to where we are today on Highway 68.
- B) To point out for the Ferrini Ranch DEIR that assumptions for traffic improvement are in a Draft Transportation Concept phase.

We have some questions regarding the DEIR for the Ferrini Ranch:

- 1) Why isn't it revealed that any "improvements" to the Corral de Tierra intersection are currently in the "preliminary design" phase?
- 2) Why isn't it revealed that environmental review of any changes to the Corral de Tierra intersection have not been completed and then circulated for comments?
- 3) Why isn't it revealed that there is no secured "full funding" for Corral de Tierra intersection improvements?

73c-1
cont.

73c-2

Comment Letter 73c Continued

Page 3

4) The Corral de Tierra shopping center is supposed to have SR68 upgraded as part of their project mitigation or at least pay funds toward it. Why continue to stack projects one atop another on Highway 68, like a Ferrini Ranch Subdivision, when traffic capacity is not readily available?

73c-2
cont.

5) Improvements to Highway 68 are in the planning stage. Why continue to now stack projects one atop another on Highway 68, like Ferrini Ranch Subdivision?

6) How was the 286-second delay calculated for Ferrini Ranch?

7) Why was the 286-second delay for Ferrini Ranch a similar delay in the Corral de Tierra shopping center traffic analysis?

8) Please explain the PTSF, Per Cent Time Spent Following concept, and how residents of Carmel Valley sued Monterey County to get them to not utilize this methodology of measuring traffic and traffic delays. This lawsuit was recently settled.

73c-3

9) Three of the approved projects selected for review as part of the settlement agreement of Save Our Peninsula v. County of Monterey (2010), are accessed on Highway 68. Back up documentation for conditions of project approval and mitigation monitoring are still being gathered by Monterey County planning staff for these. Some of the conditions of project approval and mitigation measures dealt with traffic issues on Highway 68. Prior to adding to the burden on Highway 68, with new project approvals, shouldn't planning staff be allowed to both produce documents and analyze what may have previously gone wrong? Then, specifically, how to correct this?

Thank you for the opportunity to comment.

Mike Weaver
Chair, the Highway 68 Coalition

Attachment:

SR68 Draft Comments to CalTrans and TAMC, Highway 68 Transportation Concept Report

Comment Letter 73c Continued

Highway 68 Coalition
c/o 52 Corral de Tierra
Salinas, CA 93908
Phone: (831) 484-6659

Cal Trans, District 5
50 Higuera St
San Luis Obispo, CA 93401
c/o Brandy Rider
Senior Transportation Planner

Transportation Agency for Monterey County
55-B Plaza Circle
Salinas, CA 93901
c/o Debbie Hale, Executive Director

Re: Draft Transportation Concept Report

State Route 68

District 5 (2012)

http://www.dot.ca.gov/dist05/planning/sys_plan_docs/tcr_factsheet_combo/TCR_68_draft062012.pdf

October 12, 2012

Dear Ms. Rider and Ms. Hale,

The Highway 68 Coalition has had the opportunity to review the referenced Draft document and it is our understanding that the TAMC Board may also be reviewing this, perhaps as a Board Agenda item sometime in October, 2012. We request a written reply to the concerns, suggestions, and questions that follow.

Please note that we could not find this document linked on the TAMC website. Also, the October Agenda is not posted on the TAMC Website yet. Please do advise us immediately as to any and all meetings the TAMC Board or any TAMC Committees may have regarding this document, proposed changes to the document, proposed adoption of parts of, or the entirety of the document. Please let us know when the Draft Final is prepared.

Overall, we found this Draft Report had a lot of good information and we commend the authors for assembling it. However, it is a Draft, and we also found the report lacking in some very significant information and historical facts. The formatting needs to be changed to introduce the Scenic Highway designation earlier in the document. The historical section needs to reveal just what the controversy or controversies were between

Comment Letter 73c Continued

Page 2

the County and the City of Monterey regarding Plan Line alignments. Also, some of the key underlying assumptions of this report are either not clear, or suspect.

Regarding assumptions made, for example, it seems there is an assumption of making four-lanes on a portion of SR 68 between Toro Park Estates westbound to Corral de Tierra. This is predicated on the assumed County approval and developer build out of three significant traffic-generating projects.

1) Corral de Tierra Shopping Center, 2) Harper Canyon LLC, Encina Hills, 3) Ferrini Ranch.

Why is this not disclosed in this Draft document? Don't you think it should be? If not, why not? The funding mechanism for the four lanes is based on the assumed approval and build out of these three projects, and the traffic fees they might generate. Isn't this important information to disclose? If not, why not?

Another assumption not disclosed in this Draft document is that four traffic lanes west to Corral de Tierra would significantly improve the traffic level of service. A County transportation planner told us that when heading westbound on Highway 68, after Corral de Tierra, traffic volume just falls off.

There just isn't as much traffic after Corral de Tierra, we were told, and it seems to be a significant amount leaving SR 68 at San Benancio and Corral de Tierra. However, we have never seen data that backs up this assumption. Months? Days? Times of day? When and how much just falls off?

Further, it wasn't too many years ago that housing subdivisions were being approved near Highway 68 because the justification was that houses along Highway 68 do not generate much traffic. Indeed, county departments claimed, it is the through traffic that is the major cause of the congestion on SR 68. Percentages were used beginning with 65% "through traffic". This number crept to 70% of the traffic on Highway 68 being through traffic. At one time this number went as high as 80% of the traffic on Highway 68 is through traffic.

After the 80% number, this justification seemed to have stopped being used by advocates for the approval of more housing subdivisions near Highway 68. However, whether it is 65%, 70%, 75%, or 80%, how is it that now we are being told that heading westbound, after Corral de Tierra, most traffic just drops off?

Again, where is the data? This is important, don't you agree? If not, why not?

Where is it mentioned in this Draft, that the former Fort Ord Reuse Plan is currently being reassessed? Might this not account for significant amounts of traffic pattern changes and traffic volume changes?

The descriptive "History of SR68" is deficient for some of the following reasons:

1) There needs to be discussion of Monterey County's failures, regarding following up on Conditions of Project Approval and Mitigation Monitoring compliance, specifically

Comment Letter 73c Continued

Page 3

regarding SR68, as exemplified by the *Save Our Peninsula v. County of Monterey* in year 2000 and the resulting settlement (aka Leeper lawsuit).

Several approved projects adjacent to SR68 were to be studied in conjunction with this lawsuit settlement. These included Markham Ranch, Pattee Ranch, Bishop Ranch (now Pasadera), and Las Palmas. The largest project was the Las Palmas Subdivision. It was a phased development. It was purposely phased so the development would not get ahead of the mitigations. The main traffic mitigation was to be the Corral de Tierra Bypass. However, all 1,031 houses were built, through approximately nine phases, without this mitigation ever being built.

Isn't this important historical information that should be included? If not, why not? Why is there no analysis of this and the resulting additional impacts this caused on existing SR68?

2) Why isn't the Fort Ord Reuse Authority, Year 2005 Reallocation of funds given full analysis as to its affect on existing SR68? Developer Impact Fees were reallocated from offsite traffic areas that would be affected by increased traffic and congestion, and instead reallocated onsite within former Fort Ord. Also, the major traffic mitigation measure for the approval of the 1997 Fort Ord Reuse Plan was the South-West Alternative, (aka, The Fort Ord Bypass). This Bypass mitigation was shelved as being unaffordable in 2005, but without modifying and downsizing the adopted 1997 Fort Ord Reuse Plan. Isn't this important historical information that should be included? If not, why not? Why is there no analysis of the resulting impacts to existing SR68 because of this? Why is there no analysis of future impacts to existing SR68 because of this? Why is there no analysis of effects on former Fort Ord because of this?

We do understand that, at least partly in lieu of, the Fort Ord Bypass being shelved, FOR A agreed to send the County of Monterey approximately \$260,000 for "improvements" to SR 68. The last time we checked, this had never been sent to Monterey County by FOR A. This is additional historical information that should be included. Don't you agree?

3) The Fort Ord Bypass Official Plan Lines were modified slightly at the western end to accommodate the Stone Creek Shopping Center at the intersection of SR 68 and SR 218. This was done at the request of Del Rey Oaks. These Highway 68 Official Plan Lines currently pass through the 360-acre parcel of former Fort Ord that Del Rey Oaks annexed to Del Rey Oaks. This annexation effectively doubled the physical size of Del Rey Oaks. These Highway 68 Bypass Official Plan Lines will need to be accounted for in any future development plans Del Rey Oaks has for that 360-acres. This is important information that needs to be disclosed in this Draft. Don't you agree? Do the Official Plan Lines also pass through the City of Monterey portion of former Fort Ord?

Comment Letter 73c Continued

Page 4

4) There is failure to disclose and discuss the Corral de Tierra Bypass Official Plan Lines, that were adopted by the Monterey County Planning Commission, the Monterey County Board of Supervisors, and recorded in Monterey County by the Director of Public Works in 1977.

(Paragraph 3 - A proposed Bypass is mentioned through former Fort Ord, but the Corral de Tierra Bypass, which has different Official Plan Lines, is not mentioned.)

This planned building of the Corral de Tierra Bypass was used as the traffic mitigation measure for the 1960 Toro Area Plan, and later, the Cypress Community Church at Corral de Tierra. The Official Plan Lines were slightly altered for this church approval. County taxpayer funds were spent purchasing part of these Official Plans Lines on that church property.

A dedication of property for the Corral de Tierra Bypass Plan Lines was also used as a traffic mitigation measure for the approval of the Ken and Patty Slama Subdivision across from San Benancio Road.

The approvals of the Corral de Tierra Villas subdivision and the Corral de Tierra Meadows subdivision assumed the building of the Corral de Tierra Bypass.

The Weaver Minor Subdivision dedicated a one-foot non-access strip along the frontage of Highway 68 near Corral de Tierra, as well as approximately 50% of the entire property dedicated to County Scenic Easement.

The approval of the Markham Ranch Subdivision assumed the future building of the Corral de Tierra Bypass.

Isn't this important historical information that should be included in this Draft? If not why not?

The following page numbers contain items and issues where we find the presentation to be incomplete and in some cases faulty in this Draft document:

* **Page 10**, 1st paragraph, and re: Regional Development Impact Fee is inadequate. There is no comparison to Regional Development Impact Fees in other counties in California. Further, this Draft document has a Fee Project List identifying and assuming Commuter Capacity Enhancements and Four-Laning west to Corral de Tierra, without revealing to the reader that:

- 1) Preliminary designs are still being worked on.
- 2) Much environmental analysis has not been done.

* **Page 18** - 2.1.2 Route Background

Fails to mention SR 68 being adopted as a State Scenic Highway by Lady Bird Johnson and former California State Senator Fred Farr.

It fails to describe Monterey County certifying the 1974 Laguna Seca Final Environmental Impact Report for the new Laguna Seca County Park (and racetrack).

Comment Letter 73c Continued

Page 5

The significant growth in both the number and sizes of events allowed at this Laguna Seca County Park has created many traffic issues for SR 68. Isn't this important background information? If not, why not? Why is there no analysis of the impacts to existing SR68 because of this?

*** Page 19**

The year 2005 Fort Ord Reuse Authority Fee Reassessment fails to make clear that impact fees would largely be spent on-site, leaving off-site mitigations unfunded, with basically no funding mechanism for them, except a couple attempts at a countywide sales tax increase. (County sales tax measures A and Z). Why is there no analysis of this? This is important, don't you agree?

However: "Figure 2.2 Easement" on page 19 does reveal the Adopted County Official Plan Lines for the Corral de Tierra Bypass. The lines are depicted in blue but there is no historical narrative, verbal description, or analysis given regarding this. Instead the reader can be confused with language about another, different, and separate Plan Lines known as the Fort Ord Bypass aka The South-West Alternative, or in this Draft referred to as a "potential SR68 transportation corridor".

Don't you agree sufficient description should be given to both Bypasses? It is important that the reader be informed that both Bypasses had stated purposes of routing traffic around County side roads and residential areas. Through traffic would not encounter stop signs or signal lights on a State Highway. Side road motorists would enter or exit at either end of the Bypass. The existing segment of SR 68 would remain as a frontage road. Will this and other information be included in a recirculated Draft? We request this.

Why aren't these plans with analysis included in this Draft document?

This Draft also does not inform the reader that environmental analysis had begun on both the South West Alternative as well as Four-Laning Hwy 68, but this initial analysis was halted after the Loma Prieta Earthquake.

Isn't this important information? Doesn't this need analysis? If not, why not?

*** Page 35** references an MOU between the Bureau of Land Management on former Fort Ord and CalTrans but fails to provide the reader with the language and details of that MOU. Where is it?

Isn't this important? Why is it not included?

Shouldn't this Draft document also disclose that portions of former Fort Ord BLM lands have been declared a National Monument?

The President's Proclamation of this National Monument in year 2012 called for a comprehensive traffic plan for the National Monument. It is anticipated this National Monument will generate additional traffic. SR 68 is the southern boundary of part of this National Monument.

The National Monument Traffic Plan has not been started, and yet a piece meal project has been approved by BLM Management, funded with taxpayer dollars, and is currently being built with access and egress on State Highway 68. It is called Badger Hills.

Comment Letter 73c Continued

Page 6

Was the public lied to about a comprehensive National Monument Traffic Plan? Who goofed? A portion of this piece meal Badger Hills project goes through the Official Plan Lines of both the Corral de Tierra Bypass, as well as the Official Plan Lines of the Fort Ord Bypass. This should be disclosed in this Draft document, don't you agree? If not, why not?

*** Page 39**

Regarding: Negative traffic growth on SR68. It is not analyzed as being partially due to commuters who are now using Imjin Road through former Fort Ord, to access both the Peninsula on one end and the City of Salinas on the other end.

As approved and entitled developments proceed with being built on former Fort Ord and the resulting traffic congestion builds, there will very likely be a shifting back of some of this commute traffic onto SR68.

This should be disclosed and analyzed in this document. Don't you agree?

*** Page 40**

Regarding AMBAG population forecast data:

How accurate has it been in the past? Where is the data? Did it account for the nationwide recession? Previous rosy predictions from AMBAG of population growth in Monterey County and thus the need for significant amounts of new housing were wrong. Monterey County was one of the hardest hit for housing foreclosures. Isn't this important information? Shouldn't this be included and analyzed in the Draft? If not, why not?

Additionally, Monterey County is one of the worst rated counties in California in terms of the quality of its existing roadways. The roads are literally falling apart. Existing county roadway infrastructure has not been maintained, in some cases not at all, for years. Some of these county roads connect to SR68. Shouldn't this information be included in this Draft document? If not, why not?

*** Page 52**

References roadway improvements (segments), as Figure 3-11. However, Figure 3-11 shows Segment 1 of SR 68.

References the road near Corral de Tierra an 8-lane "Expressway"

The road is supposed to be an expressway? Then it stops being an expressway here?

Please explain. Where did this come from?

*** Page 60**

Re: Route concept - 4-lane OR Bypass with access control...

Is the access control thought to be limited to access only at either end of the Bypass?

Please fully explain access control.

*** Page 61**

Table 3-23 has two options, however there is no Corral de Tierra Bypass listed as either an option or alternative? Why isn't this included?

Comment Letter 73c Continued

Page 7

*** Page 81**

One of the traffic mitigation measures for the approval of the Las Palmas Subdivision was to be an onsite Park & Ride lot. There was to be a ride-share coordinator, and residents were all to be notified of the availability of sharing rides locally. Designated property was set aside for it. However, this mitigation measure was never implemented by either the developer or Monterey County. This Draft document doesn't even mention the Park & Ride lot at Las Palmas. Why not?

*** Page 85**

Re: Route Concept - Strategies to Achieve Route Concept
Please include the following information:

A Highway 68 Bypass was first envisioned as the Corral de Tierra Bypass on the 1960 Toro Area Plan as a way for through traffic on SR68 to go around the San Benancio and Corral de Tierra areas. Existing SR68 near these areas would remain as a frontage road.

The AMBAG model capacity assumptions are questionable.

The adopted 2010 Monterey County General Plan currently has several lawsuits against it.

Thank you for the opportunity to comment on this Draft Transportation Concept Report for SR 68. Please do put us on the contact list for any and all future information regarding this report.

Sincerely,
Mike Weaver
Chair, The Highway 68 Coalition
(8310-484-6659)

c.c.
Aileen Loe
Autumn Woolworth
John Olejnik
Michael Stamp
Molly Erickson

2.0 RESPONSE TO COMMENTS ON DEIR

RESPONSE TO LETTER #73C – WEAVER, MIKE

Response to Comment 73c-1

Historical background on the SR 68 Improvement Advisory Committee.

Background on the advisory committee is noted for the record.

Response to Comment 73c-2

Corral de Tierra intersection and SR 68 capacity.

Page 3.12-16 of the DEIR discusses the State Route (SR) 68/Corral de Tierra intersection in terms of improvements planned and identified in the TAMC Regional Impact Fee Nexus Study (State Route 68 Commuter Improvements). The DEIR evaluates the project's impacts under several analysis scenarios, including background and cumulative traffic. Comments regarding the shopping center mitigation obligations are noted. The cumulative analysis considers the effect of all cumulative projects along the corridor, including the project and the recently approved shopping center.

Response to Comment 73c-3

Calculation of traffic delay/analysis methodology.

Methodology for the traffic analysis is addressed under Section 3.12.3 starting on page 3.12-28 of the DEIR and in Appendix G of the DEIR. As also explained within DEIR Appendix G (page 5) the traffic study used a test vehicle traveling along the corridor to record the position of the vehicle in one-second intervals. This data was then used to determine the travel speed, travel time, and delays along the corridor. This real-time data was then input into the Synchro traffic analysis software to calculate the changes in traffic caused by the project. The information in Appendix G identifies that the planned 4-lane "Commuter Improvements" project would reduce travel delay along the entire corridor by 286 seconds. The analysis then shows that adding Ferrini Ranch traffic would reduce that time "savings" to 108 seconds with the 4-lane Commuter Improvement expansion (DEIR appendix G, page 40). Comments also refer to traffic analysis methodology and conditions of approval for other projects not related to Ferrini Ranch. The DEIR, using County thresholds of significance, focused on impacts to individual facilities and segments.

Comment Letter 73d

Monterey County Planning Department
To: Project Planner: David Mack
Re: Ferrini Ranch Subdivision DEIR
Planning File Number: PLN040758
Toro Area Plan
Via email: MackD@co.monterey.ca.us
From: Mike Weaver, Chair
The Highway 68 Coalition
(831) 484-6659

November 16, 2012

Ferrini Ranch Subdivision DEIR

Dear Mr. Mack,

There follows some additional questions raised locally, that I'd like to ask in this letter responding to the DEIR

1) When will the project be staked and flagged?

2) Will building envelopes be determined?

3) Why don't Project Alternatives suggested in this DEIR, reflect either of the suggested project alternatives presented during the formal Public Scoping session for this EIR held in the Monterey Room on the second floor of the new Government Center?

a) One suggested alternative to help minimize project impacts, was to analyze a subdivision of 106 residences. (1/2 of 212)

b) The second suggested alternative was to analyze a subdivision of 53 residences. (1/2 again of 106).

c) Are the minutes from this well attended Public Scoping Hearing available for public review?

4) During a Ferrini Ranch project presentation at Toro Park School on the evening of November 12, 2012, developer Mark Kelton informed the audience that about 5 years into the 7 year process of the EIR, Planning staff called him in. He said they had the EIR consultant's reports. Planning staff called him in asking, "Can you now work on alternatives with us?"

The question is; how were the project alternatives in this DEIR selected?

Mark Kelton stated at the presentation on the evening of November 12, that he preferred Alternative 3b, and encouraged support of Alternative 3b.

a) How was Project Alternative 3b derived?

5) Are the minutes from the previous several meetings Supervisor Calcagno held regarding the Ferrini Ranch available for inspection?

73d-1

73d-2

Comment Letter 73d Continued

Page 2

6) The DEIR portrays the project as a subdivision but also to continue to be a working cattle ranch. This concept was tried with the approval of the Markham Ranch in the mid-1980's.

- a) How will the interface between residential houses and driveways work with a working cattle ranch?
- b) Who will maintain the fences?

73d-3

7) Phase 1 of the proposed project shows housing immediately behind the San Benancio School. The houses face the popular and very scenic lupine field. The developer proposes constructing a berm between the lupine field and these houses in order to shield them from public view on Highway 68.

- a) Might not future homeowners naturally migrate out beyond this berm with bicycles, or maybe motorcycles? Is this a wise place to put residential housing? Is this even being fair to potential purchasers? Might there not be conflicts with noise from the school? How was this location selected?
- b) What is the water source for these proposed houses behind the San Benancio School? Is it California Water Service with wells near Spreckels?
- c) Is California Water prepared to install water line infrastructure from wells near Spreckels to San Benancio Road for Phase 1 of this proposed Ferrini Ranch development?

73d-4

6) Will the Ferrini Ranch Subdivision project be sent to the Toro LUAC for review and comment, as part of the process?

73d-5

7) How might the clearing of up to 100-feet for fire prevention at residences affect the cattle ranching operation?

73d-6

Thank you for the opportunity to comment.

Mike Weaver,
Chair, the Highway 68 Coalition
(831) 484-6659

RESPONSE TO LETTER #73D – WEAVER, MIKE

Response to Comment 73d-1

Staking and flagging/building envelopes.

Proposed market-rate lots would be sold to individuals for future development. As part of the planning and permit review process for individual homes, proposed development would be subject to the site and design review process—including review of building siting, staking, and flagging—during that subsequent permitting process.

Response to Comment 73d-2

Range of project alternatives.

The alternatives developed, selected, and analyzed are described on pages 4-1 through 4-3 of the DEIR. A review of meeting notes from the December 18, 2006, scoping meeting does not identify specific comments or suggestions related to the alternatives analysis. Regardless, the alternatives in the DEIR were selected to address and reduce significant impacts resulting from the project that were not specifically known in 2006. An additional alternative was analyzed in the RDEIR considering the impacts identified for the original proposal. See also response to comment 27-3 and responses to Letter RD-14.

Response to Comment 73d-3

Interface between new residences and continued grazing operations.

Commenter is referred to mitigation measure MM 3.3-8c of Section 3.3 of the RDEIR. Grazing will be maintained in separate open space areas of the property. Fencing associated with livestock areas is the responsibility of the property owner. These management issues are addressed through a required Open Space Management Plan.

Response to Comment 73d-4

Comments ask several questions regarding the interface of housing in the westernmost portion of the project site. Questions the location of housing near San Benancio School near the lupine fields due to potential noise impacts and water demand and requests clarification of the water source and how this location was selected.

Comments noted. See response to comment 73b-2. See also Section 4.0, Alternative, of the DEIR and RDEIR regarding noise associated with Alternatives 3b and 5. Potential actions of future residents are speculative and inappropriate for review in the EIR. See Master Response 2 regarding the proposed water source for the project.

Response to Comment 73d-5

LUAC review.

The subdivision project was reviewed by the Toro Land Use Advisory Committee during the application review process.

2.0 RESPONSE TO COMMENTS ON DEIR

Response to Comment 73d-6

Fire prevention as related to cattle grazing operations.

Any clearing required for fire prevention will be limited to areas around the building envelopes on proposed residential lots and will not interfere with cattle grazing. See response to comment 36-35 regarding this issue.

Letter 74

DEIR ERRATA LIST – COMMENTS	
General Comments	
Throughout the EIR - Zoning	<p>The proposed project is in conformance with the applicable land use designations. The DEIR states that the County intends to reclassify the entire project site with LDR/2.5-VS-D zoning as a part of the 2010 General Plan Implementation. However, the DEIR should clarify that the proposed project (with the exception of Parcel D) can be approved and constructed regardless of whether or not this has occurred. The only portion of the proposed project that would require a zoning reclassification is Parcel D for its proposed wine related use. Please include this clarification in the project description (pages 2-1, 2-4 and 2-38) and throughout the other portions of the EIR that discuss the zoning actions required in connection with the proposed project.</p> <p>There is no legal prerequisite to zone the property prior to the County’s approval of the subdivision. Despite the fact that there is no legal necessity, the applicant is willing to agree to a condition of approval that requires that the applicant file a request for such a rezoning within 45 days of the County’s final approval of the subdivision and the related environmental documents. However, the EIR should make it clear that all portions of the project except Parcel D, can be approved and constructed without a zoning reclassification.</p>
Executive Summary	
<p>** PLEASE NOTE THAT MANY OF THESE COMMENTS APPLY TO BOTH THE EXECUTIVE SUMMARY AND SUBSEQUENT SECTIONS. WE HAVE ORGANIZED OUR COMMENTS TO ADDRESS ITEMS IN THE ORDER OF THEIR FIRST APPEARANCE. TO AVOID REDUNDANCE WE WILL NOT REPEAT THE SAME COMMENT IN CONNECTION WITH THE APPLICABLE TEXT SECTION OF THE EIR.</p>	
Page S-1 Para S.2	<p>Please add a clarification that the estimated tree loss (Staub Forest Management Report) is between 632 (approximately 2% of the total trees now growing on the property) and 921 (approximately 3%). It is important to note that 921 is the high end of the estimated tree loss. We would ask that this same clarification be added throughout the EIR wherever a discussion of potential tree loss occurs.</p>

Letter 74 Continued

<p>Page S-3 MM 3.1-1a Page S-5 MM 3.1-4 Section 3.1 discussion of visual impacts</p>	<p>We would ask that the EIR be further clarified in connection with the roadway improvements that are being classified as significant and unavoidable. County policy does not provide that any roadway improvement within the 100-foot setback and the critical viewshed is a significant visual impact. In fact, recent projects in the Highway 68 corridor did not interpret roadway improvements to be significant, and/or incapable of mitigation to less than significant, visual impacts. One such example is the Cypress Community Church access road which was recently approved with a Mitigated Negative Declaration. This is just one of many recent examples of projects with proposed roadways that connected to scenic corridors that were not deemed to have significant unavoidable visual impacts relating to such proposed roadway.</p> <p>The only improvement that is being proposed in connection with the Ferrini Ranch project that the EIR has determined to be a significant unavoidable impact involves the potential access alternative of extending Ferrini Ranch Road through Toro Regional Park immediately parallel to Highway 68. It is our understanding that this designation is due to a combination of unique visual impacts that are particular to this portion of roadway. This special combination of visual impacts include the following; 1) the fact that the road is currently located within Toro Regional Park and would be within and/or immediately adjacent to the park if a land swap were to occur, 2) this section of roadway would have some significant cut slopes that would be especially visible from Highway 68 and, 3) this section of roadway would create westbound traffic which would be in close proximity to traffic driving in the opposite direction (eastbound) along Highway 68. The last sentence of MM 3.1-1c and 3.1-4 does indicate that this impact would no longer be deemed a significant unavoidable impact if this portion of the Ferrini Ranch access road were to be relocated. However, we feel that it is important to add clarity to the text regarding these mitigation measures and also in the discussion of this particular impact in Section 3.1.</p>
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Letter 74 Continued

<p>Page S-6 Impact 3.1-6</p>	<p>We concur with the requirements of MM 3.1-6 that require that the applicant relocate structures and take other appropriate measures that may be necessary to ensure that there are no structures that create silhouette as viewed from Highway 68. However, we believe it is somewhat confusing to refer to potential ridgeline silhouettes that may occur in connection with lots #45 – 47 when viewed from a portion of a BLM trail. The County's definition of a Common Public Viewing Area requires that an "an area from which the general public <u>ordinarily</u> views the surrounding viewshed". In meetings with staff it was agreed that areas that can be accessed only by mountain bike or via a hiking or equestrian trail do not meet the letter or the intent of this definition. To meet the twin thresholds that something is viewed by the <u>general</u> public and that it is <u>ordinarily</u> viewed means that it can be readily seen from a public roadway such as SR 68, River Road, San Benancio Road and similar. This seems to be consistent with the County's decision to classify these roadways as scenic roadways. Note - as this same item occurs in Section 3.1 and several other places in the ADEIR we would request that this change be made consistently throughout the document.</p> <p>In addition, the views from many of the BLM trails have homes that are prominently visible in the foreground (the existing neighborhoods Toro Park and Sunshine Village). There are even sections of the BLM trails that have large RV's, boats and other highly visible manmade objects in the foreground. It is also important to note that many portions of the Toro Park trails contain views that include dozens of existing homes. Because of the presence of the many homes that are already visible from the BLM and Toro Park trails we firmly believe that our project would not create a significant adverse effect on the overall visual character of the area (especially since it has been planned to avoid visual impacts and will be subject to the extensive County requirements described in this environmental document).</p>
<p>Page S-6 MM 3.1-6</p>	<p>We are in agreement with the majority of this mitigation measure and want to ensure that structures on Parcel D are developed in a way that will not constitute ridgeline development. However, we think it should be mentioned that the use of berms to mitigate visual impacts are encouraged under VS policies. Accordingly, we question whether it is necessary or appropriate to require the relocation of structures in order to minimize the size of a proposed berm.</p>

Letter 74 Continued

<p>Page 5-30 MM 3.3-8b And Section 3.3</p>	<p>Our biologist, WRA, strongly believes that this “solid fencing” restriction on Lots 1-5 is not needed in connection with the maintenance of a wildlife corridor. They do concur with this restriction for lots 13-15. Their opinion was set forth in prior correspondence to the County which is not addressed in the EIR. Also, it is important to note that lots 1-12 are reconfigured into a single lot with a reduced footprint on Alternative Site Plans 3A and 3B. This modification needs to be incorporated into the applicable discussion in Section 3.3</p>
<p>Page 5-36 MM 3.5-5c</p>	<p>The identified impact of 3.5-5 is erosion on steep slopes. This MM should be clarified that its applicability is limited to “steep slopes”.</p>
<p>Page 5-38/39 Impact 3.6-2 and MM's for same</p>	<p>While we concur with goal of reducing water use to the extent reasonably feasible, we think it is important that the wine facility proposed on Parcel D should be allowed to have a small “ornamental” vineyard as typical and appropriate for tasting rooms. The water use associated with this would be less than 1% of project use. This same modification needs to be made throughout the EIR in connection with proposed water use MM's.</p>
<p>Page 5-40 Impact and MM 3.6-3</p>	<p>We would like to note that the existing wells will remain in service as necessary to continue to provide stock water for the existing cattle grazing operation.</p>
<p>Page 5-45 Impact 3.8-4</p>	<p>If the County choses to approve either Alt 3A & 3B the existing septic system will remain in use which does not create any potential impacts.</p>
<p>Page 5-48 MM3.10-3</p>	<p>Given the proximity to Toro Regional Park, the proposed bike and pedestrian link from the project to Toro Park, the lot configurations, the topography, the very low density of the project and the wide geographic range of the project, it seems like a superior approach would be to pay in lieu park fees instead of having a few small, scattered, on-site “tot lots”. These in lieu park fees that could be used for additional active recreational facilities at Toro Park. These would provide recreational opportunities and benefits to residents county-wide in addition to providing benefits for the residents of our project. Please see our additional comments to Section 3.10 below.</p>
<p>Page 5-53/54 MM3.11-1c And Section 3.11</p>	<p>Item # 3 – Please correct to reference options 1 and 2 above (rather than options a and b). We concur that the noise reduction under option #3 should comply with County standards. However, it does not seem reasonable or necessary that option 3 also we don't believe it is appropriate to require that it meet the additional requirement of being “at least as effective as options 1 and 2”. Compliance with County standards should be sufficient.</p>

Letter 74 Continued

<p>Page 5-57-58 Impact 3.11-4 MMs 3.11-4a – 4d And Section 3.11</p>	<p>We concur with the requirement that any newly constructed homes be constructed using those noise reduction techniques necessary to reduce ambient noise levels to acceptable levels. For the reasons set forth in our previous correspondence we believe that we should have the option to either use the noise reduction construction methods and materials identified in MM's 3.11-4a through 4d or conduct a site specific noise study prior to issuance of a building or a grading permit for the units in question to demonstrate that some or all of these methods and materials are not needed on specific lots. The primary reason is that the EIR's noise study is a "worst case" approach that did not factor in reductions in noise levels that occur as a result of site specific factors such as existing terrain and vegetation. In fact some of these lots are located behind ridgelines and/or other terrain features that provide substantial noise attenuation.</p>
<p>Project Description</p>	
<p>Page 2-1 and 2.4 and Section 2.5 on page 2-38</p>	<p>This discussion is incomplete. See prior "zoning" comment above under general comments.</p>
<p>Section 3.1</p>	<p>Aesthetics and Visual Sensitivity</p>
<p>Page 3.1-18 Standards of Significance Bullet Items #2- 5</p>	<p>We think that an appropriate clarification would be to add the word "significant" to each of these bullet points to keep them consistent with the language of the County's ordinance. For example, bullet #2 should read "Have a significant adverse effect on a scenic view or vista".</p>
<p>Page 3.1-18 Critical Viewshed discussion</p>	<p>1) Please correct to read that some portions of the access roads, Ferrini Ranch Road and River Road are located in the critical viewshed access and that "all or portions" of the listed lots are located within the Critical Viewshed, 2) Lots #81-85 are behind a ridgeline and are not visible from SR 68 and 3) Please mention that a number of other lots located within the mapped Critical Viewshed are not actually visible from Scenic Roadways due to existing topography and/or vegetation.</p>
<p>Page 3.1-19 Critical Viewshed 1st paragraph</p>	<p>We would ask that the discussion clarify that Lots # 82-85 are behind a ridgeline and are not visible from SR 68. In addition, a number of the other referenced lots are screened by existing topography and/or vegetation such that they are not visible from SR 68 or River Road.</p>

Letter 74 Continued

<p>Page 3.1-19 Areas of Visual Sensitivity 3rd paragraph</p>	<p>As discussed in connection with Page 2-4 above, we are willing to agree to comply with a requirement to apply for zoning of “VS” and “D” as conditions of approval but, for the reasons previously cited, we do not agree that such reclassification is legally required prior to County approval of the EIR and VTM. Even if these designations were never formally placed on the property, we are willing to agree to a condition of approval that would require our full compliance with all regulations that are applicable under “VS” and “D” designations.</p>
<p>Page 3.1-22 final paragraph discussing Impact 3.1-1</p>	<p>We feel that it would provide additional clarity to the EIR to repeat the information that we included above in connection with Page 5-3 regarding the unique combination of potential visual impacts that are associated with the portion of the Ferrini Ranch access road that runs through Toro Regional Park.</p>
<p>Figures 3.1-4b, 5b and 6b</p>	<p>We believe that the simulations at the end of Section 3.1 the EIR contain more accurate depictions of the visual impact of the project.</p>
<p>Figure 3.1-9, 10 and 11</p>	<p>Per our previous discussion we think it’s important for the EIR to state that these viewpoints from BLM trails and from Toro Regional Park trails do not meet the County’s definition of a “common public viewing area”. In addition, we believe that these figures are very unrealistic visual representations that create a much exaggerated visual impact - even more so than the EIR’s characterization as unmitigated, worst case conditions. We do concur with the EIR’s position that the simulations shown in figures 3.1 – 15, 3.1-16 and 3.1-17 provide a much more accurate, “real world” representation of what the post project views will be from these viewpoints.</p>
<p>Page 3.1-54 MM 3.1-6b</p>	<p>As stated above, we do not believe development on lots 45-47 constitute ridgeline development.</p>
<p>Page 3.1-54 Applicant’s Visual simulations</p>	<p>We have already expressed our opinion of the visual simulations created by PMC’s sub-consultant. We just wanted to clarify that the visual simulations that we supplied do not necessarily represent “fully mitigated” post-project conditions. They include partial use of landscaping to soften visual impacts and some of our simulations include some berming (both of which are encouraged mitigations in “VS” districts). As such, we feel that the simulations that we supplied represent “partially mitigated” post-project conditions.</p>
<p>Page 3.1-69 Impact 3.1-8</p>	<p>We feel that it is important to emphasize in the text that our proposed density of approximately 1 unit per every 4 acres is far lower than that of Ambler Park, Toro Park, and most of the other immediately adjacent neighborhoods. It is also consistent with the applicable land use designations for the property.</p>

Letter 74 Continued

SECTION 3.2	AIR QUALITY
Page 2.3-26 MM 3.2-1 1 st bullet	Please clarify to state that watering “at least twice daily” is not an absolute requirement (for instance under rainy or other high-moisture conditions or in areas where soil moisture content is high). This should be based upon weather and soil conditions.
SECTION 3.3	BIOLOGICAL RESOURCES –
Page 3.3-2 top para/last sentence	We don't believe that Oak Savannah is not given any special protection under the Public Resources Code. It is our understanding that Monterey County has not consistently classified Oak Savannah as “sensitive habitat” in its analysis of other projects.
Page 3.3-39 MM's 3.3-2a	Please clarify under item #1 that all “aquatic breeding habitat within” Pond 18 shall either be fully avoided by design or shall be designed to maintain pre-project habitat values. Also, the open space easement described in item #2 will be in the immediate area of Pond 18 (excluding the Ferrini Ranch Road). However, USF&W and DFG allow development within aestivation habitat in combination with appropriate mitigation (creation of additional habitat or purchase of appropriate credits).
Page 3.3-40 MM 3.2a Item #7	Our biologists believe that this mitigation measure should be corrected to read that high intensity lighting shall be avoided within designated breeding or aestivation habitat that is located immediately adjacent to Pond 18.
Page 3.3-47 Impact Discussion and MM3.3-4a	We would like to note that the existing Ferrini Ranch structures have co-existed with the existing wildlife corridor for many decades. To avoid any potential misinterpretation of this MM we would request that the EIR contain an affirmative statement to say that preservation of existing home and improvements in area of Lot 13-15 would be acceptable mitigation in lieu of “relocation of Lots 13-15”. Perhaps this should also be discussed in connection with Alternatives 3A and 3B.
Page 3.3-52 MM 3.3-6a Item #1	Please correct this mitigation measure to read that the project will replant 100% of the trees that it removes.
Page 3.3-53 MM 3.3-6b	To improve clarity we would propose adding the words “within 20 feet of such construction activity” to the end of the first sentence.
Page 3.3-55 Impact 3.3-8	Please consider incorporating similar clarifications to those cited above relating to impact 3.4 and associated MMs regarding the preservation of the existing Ferrini Ranch home located in the area of Lots 13-15.
Page 3.3-56 MM 3.3-8b	Please see our previous comment regarding this impact and mitigation measure (Executive Summary) in connection with solid barrier fencing on Lots 1-5.

Letter 74 Continued

Page 3.3-57 MM 3.3-8c	Please see our previous comment regarding zoning reclassification. In connection with the Open Space Mgt Plan it should be noted that the proposed project provides that much of the open space will continue to be leased for grazing operations. In addition, portions may function as biological mitigation areas.
Section 3.5 - Geo	Geology and Soil
Section 3.5 Landslides Deposits	For the sake of clarity we would ask that, in the (several) places where the text discusses “landslides”, the appropriate information be included regarding to the conclusions reached in the Supplemental Report prepared by Soils Surveys. This report involved substantial additional testing in the areas that were recommended in Kleinfelder’s Preliminary Report. Such additional information would include Soils Survey’s conclusions that: 1) the potential deep-seated landslides mentioned by Kleinfelder were determined to be “long-stablized” or in some cases, determined not appropriately classified as landslides and 2) the shallow landslides were more accurately termed “debris-flows” and could be readily mitigated with debris-flow walls. Since these studies were based upon more specific and extensive testing than those performed in Kleinfelder’s preliminary report we feel this is important data.
Page 3.5-24 last paragraph	To clearly convey the facts we think its important to insert a statement that that virtually all of the 30% slope area has been included in the nearly 70% of the project site that has been included in open space. No homes will be constructed on any portion of a slope that is equal or greater than 30%.
Page 3.5-32 MM 3.5-5c	The identified impact of 3.5-5 is erosion on steep slopes. This MM should be clarified that its applicability is limited to “steep slopes”.
Section 3.6	Groundwater and Hydrogeology
Page 3.6-40 MM 3.6-2a	Please see our previous comment (Executive Summary MM 3.6-2a) regarding an exclusion for an “ornamental” vineyard on Parcel D.
Page 3.6-41 Impact and MM 3.6-3	The existing wells that provide stock water for the grazing operations need to remain in operation to facilitate the continuation of such grazing. In addition, the well on the western parcel provides water for both the existing house and grazing. Under Alternative Plan 3 (A and B) this house would remain in place and may continue to be served by the existing well.
Section 3.9	Land Use, Population and Housing
Page 3.9-13-15 Zoning Code Discussion	Please see previous comment above regarding zoning reclassifications.

Letter 74 Continued

Section 3.10	Public Services
Page 3.10-12 Park Fee discussion and Page 3.10-13 MM 3.10-3	If we are required to have on-site recreational area(s) they were to be for project residents only (other than the pedestrian/bike path which would be a public amenity). Given the proximity to Toro Regional Park, the proposed bike and pedestrian link from the project to Toro Park, the lot configurations, the topography, the very low density of the project we believe that the project would qualify for an in lieu park fee payment under Section 19.12.010. It seems to us that the payment of in lieu park fees that could be used for additional active recreational facilities at Toro Park may be a superior alternative and we would ask that this be addressed in the document. These in lieu fee would provide a public recreational benefit in addition to providing benefits for the residents in our project.
Page 3.10-16 Discussion of Realignment of Cross Country Course	In our meetings with key Course "stakeholders" they acknowledged that the realigned course that we have proposed resolved some of the "negatives" of the existing Course including the fact that the existing course had one or two locations where the trail intersected itself and led to participants having to negotiate "cross-traffic".
Section 3.11	Noise
Page 3.11- 20 MM 3.11-1c	Please see our comment under Executive Summary MM 3.11-1c
Page 3.11-36 thru 38 MMs 3.11-4a thru 4d	Please see our comment under Executive Summary regarding MM's 3.11-4a through 4d. We would request that prior to issuance of building permits we have the option to conduct a more precise, site-specific noise analysis that would take into account the actual noise levels at specific home sites to determine whether we can meet the County's noise standards without all of the proposed MM's.
Section 3.12	Traffic
General Questions	The discussion of the Proposed Roadway System (page 3.12-3/4) should reference the alternate at-grade intersection that was proposed subsequent to the original submittal (see Alternate 3B) and included in the County's study performed by Higgins and Associates. There is some discussion of this in Section 4 in connection with Alternative 3B. Can the author explain where the "County-wide policy" that increasing the volume-to capacity ratio by 0.01 during weekday peak periods is deemed to be a significant impact can be found? We have the same question with respect to adding a single trip to an intersection or a segment currently operating at LOS F
Page 3.12-1 Existing Roadway Discussion	We believe that the number of trips on Highway 68 has actually declined since 2006. Please confirm this with CalTrans.

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Page 3.12-28 Standards of Significance for Study Intersections and Segments	Both CalTrans and TAMC believe that the most appropriate method to evaluate impacts to SR 68 is on a "corridor-wide basis rather than a series of impacts to individual intersections and segments".
Page 3.12-30 Impact 3.12-1a	For the reasons cited previously we do not believe that the project may conflict with performance standards or congestion management programs because of the mitigations incorporated into the project.
Section 3.13	Greenhouse Gases
Page 3.13-28 Table 3.13-11	Please correct the typo under the total % reduction to 2.8% from 3.3%
Section 4	Project Alternatives
Page 4-7 Aesthetics	As previously discussed we do not concur that it is appropriate to refer to "ridgeline development" in connection with the originally submitted project as it relates to views from BLM property.
Page 4-13 ASP Version A and Version B 2nd paragraph Access Comparison	The new at grade intersection that is proposed in Alternative 3B was analyzed by Higgins & Associates under contract with the County we feel it is important to include the following conclusions reached in the Higgins Traffic Study in connection with the proposed intersection: 1) the distance of approximately 1.1 miles for the 4-lane extension was determined to be appropriate to offset travel time resulting from the new signalized intersection together with the new traffic generated by from our project, the proposed Harper Canyon project and the proposed Wong project, 2) our "fair share" of the costs of this 1.1 mile extension was determined to be approximately 67%, 3) the relocation of the Terero Drive access point results in a significant improvements in traffic safety, 4) the combination of the 4-lane expansion and the relocation of Terero Drive is expected to significantly reduce the volume of "cut-thru" traffic that uses Portola Drive in the Toro Park neighborhood to bypass a portion of SR 68 during peak hours.
Page 4-23 Aesthetics last paragraph	Please add a discussion/clarification (similar to our previous comments with respect to Impacts 3.1-1 and 3.1-4) regarding specific impacts associated with development of roadways within the 100 foot setback from Highway 68.
Page 4-31 last paragraph	A divided grade interchange may be infeasible due to a number of factors including, without limitation, conflicts with uses on BLM property.

Letter 74 Continued

Section 5	Cumulative Impacts Summary
Pages 5-15 Cumulative traffic impacts	Please see our previous comments regarding Section 3.12 relating to the significance standards for impacts to intersections and segments.
Section 6	Other Sections Required By CEQA
Page 6-5 Topic 6.3 Significant Unavoidable Environmental Effects	The EIR states that if the portion of the Ferrini Ranch access road that runs through Toro Regional Park is relocated that "Development Within Critical Viewsheds and Areas of Visual Sensitivity would not constitute a significant and unavoidable impact. Please revise this section to be consistent with the visual analysis contained in Section 3.1.

2.0 RESPONSE TO COMMENTS ON DEIR

RESPONSE TO LETTER #74 – APPLICANT’S COMMENTS

Response to Comment – 74-1

The applicant’s submittal contains recommendations, suggestions, commentary, and requests for technical clarifications or revisions. These comments have been made part of the record through the Final EIR. The County of Monterey has reviewed and considered these comments with all others.