Chapter 4
Other CEQA-Required Sections

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This chapter includes the following discussions required by CEQA:

- Significant and Unavoidable Environmental Impacts.
- Significant Irreversible Environmental Changes.
- Growth-Inducing Impacts.

Significant and Unavoidable Environmental Impacts

Section 15126.2 (b) of the State CEQA Guidelines requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to a level of less than significant. Furthermore, where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should also be described.

The individual resource sections of Chapter 3 identify those significant impacts that cannot be reduced below a level of significance. The significant and unavoidable impacts are listed in Table 4-1, as are the mitigation measures that would be required but would not reduce this impact to a less-than-significant level. See the resource sections in Chapter 3 of this Draft EIR for a more detailed discussion of each of these significant and unavoidable impacts.

Table 4-1. Summary of Significant and Unavoidable Environmental Impacts

Significant and Unavoidable Environmental Impacts
Air Quality
C. Construction Emissions
Impacts AQ-C1 and AQ-C1(C): The project would result in a short-term increase in PM10 emissions due to grading and construction.
Mitigation Measures:
AQ-C1. Implement measures to control fugitive dust emissions.
AQ-C2. Implement measures to control construction-related exhaust emissions.
Transportation
A. Traffic During Project Construction
Impacts TRA-A1 and TRA-A1(C): Construction traffic would result in short-term increases in traffic volumes that would affect level of service and intersection operations.
Mitigation Measures:
TRA-A1. Schedule construction work and truck trips to comply with the Del Monte Forest Architectural Board Guidelines.
TRA-A2. Develop and implement a traffic control plan.
TRA-A3. Obtain approval for construction truck traffic routes from Monterey County and include these routes in all contracts.
TRA-A4. Implement SR 1/SR 68/17-Mile Drive Intersection Reconstruction early in the overall construction schedule.
C. Impacts on Roadway Intersections and Segments
Impacts TRA-C1 and TRA-C1(C): The project would add substantial traffic to intersections in Del Monte Forest and the immediate vicinity to decrease from acceptable levels of service to unacceptable levels of service or to worsen existing unacceptable levels of service.
Mitigation Measures:
TRA-C1. Pay fair-share contribution to install a traffic signal at the intersection of SR 68/Skyline Forest Drive and widen SR 68 from two to four lanes through the intersection.
TRA-C2: Pay fair-share contribution to construct the full SR 68 Widening Project.
TRA-C3: Pay fair-share contribution to construct new turn lanes and establish new traffic signal timings at the SR 1/Ocean Avenue intersection.
TRA-C5(C): Pay fair-share contribution to restripe the westbound approach at the Sunset Drive/Congress Avenue intersection to provide a left-turn pocket.
TRA-C6(C): Pay fair-share contribution to optimize signal timings and phasing at the Forest Avenue/David Avenue intersection.
TRA-C7(C). Pay fair-share contribution to construct the full SR 68 Widening Project (as required by TRA-C2) and to add third lane and to construct a third eastbound lane on SR 68 from about the Scenic Drive overcrossing through the SR 1 intersection
TRA-C8(C): Pay fair-share contribution to construct a refuge lane on SR 68 for traffic turning left out of the Aguajito Road intersection.
TRA-C9(C): Pay fair-share contribution to optimize signal timings at the SR 1/Carpenter Street intersection.

Significant and Unavoidable Environmental Impacts
Impacts TRA-C2 and TRA-C2(C):The project would add traffic to regional highway sections that would operate at unacceptable levels of service. Mitigation Measure: TRA-C4. Pay fair-share traffic impact fee for various improvements to SR 1, SR 68, and SR 156 based on the conditions described in the Transportation Agency for Monterey County's Regional Development Impact Fee Program.
Impact sTRA-C3 and TRA-C3(C): The project would add traffic to a highway ramp projected to operate at an unacceptable level of service. Mitigation Measures: TRA-C5. Pay fair-share contribution to replace the SR 1 northbound merge at SR 68 (west) with an auxiliary lane between SR 68 (west) and Munras Avenue. TRA-C10(C): Pay fair-share contribution to replace the SR 1 northbound merge at SR 68 (west) with an auxiliary lane between SR 68 (west) and Munras Avenue.
Water Supply and Demand
A. Water Supply and Demand **Impact WSD-A1 and WSD-A1(C). The project's water demand would represent an increase in water use above the 2011 Existing Conditions, but would be within the applicant's current entitlement and could be legally supplied by Cal-AM through 2016. However, given the current uncertain nature of regional water supplies, the additional project water demand could intensify water supply shortfalls and rationing starting in 2017, if the regional water supply project or its equivalent is not built by then, which is a significant and unavoidable water supply impact.** Mitigation Measure: Mitigation is not feasible because any additional mitigation would be disproportionate to the impact of the proposed project given applicant's prior funding of the Recycled Water Project. The applicant's use of water for this project is pursuant to a valid, legal water entitlement affirmed by MPWMD, Cal-Am, and SWRCB.
B. Water Infrastructure Capacity **Impact WSD-B1 and WSD B1(C): Local water infrastructure is included to serve the proposed project, and existing supply infrastructure outside the project area is adequate to serve the project through 2016. The regional water supply project (or its equivalent) will need to be built by 2017 to serve existing demand and the increase in demand from the project; regional water supply infrastructure and operations will have secondary significant and unavoidable environmental impacts.** Mitigation Measure: Mitigation is not feasible because any additional mitigation would be disproportionate to the impact of the proposed project given applicant's prior funding of the infrastructure for the Recycled Water Project. The applicant's use of water for this project is pursuant to a valid, legal water entitlement affirmed by MPWMD, Cal-Am, and SWRCB.
C. Carmel River Biological Resources **Impact WSD-C1 and WSD-C1(C): The project's water demand would result in increased withdrawals from the Carmel River through 2016 and thus would have a significant and unavoidable impact on Carmel River biological resources. After 2017, SWRCB mandated reductions in Cal-Am withdrawals from the Carmel River will not be changed by the project demand.**

Significant and Unavoidable Environmental Impacts
Mitigation Measure: Mitigation is not feasible because any additional mitigation would be disproportionate to the impact of proposed project given applicant's prior financing of the infrastructure for the Recycled Water Project. The applicant's use of water for this project is pursuant to a valid, legal water entitlement affirmed by MPWMD, Cal-Am, and SWRCB.
Notes: (C) = Cumulative impact.

Following is a brief discussion of the significant and unavoidable impacts and the reason that feasible mitigation or alternatives are not proposed.

Air Quality

The proposed project's temporary construction impact on PM10 emissions is discussed in Section 3.2, Air Quality. This impact could be reduced to a less-than-significant level by imposing a strict limitation on the amount of daily ground disturbance. However, this reduction would only extend the construction period itself and result in a greater duration of disruption to neighboring areas and traffic. There is a trade-off between having a shorter but more intense construction schedule and a less intense but longer construction schedule. The County's judgment is that overall community disruption and environmental impacts would be greater with an extended construction schedule, and thus that there is no overall environmental advantage to elongating the construction schedule.

Transportation

Although mitigation is required to reduce construction period traffic impacts through implementation of a traffic plan including truck scheduling, it is impossible to restrict all construction traffic from occurring during peak hours. As discussed in Section 3.8, Transportation and Circulation, certain regional roadways currently operate at unacceptable levels of service during peak hours. It is not feasible to fix all affected roadways prior to construction because there is not currently adequate funding to implement all planned improvements. The applicant would be required to contribute fair-share mitigation funds for regional roadways in the form of the TAMC regional impact fee, but this contribution would not result in the improvements being completed before construction.

For identified operational significant impacts on intersections and roadways, the applicant would be required to contribute fair-share mitigation fees toward the construction of the identified intersection and roadway improvements. As described in Section 3.11, Transportation and Circulation, the proposed project contributes only a small part of the traffic that would cause local and regional traffic deficiencies. As such, the applicant cannot be required to fund the entire improvements identified as mitigation as this would be disproportionate to the level of project impact. Thus, for a period of time between when the proposed project is built until the identified traffic mitigations are fully built, there will be significant and unavoidable impacts.

Also, as described in Section 3.11, Transportation and Circulation, the County may decide to focus all of the required mitigation fees on one or more traffic mitigation measures instead of all of them in order to increase the probability that one or more of the measures could be implemented earlier. Because some of the identified mitigation measures are not included in a transportation improvement program of the County, the City of Monterey, or Caltrans and the applicant is responsible for only a relatively minor part of the funding, it is possible that some of the measure may not ultimately be implemented due to a lack of funding.

Finally, the TAMC Regional Impact Fee program addresses many, but not all regional highway deficiencies. As a result, there are no regional projects identified to address some of the regional highway deficiencies to which the proposed project would contribute traffic. For these reasons, there would be significant and unavoidable impacts during the interim between project construction and mitigation completion, where identified mitigation cannot obtain sufficient funding from other

sources other than the applicant, and where regional transportation improvement programs are not planning highway improvements to address certain deficiencies.

Water Supply

As discussed in Section 3.12, Water Supply and Demand, the proposed project would increase water demand above existing conditions but less than the applicant's remaining entitlement. The proposed project can be supplied by Cal-Am from the Carmel River pursuant to the applicant's water entitlement through 2016 without significant impact.

Starting in 2017, the proposed project can still be supplied by Cal-Am from either the Carmel River, from the regional water supply project (Regional Project), or from an alternative to the regional water supply project. If the Regional Project (or an equivalent) is completed by the end of 2016, the impact of the proposed project's water demand for 2017 and after would be less than significant.

If the Regional Project (or an equivalent) is not completed by the end of 2016, the proposed project's water demand would intensify the need for water rationing for existing water uses. The proposed project would be subject to rationing like other existing demand, but the additional project demand would mean the impact of rationing would be more intense. Water rationing could result in economic disruption of commercial and industrial activities on the Monterey Peninsula as well as disruption of residential use. It is also possible that current users of Cal-Am water who have overlying rights to groundwater may increase pumping in certain areas which may exacerbate environmental conditions (unless other prohibitions like the Seaside aquifer adjudication prevent such activity). The exact response of the community to deep, persistent water rationing is hard to estimate. This is considered a significant and unavoidable impact related to water supply if the Regional Project (or its equivalent) is not built by the end of 2016.

Under constitutional limitations established in the U.S. Supreme Court decisions in the *Nollan* and *Dolan* cases[1], a project can be required to mitigate only proportionately to its level of impact. No further mitigation is feasible on the part of the applicant because any additional mitigation would be disproportionate to their water supply impact in light of the applicant's prior funding of the Recycled Water Project, which has restored more water to the Carmel River than the applicant proposes to use for the proposed project pursuant to their water entitlement.

Separate from the water supply impact described above, the proposed project's water demand after 2016 must be provided either from the Carmel River or from the Regional Project (or an equivalent). If the proposed project is provided from the Carmel River (by Cal-Am pursuant to its existing water rights), a proportionate amount of water would need to be supplied to other existing users from the Regional Project (or an equivalent). Regardless of whether the proposed project's demand is serviced from the Carmel River or from the Regional Project (or its equivalent), the Regional Project or an equivalent will need to be built to meet existing demand and proposed project demand. In the CPUC's Final EIR (CPUC 2009), the Regional Project was identified as having significant and unavoidable impacts in the following areas: air quality (during construction only for both Phase 1 and Phase 2); geology, soils, and seismicity (specifically concerning liquefaction for Phase 2 only); and GHG emissions (for both Phase 1 and Phase 2). The physical impacts of alternatives to the Regional Project have not yet been evaluated under CEQA, but it is possible that they might have unavoidable impacts that are similar to or different from those of the regional water supply project.

[1] *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994),

The proposed project would indirectly contribute to these secondary physical impacts on the environment because the proposed project would add additional water demand for new regional water supply infrastructure.

Through 2016, the project would increase withdrawals from the Carmel River above 2011 existing conditions which would also significantly affect biological resources that are dependent on the river in average, dry, and critically dry years. This is a significant and unavoidable impact. No further mitigation is feasible on the part of the applicant because any additional mitigation would be disproportionate to their water supply impact in light of the applicant's prior funding of the Recycled Water Project, which has restored more water to the Carmel River than the applicant proposes to use for the proposed project pursuant to their water entitlement.

Significant Irreversible Environmental Changes

Section 15126.2(c) of the State CEQA Guidelines requires that an EIR must consider any significant irreversible environmental changes that would be caused by the proposed project should it be implemented. Section 15126.2(c) reads as follows:

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

A project would result in significant irreversible environmental changes if:

- The primary and secondary impacts would generally commit future generations to similar uses.
- The project would involve a large commitment of nonrenewable resources.
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

The environmental effects of the proposed project are analyzed in detail in the resource sections of Chapter 3 of this Draft EIR.

The proposed project would require the use of nonrenewable resources such as metal and aggregate resources for physical construction components. Furthermore, fossil fuels would be consumed during construction and operation activities. Fossil fuels in the form of diesel oil and gasoline would be used for construction equipment and vehicles. During operations, diesel oil and gasoline would be used by passenger vehicles. Electrical energy (in part derived from fossil fuel generation) and natural gas would also be consumed during construction and operation (e.g., heating, cooling, refrigeration, lighting, etc.). All new buildings would need to comply with the state's Title 24 regulations that promote energy efficiency. However, the consumptive use of these energy resources would be irretrievable and their loss irreversible. Construction use of fossil fuels is limited to the construction period and is not a wasteful use of energy. Operational direct and indirect use of fossil

fuels would be in compliance with existing regulations, including Title 24, and would not be a wasteful use of energy.

Impacts associated with operation of the proposed project would occur as described in Chapter 3. Development of the proposed project would result in irreversible changes to biological resources, specifically the loss of Monterey pine forest and certain special-status species. Development of the proposed project would constitute a long-term intensification of developed uses, and it is unlikely that the land use would return to its original condition. The total amount of area converted from undisturbed natural land covers to urban land covers is approximately 41 acres.

The proposed project would not involve the routine on-site transport or storage of substantial amounts of hazardous materials, with the exception of common hazardous agents such as fuel, paints, oils, solvents, and cleansers. The amount and use of these chemical agents would be limited and are not anticipated to result in irreversible damage related to the release of hazardous materials. Adherence to Monterey County hazardous materials regulations would ensure that potential impacts related to the accidental release of hazardous materials would be less than significant.

As previously discussed, the proposed project would result in significant irreversible changes due to the use of raw materials, and fossil fuels during construction and operation, and the permanent loss of undeveloped natural lands. While many of these impacts can be avoided, lessened, or mitigated, some of these impacts are irreversible consequences of development, which are described in greater detail in the resource sections of Chapter 3 of this Draft EIR.

Growth-Inducing Impacts

Section 15126.2(d) of the State CEQA Guidelines requires that an EIR discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Furthermore, Section 15126.2(d) states:

> Included in this are projects which would remove obstacles to population growth. Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

This analysis evaluates whether the proposed project would directly or indirectly induce economic, population, or housing growth in the surrounding environment.

Analysis of Direct Growth-Inducing Impacts

A project would directly induce growth if it would involve development of new housing or remove barriers to population growth, for example, by changing a jurisdiction's general plan/zoning to allow new residential development to occur or by removing an infrastructure constraint. The proposed project would allow for development of 90 to 100 new residential units and 95 to 195 new visitor-serving units, and would preserve 635 acres for preservation of Monterey pine forest and other

native habitat.[2] The proposed project would result in an estimated increase in daily population of 518 or 343 people under Option 1 or Option 2, respectively. Potential impacts related to the increase in population were taken into the direct and cumulative impact analysis in the resource sections of Chapter 3 of this Draft EIR.

The capacity of existing infrastructure in the project area would be expanded to accommodate the proposed project. Extension of water, sewer, gas, and telecommunications would occur; however, existing utility connections are available throughout Del Monte Forest. While the proposed project would include use of existing water entitlements, it would not include the expansion of water supply for uses beyond the proposed project's demand (see Section 3.12, Water Supply and Demand). Roadways would be extended and improved to alleviate existing traffic LOS deficiencies, and project mitigation (see Section 3.11, Transportation and Circulation) would address project impacts on traffic conditions, but would not create new capacity beyond that necessary to accommodate planned growth.

The proposed project itself would facilitate growth in terms of visitor-serving units and residential units in Del Monte Forest, which would increase economic activity in and beyond Del Monte Forest. Increased economic activity could stimulate growth in terms of services for employees and others. However, the proposed project does not create conditions that would induce unplanned growth in Del Monte Forest or elsewhere. Thus, while the proposed project results in growth directly and would result in an increase in economic activity that would induce growth indirectly, it is not expected to result in unplanned growth that is not already anticipated in governing adopted land use planning documents.

[2] All citations refer to greatest number of units/sf depending on the option chosen at Area M Spyglass Hill (Option 1 or Option 2). Area M Spyglass Hill Option 1 includes 90 residential lots and 195 new visitor-serving units (100 of which would be the new resort hotel in Area M Spyglass Hill), and Option 2 (New Residential Lots) includes 100 residential lots (10 of which would be in Area M Spyglass Hill) and 95 visitor-serving units. The final number of residential and visitor-serving units would be based on the option chosen.