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July 25, 2006

Cosme Padilla, Chair
Monterey County Planning Commission
168 West Alisal Street
Salinas, CA 93902

SUBJECT: SEPTEMBER RANCH PLANNING PROCESS

Dear Chairman Padilla and Members of the Commission:

LandWatch Monterey County urges you to delay the hearing on September Ranch to provide adequate time for the public to review the FEIR and staff Report. The FEIR was released on Thursday, July 20, via the Internet, three working days before the scheduled hearing. The staff report was released on Friday. While CEQA does not require that the FEIR be released until 10 days prior to certification by the Board of Supervisors, asking the Planning Commission to make a recommendation on a project when it has had only 2 to 3 business days to review hundreds of pages of information needed to make an informed decision makes a mockery of the decision making process.

The documents required for your review total almost 1,000 pages. Additionally, their complexity is compounded by the release of responses to two separate environmental documents - the Revised Draft EIR circulated in early 2005 and the Recirculated Draft REIR circulated almost a year later. We fail to understand why responses to the 2005 document were delayed for over one year.

Review of the responses to the two documents is further compounded by the cross-referencing of responses. Instead of responses being located in one place, they are dispersed throughout numerous locations. In the case of letters from LandWatch, there are 15 cross-references.

We submit the following preliminary comments on the FEIR for your consideration in the event the hearing is not continued.

Response to Comments to Draft REIR

1. Response LWMC 1-1 indicates that the project is not subject to the moratorium because the application was submitted four years before the moratorium was imposed. We note that recent staff findings regarding changes to the Pajaro Valley Golf Course project resulted in a new designation of the date on which the application was "deemed complete." The September Ranch original project has been amended to include a new entryway with stoplight, the movement of the affordable housing from

Roach Canyon to an area just off Carmel Valley Road, and the elimination of on-site wastewater treatment. These revisions are comparable to those made to the original Pajaro Valley Golf Course project. Following the precedent of the Pajaro Valley Golf Course project, the amended September Ranch project should be subject to the current moratorium.

2. Response LWMC 1-4 acknowledges that traffic mitigation measures including signalization of Carmel Valley Road/Dorris Drive and Carmel Valley Road/Laureles Grade intersections are not currently funded by the County but are included in TAMC's 14-year plan dated July 19, 2004. Measure A which was intended to fund the 14-year plan was defeated. Without a schedule and funding source for traffic mitigation measures, the mitigation amounts to "paper mitigation", and the project's impacts on traffic should be found to be significant.
3. Response to LWMC 1-5 acknowledges that installing a transit stop would not reduce vehicle trip generation and LOS impacts to less than significant and removes the mitigation measure. The measure is not replaced. Since only those measures needed to reduce impacts to less than significance are to be included in an EIR, a measure replacing Mitigation Measure 4.6-7 should be added.
4. Response LWMC 1-7 states that CVMP Policy 39.1.6 requiring construction of the Hatton Canyon Freeway is no longer applicable because of "taking" issues. This response ignores Resolution No. 02-024 which the Board of Supervisors adopted in 2002 which provided:

“1. It is the policy of the Board of Supervisors that residential and commercial subdivisions proposed in the Carmel Valley Master Plan Area be denied, pending the construction of left turn pockets on Segments 6 and 7 of Carmel Valley Road (from Robinson Canyon Road to Rancho San Carlos Road), the construction of capacity-increasing improvements to State Highway 1 between its intersections with Carmel Valley Road and Morse Drive, and the adoption of updated General Plan/Master Plan policies related to Level of Service on Carmel Valley Road. Residential subdivision applications submitted before October 19, 1999 may proceed, so that they may be addressed on their merits with regard to potential traffic generation and all other impacts...”.

The left turn pocket has not been completed at Brookdale; a capacity increasing project has not been developed for the referenced section of Highway 1 (the climbing lane was a safety improvement and congestion relief project and not a capacity increasing project); and a new General Plan has not been adopted. Thus, the County's response to item 1 above is critical.

5. Response to LWMC 1-8 refers the commentor to Section 4.9 of the Recirculated Draft REIR. The LandWatch commented that the RDEIR which requires replacement of

lost Monterey-pine coast live oak forest acreage on a 3-to-1 ratio appeared unrealistic and that without it, there should be a finding of significant impact on biological resources. The Mitigation Measure was dropped in the Recirculated Draft REIR and replaced with a requirement to permanently dedicate open space acreage on a 3-to-1 basis. This does not adequately replace the original mitigation measure, and there should be a finding of significant impact on biological resources unless new mitigation measures are added..

6. Response to LWMC 1-13 states the Draft REIR identified the five intersections that are anticipated to operate unacceptably under the Year 2025 cumulative impact scenario prior to mitigation and states that Measures 5-1 and 5-2 reduce these impacts to less than significant. Mitigation Measure 5-1 requires the applicant to pay a fair share contribution towards improvements for Highway 1. There is no scheduled or funded project for the identified intersections. Without a project or a schedule for improvements, the measure is just more paper mitigation.
7. Response to LWMC 1-14 references the Master Response regarding growth inducement. This does not respond to LandWatch's comment regarding the cumulative impact the removal of over 3,000 trees would have.

Response to Comments to Recirculated Draft REIR

8. Response to LWMC 2-7 regarding adequacy of mitigation measures and deferral of mitigation indicates that future plans such as a Forest Management Plan that must meet performance standards is not a deferral of mitigation. The following mitigation measures for biological resources require performance measures that should be implemented or are recommendations: 4.9-1, 4.9-3, 4.9-4; 4.9-10, 4.9-13 and 4.9-14. "Recommendations" or "shoulds" do not rise to the level of performance standards. These mitigations must be mandatory to meet the level of performance standards.
9. Response to LWMC 2-11 states that CEQA Guidelines do not require an EIR to consider every conceivable alternative to a project...". CEQA (§15126.6 [a]), however, does require the identification of alternatives "which would avoid or substantially lessen any of the significant effects of the project...". As stated in our letter, "An alternative that would cluster the market rate and inclusionary housing outside of the Monterey Pine Forest was not considered even though it was recommended in comments on the RDEIR." Clearly, such an alternative would address the project's impacts on biological resources and water demand more successfully than any of the alternatives considered while still meeting the objectives of the proposed project. The failure to consider such an alternative is in error.

Thank you for the opportunity to comment on the numerous documents. Again, we urge you to delay the hearing or postpone final recommendations until you and the public have adequate time to review the environmental documents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Fitz".

Chris Fitz, Executive Director
LandWatch Monterey County