

August 12, 2004

Mr. Thom McCue
County of Monterey
Planning and Building Department
2620 First Avenue
Marina, CA 93933

8/16/2004
106

Re: Draft EIR (Vol. I & II) for the Pebble Beach Company's
Del Monte Forest Preservation and Development Plan
(SCH #2002021130)

Dear Mr. McCue,

Pursuant to the Berding & Weil letter dated March 22, 2004, the Board of Directors of The Residences at Spanish Bay Association retained TPG Consulting, Inc. an engineering and planning firm, to conduct a peer review of the Draft Environmental Impact Report and DRAFT Condition Compliance and Mitigation Monitoring and Reporting Plan for the Pebble Beach Company's Preservation and Development Plan for the Del Monte Forest area. TPG's review yielded a number of concerns relative to the transportation and circulation element of the DEIR that could have a significant short term or long term affect to the environment surrounding Spanish Bay. Those concerns are itemized as follows:

1. *Improvements to State Highway 68*
2. *Changes to the intersection of Spanish Bay Inn Dr. with Congress Rd. & 17 Mile Dr.*
3. *Separate drives for the Inn and The Residences*
4. *On-site and off-site parking*
5. *Sight distance at driveways along Congress Road*
6. *Pedestrian trails connecting to the employee housing*
7. *Special event traffic*
8. *Construction traffic*

The most significant concerns of the eight traffic issues itemized are elaborated hereinafter:

Separate drives for Inn and Residences – currently the Residences and the Inn share a common driveway off of 17 Mile Drive. The proposed changes would result in a split configuration of the driveway west of the 17 Mile Drive intersection. This design would enter and exit (funnel) all traffic through the 17 Mile Drive at Congress intersection and then split the traffic at a point near the Residences' east property

line. The new drive for the Residences would be controlled by a single gate rather than the current configuration of two gates.

The proposed project calls for all traffic entering or exiting the Inn to use the 17 Mile Drive at Congress intersection. With the development of additional facilities, the new parking structure and surface parking, the total parking supply at the Inn will be increased to 681 vehicles. Given the peaking potential for exiting traffic to develop substantial queuing at the Congress intersection, the single entrance via the Congress Drive intersection will experience substantial congestion from exiting traffic.

2 (cont.)

Special event traffic ~ The traffic from special events such as the A.T. and T. Golf Tournament, the Concourse, equestrian events or significant conferences at the Inn will continue to place significant pressure on 17 Mile Drive. These events are proposed to be serviced using the same transportation management strategies that are currently utilized. Satellite parking and shuttle buses will continue to be the primary tools for event management.

3

Construction traffic ~ The most significant impact to the Residences will be during construction of the underground parking structure. This activity will necessitate the removal of 45,000 cubic yards of material. The schedule anticipates a 15-month construction cycle for this portion of the project. All total, approximately 3,000 truck loads of material will be transported to the driving range, the Equestrian Center or to an offsite location. This translates into approximately 50 truck loads a day or 100 truck trips to or from the Inn. All truck traffic will be routed through the SFB Morse gate via Congress Road. This intensive truck activity will take place over a 12 week period.

4

In addition, it is anticipated that up to 125 workers will be employed at the Inn during the peak months of construction. This is projected to be in months 19 through 21 and should generate up to 250 trips per day to the Inn. Given the typical construction day, it is anticipated that these trips would arrive early in the morning and depart by mid-afternoon. Parking for these construction employees would need to be provided off-site, probably at the driving range site.

Therefore, based on these significant concerns, The Residences at Spanish Bay Association's Board of Directors request that the County consider as conditions of approval the following:

1. *A permanent second access road to the Inn. This access road could be located between the 10th green and the 11th tee-box and would provide additional ingress and egress to the Inn. Initially it could be used for construction traffic to and from the Inn. After completion of construction, the access road would be improved to County standards as the main driveway to the Inn. This driveway would focus southerly Inn traffic to and from 17 Mile Drive, while leaving the Congress intersection for northerly traffic access. This southerly driveway would also provide for a second emergency access to the Inn and the Residences. This could be vitally important should the Congress Road driveway be blocked.*
2. *A special event plan be prepared, which would outline type, frequency and duration of the expected conferences, meetings, golf tournaments and other special events expected on an annual basis. The plan would describe these activities and provide management strategies for parking, access, emergency access and other impacts that maybe unique to the event.*
3. *Submit to the Board of Directors of The Residences of Spanish Bay Association a construction plan for review and comment for the improvements at the Inn and the construction of the parking structure.*
4. *Establishment of a construction management committee for the Inn improvements. The committee would be tasked with coordination of information, schedules, concerns and complaints between the County, Pebble Beach Company, the Inn and the Residences. The Contractor(s) should hold a pre-construction meeting and meetings at appropriate intervals during construction to provide information on temporary circulation plans, construction staging plans, a schedule of activities, noise and dust abatement programs and construction employee parking.*

2 (cont.)

3 (cont.)

4 (cont.)

With respect to the remaining traffic/circulation issues, the Board of Directors of The Residences at Spanish Bay Association has the following suggestions for additional mitigations and conditions of approval:

1. *Request the Inn to provide a detailed Parking Management Plan. The Plan would include information for management of Inn and golf course parking during typical days, during tournaments, during conferences and other special events.*
2. *Eliminate the mid-block pedestrian crossing of 17 Mile Drive. Access to and from the employee housing site should be limited to the intersection and via Congress Road.*

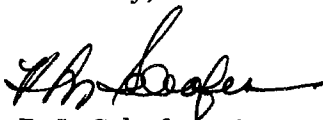
5 (cont.)

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3. *The Board of Directors of The Residences at Spanish Bay Association supports the installation of a 4-way stop at the intersection of 17 Mile Drive at Congress. In addition, crosswalks, signing and striping should be installed to delineate the stop signs and pedestrian facilities. Provisions for the crossing of golf carts to and from the Driving Range and Golf Center should be provided.* 7
4. *The Board of Directors of The Residences at Spanish Bay Association request the opportunity of reviewing and commenting on the design plans for road improvements along Congress Avenue, and for the 17 Mile Drive intersection West, along with the plans for traffic management at the split configuration during construction and peak conditions of special events as such plans and conditions impact The Residences at Spanish Bay.* 8

We appreciate the opportunity to submit our comments and concerns to the County of Monterey regarding the proposed Del Monte Forest Preservation and Development Plan. We hope that you will revise the Draft EIR accordingly and, if necessary, pursuant to requirements of CEQA, re-circulate a new DEIR for our further review and comment. Alternatively, please consider development of responses that address these concerns for inclusion in the Final Environmental Impact Report. 9

Sincerely,



R. L. Schafer, Vice-President
The Residences at Spanish Bay Association

Cc: Mark Stillwell, Pebble Beach Company

S:\projects\04-851\pebblebeachDEIR\Spanish Bay's Letter to County3



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FAX TRANSMITTAL

DATE: 20 August 2004

TO: Thom McCue

FROM: Charles Clave

FAX NO. 831.384.3201

This transmittal consists of this cover plus 5 page(s)

PURSUANT TO A REQUEST FROM DICK
SCHAFER, VICE PRESIDENT OF THE
RESIDENCES AT SPANISH BAY
ASSOCIATION —

| | | | | | |
|-------------------|--------------|---------|--------------|------------|----|
| Post-It® Fax Note | 7671 | Date | 8/20/2004 | # of pages | 17 |
| To | RICH WATER | From | THOM MCCUE | | |
| Co./Dept. | | Co. | | | |
| Phone # | | Phone # | 831/883-7528 | | |
| Fax # | 510/433-8961 | Fax # | | | |

NOT A PUBLIC COMMENT

Offices in Visalia, Fresno, Irvine and San Luis Obispo, California, Reno, Nevada and Dallas, Texas



June 21, 2004

Mr. Armand Kunde, President
The Residences at Spanish Bay Association
P.O. Box 1617
Pebble Beach, CA. 93953

Dear Mr. Kunde,

As requested, TPG Consulting, Inc., has reviewed the Draft EIR and related Appendices (Vol. II, 2 books) and "DRAFT Condition Compliance and Mitigation Monitoring and Reporting Plan" for the Preservation and Development Plan project proposed by the Pebble Beach Company for the Del Monte Forest area. Based on that review we offer the following observations for consideration by the Residences at Spanish Bay Association in their response to the County of Monterey regarding the Pebble Beach Company's proposed "project".

EXECUTIVE SUMMARY

The review has yielded a number of broad areas where concern is raised regarding potential impacts to the Residences. The following summarizes those areas of concern:

- ♦ The DEIR is presented as a project level document. However, under the California Environmental Quality Act, it may well be acting as a program level document. As such, a second, and more detailed or focused, level environmental assessment may be needed for some or all individual components of the project. This additional evaluation would be required because many of the details associated with individual components of the project are not, and cannot be, known yet. 10
- ♦ The DEIR specifically describes a series of documents or actions that must be completed before certain project specifics can be known and before the whole of the project can be implemented. This series of documents and actions are interrelated such that they will have cascading effects on subsequent actions and therein an incremental revealing to the public of pertinent project information and specifics that they have a right to know about and comment on. To allow the present EIR to be certified before approvals of all these preceding documents or actions has the potential for "piecemealing" the project, which would not allow for a complete and comprehensive understanding of its full implications and impacts. Piecemealing of projects for the purpose of underplaying or with the intentional or unintentional result of under-estimating the extent and magnitude of environmental impacts is expressly prohibited under California law. 11

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- ♦ The DEIR specifically describes a series of documents or actions that must be completed before certain project specifics can be known and before the whole of the project can be implemented. This series of documents and actions are interrelated such that they will have cascading effects on subsequent actions and therein an incremental revealing to the public of pertinent project information and specifics that they have a right to know about and comment on. To allow the present EIR to be certified before approvals of all these preceding documents or actions has the potential for "piecemealing" the project, which would not allow for a complete and comprehensive understanding of its full implications and impacts. Piecemealing of projects for the purpose of underplaying or with the intentional or unintentional result of under-estimating the extent and magnitude of environmental impacts is expressly prohibited under California law.

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- ♦ A long list of subsequent actions and/or approvals will be necessary for the project to be successfully completed. This tiering of actions and approvals is certainly an acceptable way of proceeding, but it does suggest that as a condition of certification of the EIR, the Residences should insist the EIR commit in clear and explicit language, to additional public input through tiered CEQA reviews for subsequent road improvements, building plans and other discretionary approvals to be made by the County of Monterey and other regulatory agencies. 12

 - ♦ There are a number of other technical flaws that need to be corrected in order to result in an adequate environmental assessment and a number of organizational short-comings that should be corrected to assure a document that is most easily understood by the public and facilitates a good faith effort at full disclosure. 13

 - ♦ Eight traffic changes or issues are found in the DEIR which specifically will affect the Residences at Spanish Bay. 14
 - ✓ *Improvements to State Highway 68*
 - ✓ *Changes to the intersection of Spanish Bay Inn Dr. with Congress Rd. & 17 Mile Dr.*
 - ✓ *Realignment of the access to the Inn and Residences*
 - ✓ *On-site and off-site parking*
 - ✓ *Sight distance at driveways along Congress Road*
 - ✓ *Pedestrian trails connecting to the employee housing*
 - ✓ *Special event traffic*
 - ✓ *Construction traffic*

ELEMENTS OF PROPOSED PROJECT ASSOCIATED WITH THE INN AND SAWMILL SITES**The Inn at Spanish Bay**

- Add 91 visitor-serving units at the Inn. Eighty-six (86) of these will be located in two new three-story buildings generally backing onto the 11th fairway. Five (5) units will be created from a renovation of the existing office space in the main resort building. 15
- Relocate tennis clubhouse and tennis courts slightly north to make room for the two new Inn buildings. Tennis facilities will be on roof of new underground parking.
- Construct new underground 443-space parking lot.
- Re-align access drive into the Inn to the south of the relocated tennis courts.
- Eliminate that portion of the current access drive passing directly in front of the Clubhouse. (Will be replaced by the new driveway entrance moving to the south of the relocated tennis courts.)
- Revise layout of the Inn's surface parking lot.

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- Construct new addition to the front of the Inn (14,040 sq. ft.) doubling the area of meeting rooms.
 - Remodel entrance to the Inn to accommodate the meeting room addition and 5 new visitor-serving units.
 - Construct new 1512 sq. ft. addition to the existing Club House to provide locker space and a children's pool.
 - The roadway access to the existing residences from Congress Road will remain the same.

(Ref: Figures 2.0-12 & 13 and Table 2.0-2 in the DEIR.)

New Spanish Bay Driving Range (Proposed Area C)

- Construct new two-way driving range (with 40 tees) adjacent to The Links at Spanish Bay, including putting greens, open space, golf teaching facility, and 301 additional parking spaces for the Spanish Bay Resort and driving range.
- Retain forest around perimeter of the site to buffer the new development from adjacent residential areas.
- Dedicate 3 acres of wetlands for permanent preservation.

(Ref: Figures 2.0-12 & 14 and Table 2.0-2 in DEIR)

New Spanish Bay Employee Housing (Proposed Area B)

- Twelve (12) units in 4 buildings near and southeast of Spanish Bay (across 17-Mile Drive Road), with associated parking (20 covered spaces and 23 uncovered), common area, open space, including screening from nearby residential uses, and connection to trail system.

(Ref: Figures 2.0-12 & 15 and Table 2.0-2 in DEIR)

New Equestrian Center (the old Sawmill Site)

This site is currently subject to conditions imposed by the County and Coastal Commission land use permits associated with the Spanish Bay Resort and easements associated with the Sawmill site. Consequently, in addition to the features listed below, the Proposal includes a request to delete County use permit conditions relating to the grading, seeding, and re-vegetation of the old Sawmill site, and amendment of two conservation easements: a conservation and scenic easement granted to County over the lower Sawmill site pursuant to a previously approved amendment to the use permit, the other a conservation easement for the Huckleberry Hill Natural Area (HHNA) granted to the Del Monte Forest Foundation (DMFF) over the upper Sawmill site pursuant to a Coastal Development Permit issued by the Coastal Commission for the Spanish Bay Inn Resort and Sawmill site. The easement restrictions would either have to be amended to expressly allow the proposed equestrian center as a suitable intensive recreation development or else the County and the CCC would need to make findings that the proposed equestrian facility is consistent with their respective easements for the upper and lower Sawmill areas. The effect of either option would be to foreclose opportunity to restore a net 23 acres at this site. Mitigation Measures in Chapter 3.3 off-set this. If

15 (cont.)

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the relevant portions of Measure A are not certified by the CCC, or if the amendments or consistency findings cannot be made, then the proposed equestrian center may not be approved in its current form.

- Relocate the existing Pebble Beach Equestrian Center to old quarry areas within the Sawmill Borrow site to be more proximate to the trail system.
- Extend trail system from existing equestrian center to the new center to continue trail access to the coast.
- Construct vehicular access from Congress Road.
- Construct a one-story clubhouse with locker rooms, offices, and lounge.
- Construct two-story overnight dormitory building with kitchen and common area for overnight camps for as many as 36 children or 12 adults.
- Construct covered arena and stall barns to accommodate 174 horses (4 single-story corral barns, 2 stall barns, 1 tie-stall shelter, and 1 tie-stall barn).
- Construct accessory structures/facilities, including hay barn, vehicle storage building, covered lunge ring, covered horse corral shelters, fenced training rings, corrals entry wall, and expansion area for equestrian events.
- Construct employee housing consisting of 2 one-story single-family staff residences, 1 two-story four-family staff residential structure, plus dormitory) and approximately 300 parking spaces.

(Ref: Figures 2.0-9, 10 & 11 and Table 2.0-2 in DEIR)

15 (cont.)

Summary of Impacts Related to the Inn and old Sawmill Site

Geology, Seismicity, and Soils

Although there is some potential for landslides or structural damage associated with human safety from nearby, active and potentially active faults, steep slopes and expansive soils at the equestrian center site, these potential effects can be adequately mitigated by recommended mitigation measure to comply with requirements of the California Uniform Building Code following further geotechnical investigations based upon building designs and placement. Standard dewatering and shoring techniques can adequately mitigate for potential impacts at the Inn associated with the construction of the underground parking.

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Biological Resources

The Spanish Bay Employee Housing site contains 458 specimens or individuals of the Yadon's piperia (a special-status plant species). The proposed Spanish Bay Driving Range contains wetlands and a fragment of the Monterey pine forest. The new equestrian center site contains sensitive riparian habitat. Though certain significant impacts potentially result from the project in these areas, the DEIR does a good job of identifying adequate mitigation measures to reduce these impacts to less than significant.

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Hydrology and Water Quality

The applicant is required to monitor and correct as necessary water balance and other site-specific characteristics necessary to maintain existing hydrology for the wetlands associated with the equestrian facility, the driving range, and the employee housing. Potential contamination to waterways or build up of nutrients from animal waste along trails in the HHNA site is subject to on-going stream and wetland water quality monitoring and corrective actions as necessary. Erosion and Sediment Control Plans approved by the County are required for all project development for all season conditions. An NPDES (National Pollution Discharge Elimination Permit) for general construction activity is required prior to construction by the State Regional Water Quality Control Board.

Public Services and Utilities

Development of a funding mechanism between the applicant and the County Sheriff is proposed to recover the cost associated with providing one additional Sheriff Deputy in perpetuity. An emergency access, a vegetation management plan, and development of a fire safety plan during declared fire seasons are proposed as mitigation measures at the equestrian center. To mitigate impacts related to excess demand the project will place on potable water supplies to augment irrigation needs at the equestrian center and driving range, the applicant is required to upgrade the Pebble Beach CSD reclamation plant's distribution infrastructure, Cal-Am's potable water distribution infrastructure, or complete the Phase II improvements to the Reclamation Plant to offset the impact. This must be done prior to any irrigation of project turf areas. For the project overall, the applicant/developer is required to coordinate with all utility providers to minimize service interruptions during construction.

16 (cont.)

Aesthetics

Potentially significant visual/scenic impacts associated with the Inn development were identified. Since assessing aesthetics is a highly subjective exercise, even though the EIR identifies measures believed to mitigate aesthetic impacts to less than significant, proof may have to be "shown" before land use or building permits are issued. More precise elevation drawings, landscape plans, or architectural specifications may need to be reviewed publicly before consensus on "less than significant" can be agreed upon. Technology may lend itself to some "virtual" imaging of site improvements as a way to make "before" and "after" comparisons.

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Traffic, Circulation, Road Improvements

A number of traffic and circulation impacts are identified in the DEIR. A series of road improvements are proposed to fully mitigate these impacts. The following discusses the specifics of the improvements which are in close proximity or will affect the Residences.

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1. Additional Traffic from the Project -

The improvements planned for the Inn will result in an additional 1,025 trips per day to or from the site. The afternoon peak hour will see an additional 131 trips to or from the Inn. While these are not significant given the current residual capacity of the intersection of 17 Mile Drive at Congress Road, they will represent an increase of 19% over the baseline conditions. Overall, the project will bring 185 new peak hour trips through the intersection, which represents a 27% increase in traffic. Again, the residual capacity of the intersection is adequate to handle this increase.

2. State Route 68 improvements -

- a. At SR 1 interchange - additional turn lanes are proposed to improve traffic operations at this critical interchange. These improvements will substantially increase the carrying capacity of the intersection of SR 68 at SR 1-southbound off/on ramps. In addition, these improvements will improve the operations at the SR 1 gate to 17-mile Drive.
- b. At Skyline Forest Drive - a new traffic signal will be installed at this intersection as part of the project.
- c. Beverly Manor - the project will pay it's fair share for the future installation a new traffic signal at this intersection
- d. At Aguajito Road - a median acceleration lane for traffic entering the highway will be installed at this intersection as part of the project.

3. Intersection of Bay Inn Dr. with Congress Rd. & 17 Mile Dr. -

- a. Pedestrian improvements -the project calls for the installation of crosswalks, handicap ramps and golf cart/pedestrian paths at the intersection.
- b. Traffic control - the project also calls for the installation of stops signs on 17-mile Drive thus creating a 4-way stop controlled intersection.

This may be the single biggest change to the circulation system in the vicinity of the Residences as a result of the project. The location of the driving range and Golf Center along with the employee housing east of 17-mile Drive will introduce substantial pedestrian and golf cart traffic through this intersection.

Additional pedestrian traffic will be generated from the overflow parking that will be assigned to the driving range lot. That pedestrian traffic will need the protection of a 4-way stop

Items to consider:

- Eliminate the mid-block pedestrian crossing of 17 Mile Drive. Access to and from the employee housing site should be limited to the intersection and via Congress Road.
- Consider calling on the County to require an underground crossing of 17 Mile Drive instead of the at grade crosswalks. This would eliminate the need for a 4-way stop and would separate pedestrian/golf cart crossings from the through traffic.

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controlled intersection to safely cross 17-mile Drive.

In addition to these improvements to the intersection, the project calls for a pedestrian crossing of 17 Mile Drive just north of the intersection to provide direct access to and from the employee housing site. This location introduces pedestrian movements in an uncontrolled position along 17 Mile Drive and is inconsistent with the improvements planned for the intersection of Congress Road at 17 Mile Drive.

4. Parking -

- a. Inn - currently, the Inn has 492 parking stalls to serve both the Inn and meeting room activities. The project will develop 238 surface parking stalls and an additional 443 stalls in an underground parking structure for a total of 681 stalls. This will result in a net increase of 189 additional stalls at the Inn.
- b. Driving Range and Golf Center - the driving range and the golf center will provide an additional 301 stalls between the two facilities. These stalls are intended for visitors to the golf center, those guests wishing to use the driving range as well as for overflow parking for the Inn. Primarily, the overflow will be for conferences and meetings that generate visitors in excess of the 681 stalls at the Inn. It is believed, although the DEIR is not clear, that employees of the Inn will be directed to park at the driving range lot.
- c. Employee Housing - as part of the development of the employee housing units, 43 surface stalls will be constructed. These will be used for the residences and guests of the employee housing. As such they will not be available for guest or visitors of the Inn.

18 (cont.)

Item to consider:

- As a condition of approval, request that the County of Monterey require the Inn to provide a detailed Parking Management Plan. The Plan should include information for management of Inn and golf course parking during typical days, during tournaments, during conferences and other special events.

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Overall, the project appears to be providing an adequate number of parking stalls for daily as well as special events. However, the DEIR is clear that the stalls are segregated between the surface lots at the Inn, the underground parking structure at the Inn and the two lots associated with the driving range and the golf center. This separation will result in overflow parking from the Inn being provided at the driving range lot. This

will result in the movement and or shuttling of pedestrians across 17 Mile Drive during peak usage of the Inn or the golf course.

Letter to The Residences at Spanish Bay Association

June 21, 2004

5. Realigned access to the Inn and Residences -

- a. *Separate drives for Inn and Residences - currently the Residences and the Inn share a common driveway. The proposed changes would result in a split configuration. This design would enter and exit all traffic through the 17 Mile Drive at Congress intersection and then split the traffic at a point near the Residences' east property line. The new drive for the Residences would be controlled by a single gate rather than the current configuration of two gates.*
- b. *Secondary access to Inn - the project calls for all traffic entering or exiting the Inn to use the 17 Mile Drive at Congress intersection. With the additional parking being added to the parking structure and surface parking at the Inn up to 681 vehicles could be parked on the Inn site.*

Given the peaking potential for exiting traffic to develop substantial queuing at the Congress intersection, additional access to the Inn would be of great benefit. A secondary access between the 10th green and the 11th tee-box would provide additional ingress and egress to the Inn. This driveway would focus southerly traffic to and from 17 Mile Drive, while leaving the Congress intersection for northerly traffic access.

Items to consider:

- *Request that the County of Monterey as a condition of approval provide the Residences with the opportunity to comment on the draft plans for the new driveway and gate facility.*
- *Establish a second driveway for ingress and egress to the Inn. This second driveway would also provide for emergency access to both the Inn and the Residences*

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This southerly driveway would also provide for a second emergency access to the Inn and the Residences. This could be vitally important should the Congress Road driveway be blocked.

6. Sight Distance -

- a. *Employee Housing - a sight distance concern was raised in the DEIR regarding the driveway to the employee housing on Congress Road. This item is to be mitigated through the design process for the driveway and Congress Road improvements.*
- b. *Driving range and golf center - likewise a similar concern was delineated for the driveways to the golf center and driving range on Congress Road. These items were also to be mitigated through the design process.*

Item to consider:

- *As a condition of approval request that the County of Monterey provide the Residences with the opportunity to comment on the draft plans for the driveway and road improvements along Congress Road.*

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7. Special event traffic ~

The traffic from special events such as the A.T. and T. Golf Tournament, the Concourse, equestrian events or significant conferences at the Inn will continue to place significant pressure on 17 Mile Drive. These off-site events are proposed to be serviced using the same transportation management strategies that are currently utilized. Satellite parking and shuttle buses will continue to be the primary tools for event management.

23

8. Construction traffic ~

The most significant impact to the Residences will be during construction of the underground parking structure. This activity will necessitate the removal of 45,000 cubic yards of material. The schedule anticipates a 15 month

Items to consider:

- Request that as a condition of approval, the contractor(s) for the improvements at the Inn and the construction of the parking structure, submit to the Residences a construction plan for review and comment.
- Ask the County to require that the contractor provide information on temporary circulation plans, construction staging plans, a schedule of activities, noise and dust abatement programs and construction employee parking management.
- Work with the County to establish a construction management committee for the Inn improvements. The committee shall be tasked with coordination of information, schedules, concerns and complaints between the County, Pebble Beach Company, the Inn and the Residences.

construction cycle for this portion of the project. All total, approximately 3,000 truck loads of material will be transported to the driving range, the Equestrian Center or to an offsite location. This translates into approximately 50 truck loads a day or 100 truck trips to or from the Inn. All truck traffic will be routed through the SFB Morse gate via Congress Road. This intensive truck activity will take place over a 12 week period.

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In addition, it is anticipated that up to 125 workers will be employed at the Inn during the peak months of construction. This is projected to be in months 19 through 21 and should generate up to 250 trips per day to the Inn. Given the typical construction day, it is anticipated that these trips would arrive early in the morning and depart by mid-afternoon. Parking for these construction employees would need to be provided off-site, probably at the driving range site.

Air Quality

No impacts unique to the Spanish Bay development sites were identified, except for potential objectionable odors associated with the equestrian facility. These potential impacts were deemed by the DEIR to be less than significant due to facility design and daily management plan for liquid and solid animal waste, site's separation from potentially affected residences, and applicability of MBUAPCD nuisance rule (Rule 402.) Overall project impacts related to ROG (Reactive Organic Gases) and NOx

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(Nitrogen Oxide) -- both precursors to smog, and PM -10 can be adequately mitigated. Adequate Mitigation Measures for the project overall have been recommended for construction-related emissions and for exposure by sensitive receptors.

25 (cont.)

Noise

The DEIR seems to have made an adequate attempt to address potential noise issue, both in the long term operational standpoint as well as short-term impacts potentially occurring during construction. There may be opportunities to add mitigation measures to address more specifically noise issues that may be unique to "clean-up" activities following construction.

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Cultural Resources

No impacts unique to the Spanish Bay development sites were identified; only general impacts regarding finds during construction with blanket conditions applicable to the entire development proposal.

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Overall Adequacy of the DEIR Pursuant to CEQA

The following are comments that speak to broader issues of the adequacy of the EIR as may be of concern to the Residences at Spanish Bay:

1. The DEIR seems to have been written as a project level EIR. However, we believe it may function more appropriately as a "Program" EIR. The important distinction being, with a Program EIR, the individual site or area projects proposed would be subject to subsequent environmental reviews that could be tiered to the Program EIR once the further site design details are known and necessary development permits are applied for as indicated on page 2.0-23 & 24. If the County agrees with the Program EIR approach, then the EIR needs to describe more concisely than it does on Page 2.0-23 that one of its intended uses is to be used as the programmatic environmental document to which the CEQA evaluations can be tiered for all the future/subsequent permits that are needed for build-out of the Proposed Project.

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If the County disagrees that this EIR is really a Program EIR, then it is our recommendation the EIR must state more concisely how and why this EIR is not a Program EIR. More particularly, the EIR needs to set out how CEQA is to be followed at the site-specific permits stages (see pg. 2.0-23 & 24). This becomes especially imperative once Measure A is ultimately certified by the Coastal Commission. If changes to the Proposed Project are subsequently determined needed to assure compliance with certified Measure A, then it would seem those changes will require one or more discretionary actions subject to CEQA by the County or the Coastal Commission or others, to effectuate or adopt those changes. (Adjunct to this concern is the EIR assertion that once Measure A is certified it will allow the removal of the "Resource Constraint Overlay" zoning). If there is some

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operation of law that exempts any needed changes to the LCP or LUP pursuant to Measure A from the requirements of CEQA, then the EIR needs to spell out what that is and how it applies here. There are a variety of statements or phrases throughout the EIR that leave sufficient confusion about this issue to warrant some further clarification in the EIR. For example, Appendix C page C-2 states that the existing LCP was certified by the Coastal Commission in 1987, and goes on to say that this certification enables the County to consider and issue coastal development permits for projects that are consistent with the certified LCP. If the LCP requires changes to ensure compliance with Measure A, then it follows that such changes may necessitate changes to the Proposed Project in order that they remain consistent with the LCP. In which case, the site specific permits must be evaluated for such consistency later, after Measure A certification process is complete.

Further indication of the uncertainty of the effect certification of Measure A will have on the LCP, is that the Existing Land Use Designation Map on page 3.1-28 makes a point to note that the land use designations thereon are "Pre-Measure A", suggesting, we suppose, that Post-Measure A they may need to be different, thereby casting doubt on whether the Proposed Project will remain consistent with such Post-Measure A designations. This concern of course, cascades to zoning consistency. Table 3.1-2 identifies the zoning classification needed Post-Measure A to make the project conform to zoning. However, neither the table nor impact assessment narrative contains any analysis of whether this zoning will ultimately prove to be consistent with the DMF-LUP or LCP. Similarly, if the zoning classification needs to be different to be consistent with Measure A, further review and analysis will be needed to determine whether the Proposed Project will still be consistent with that zoning. Also, Appendix C, page C-2 states: "Measure A is not part of the Proposed Project, but it has many components synonymous with the Proposed Project." (Underlining is my emphasis—"many" suggests that "not all" components are synonymous with the Proposed Project.) On the flip side, page 3 of Initial Study in Appendix A uses the word "all" suggesting there are no components of Measure A that are not synonymous with the Proposed Project. Perhaps that conclusion in the Initial Study was based upon how the project was then conceived in 2000, and now it has been changed somehow such that "many" is more accurate. The EIR should clear up these apparent discrepancies and inconsistencies.

29 (cont.)

Lastly, Appendix C also states: "Measure A would implement changes that would make the Proposed Project, in general, (my emphasis, meaning: "not necessarily always") allowable under the LCP."

2. If DEIR does not state specifically, now, the proposed wording of amended conditions of approval of any permits (i.e. conditional use permit for Spanish Bay development and related sawmill site) as a result of implementing the Proposed Project, then the DEIR does not fully disclose or analyze impacts with respect to

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Spanish Bay Resort and related Sawmill site. The DEIR seems to suggest that the revised wording of previously adopted Conditions of Approval (COA) will actually be needed to mitigate certain inconsistencies of the Proposed Project with various plans or policies. If this is true, then the mitigation measure should spell out how the revised/amended conditions need to read so that the precise language of amended COA can be adopted with certainty and not left to chance or interpretive judgment of County staff. The proposed wording of the revised COA should be known now. Alternately the DEIR should make an express written acknowledgment of, and a commitment to, in the DEIR, the performance standard the amended condition must meet, and to the preparation of a subsequent environmental assessment under CEQA to know the true and full extent of possible impacts and needed mitigation. This is particularly relevant if the condition of approval being amended or deleted was a mandated mitigation from the original environmental document (which the reader cannot discern from Appendix A-Initial Study.) The public and the decision-makers have a right to be advised of all project effects (including proposed changes to prior adopted conditions of approval and mitigation measures) and be able to discuss and comment on the implications of their being changed.

30 (cont.)

3. In a similar vein as in No. 1 above, page ES-11 suggests that, at some point, the Lead Agency (Monterey County) will approve site specific Resource Management Plans (RMP) for the project. These approvals (permits?) are not listed on page 2.0-23 & 24. Not knowing how County Ordinance deal with these RMPs, it would seem their approvals will be discretionary and therefore subject to CEQA (perhaps, albeit, tiered to this EIR.) Further, such approvals could result in changes that would alter or affect the current Proposed Project. If such RMPs require changes to the Proposed Project, the DEIR needs to disclose the process under which CEQA compliance (including public participation) will be achieved in the future for the "approval" of RMP plans. If approvals of the RMPs are ministerial, the DEIR should source and recite the County's authorizing language.
4. Page 3.1-14 indicates that Measure A would eliminate the current limit of 270 visitor-serving units and that future expansion of visitor capacity would be limited by zoning regulations rather than a set numerical limit. This paragraph should define the upper limit of visitor units allowed by zoning for comparison purposes to the project as proposed (adding 91 units/rooms to existing 269 rooms).
5. A glossary of acronyms should be provided up front in the document to help prepare the lay reader to navigate and understand various sections of interest in the EIR without their having to have read other sections of the EIR where the acronym may have been first spelled out.

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6. For clarity and understanding, the EIR should provide a map of the Coastal Plan limit line to show areas that are "in" and therefore subject to the LCP policies and areas that are "out" and therefore not subject to its policies. 34
7. It's not clear if the recommendations contained in the engineering reports referenced in the Initial Study have been translated into or supplemented based upon impact assessments, by Mitigation Measures/Conditions of Approval, as needed or appropriate. The Draft EIR should clarify this. 35
8. The Resource Management Plans seem to be a crucial aspect of project implementation and mitigation, but they are not given the needed focus in the EIR. The specificity and needed components of these plans are only covered in the MMRP document, which, by the County's own admission in the Mitigation Monitoring and Reporting Plan (MMRP), is not part of the DEIR. Though the County is technically correct that CEQA does not require MMRPs as part of the EIR, substantively, and in furtherance of "good faith, full disclosure", it is unjustifiable to exclude details about the RMPs, given their importance, from the EIR, because this is the document that is circulated and focused upon for public review. It is unknown if the MMRP was afforded the same circulation and notice to the public as the DEIR. The Section IV of the MMRP contains a "draft outline" for the RMPs and generally describes a process for preparation of the Plans on page IV-2, but the process described is silent on whether or not it will be open to the public, or be subject to a public review period of any kind. At the very least, this process should explain whether or not the "approvals" of the RMPs are discretionary or not, and the reasoning why not, and if discretionary, that they are definitively subject to CEQA. 36
9. The MMRP should identify what approach will be followed when it is determined that specified mitigation measures are not being successful in mitigating identified significant impacts as anticipated in the EIR. TPG believes CEQA and court rulings on this topic provide some guidance in this regard, as far as what triggers the need to re-open the public process to identify alternate mitigation. 37
10. Chapter 4.2 Significant Irreversible Environmental Changes could perhaps acknowledge or remind the reader of the context of the proposal with respect to compliance with Measure A which mandates a reduction in the number of residential units and an increase in the acreage subject to preservation, etc. 38
11. Chapter 4.2 also states that the project could subject the region to "future increases in ozone, carbon monoxide, nitrogen and sulfur dioxide, and particulate matter emissions". Instead of going on to refer the reader to the sections of the DEIR that provide more detailed discussion of these impact areas, this section should summarize or conclude how/if these "increases" are, in fact, "significant irreversible 39
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environmental changes" similar to the approach taken in the preceding two paragraphs.

12. Visitor-serving uses (including those at Spanish Bay) are said on page 3.8-4 to be "inconsistent with the current Air Quality Management Plan, but that revisions to the plan later this year will (my emphasis) accommodate the Proposed Project, at which time the visitor-serving use would be consistent." A question to ask is: On what basis was this definitive assurance ("will") made? The source and rationale for the remark is un-attributed and undefined in the document. The name Brennan in the "pers. comm." citation on page 3.8-4 does not appear to be listed in Chapter 7 References Cited, under Air Quality, nor in Chapter 6. Report Preparation. The DEIR also does not include a list of "Persons Consulted" in preparation of the EIR. (Ref: CEQA Guidelines Section 15129 which states: "The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the DEIR...") 40
13. Section 15128 of the CEQA Guidelines requires the EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. This section indicates that such statement may be contained in an attached copy of an initial study. Appendix A contains the Initial Study as permitted by the Guidelines. However, as an example: Air Quality 3.e. is indicated as "no impact", but does not close the analytical gap by reciting the reasons why or evidence to show there's no impact. This approach taken in the Initial Study checklist is inconsistent with the findings of Sundstrom vs. Mendocino County which warned against "naked checklists" that do not provide substantial evidence to support conclusions made by the Lead Agency. 41
14. Organizationally, and more primarily for the ease of the reader in understanding the substance and flow of the EIR, the Environmental Setting should come ahead of the discussion of impacts. The reader should first be introduced to the existing, baseline environmental background against which the identification of impacts are then made. Doing this may afford the opportunity for the EIR to answer a lot of unnecessary and premature questions that may arise for the reader regarding the impact assessment and identification of mitigation. The most clearly and concisely phrased language about what is the baseline environment for this EIR is not found until Chapter 4.4 Cumulative Impacts, page 3 in the second book of the Draft EIR. This same phraseology should be utilized in the Executive Summary (ES) and elsewhere where this point is made in otherwise less clear language. 42
15. The "Regulatory Setting" should be summarized in the ES at least, even if the full text is not to be found in the EIR but rather in the Appendices. Commonly in EIRs, the Regulatory Setting is either a stand alone section in the early part of the EIR, or, 43

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as in this case, where it is necessarily lengthy, it can be broken apart and incorporated into the chapter discussions on each related impact. Also, the Intended Uses of the EIR covered in Chapter 2.0 (required by CEQA) should also be summarized in the ES.

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We hope these observations are helpful to you in crafting a response to the County of Monterey expressing concerns relevant to the Residences at Spanish Bay Association. If TPG Consulting can be of any further service to you regarding the proposed Del Monte Forest Preservation and Development Plan, please let us know.

Sincerely,



Charles Clouse, AICP
Principal

Attachments: Development and Preservation Area (Figure 2.0-2)
Spanish Bay Resort Expansion (Figure 2.0-12)
The Inn at Spanish Bay Additions (Figure 2.0-13)
Spanish Bay Driving Range and Teaching Facility (Figure 2.0-14)
Spanish Bay Employee Housing (Figure 2.0-15)
Del Monte Forest and Vicinity (Figure 3.7-1)
Roadway Improvement Plans for Spanish Bay Entrance (Drawing R-18
from Appendix F)

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