



**LandWatch**  
monterey county

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Luis Osorio, Project Planner  
Monterey County Planning Department  
168 West Alisal St., 2nd Floor  
Salinas, CA 93901

Regarding: MND FOR VILLAS AT LAGUNA SECA (PLN020332)

Dear Mr. Osorio:

LandWatch Monterey County reviewed the revised Mitigated Negative Declaration (MND) for the proposed Villas at Laguna Seca project. The project includes the construction of 104 residential condominium units in the Laguna Seca Office Park, the removal of 191 protected oak trees, and the widening of York Road. The certified EIR for the Laguna Seca Office Park which was approved in 1983 was based on a total buildout of 260,000 square feet of commercial use. The proposed project would exceed the 260,000 previously approved by about 45,552 square feet or almost 18% and change the use from office park to mixed use.

LandWatch has the following comments:

1. Subsequent EIR. A subsequent EIR should be prepared for the proposed project because substantial changes to the project analyzed in the FEIR have occurred and new information of substantial importance which was not known when the previous EIR was prepared have occurred (CEQA Guidelines, Section 15162). Specifically:
  - a. Total buildout of the Office Park of 260,000 square feet of commercial use would be exceeded by about 45,552 square feet or almost 18% and create a mixed-use for the area as a whole. This combined use was not one of the alternatives evaluated in the original EIR. Further information is needed regarding the relative impacts of these changes.
  - b. Traffic levels of service (LOS) on roads affected by the revised project have declined since the project was approved.
  - c. Since project approval, the Seaside Groundwater Basin was adjudicated, determining the Basin is in overdraft. The Laguna Seca groundwater supply was identified as part of the Seaside Groundwater Basin in that adjudication.
  - d. Global warming is a changed circumstance since the project was approved.

2. Biological Resources. The project would remove 216 trees, including 25 defined as landmark, and 191 protected oak trees. The proposed Forest Management Plan would replace only 133. Regrowth of these trees would take years.

The MND fails to address CO2 sequestration currently provided by these trees. For CEQA, neither retaining on-site oak woodlands nor planting oaks are valid CO2 biological emission mitigation measures. Residual on-site oaks can never biologically mitigate for carbon emissions resulting from the woodlands sequestration capacity that is permanently destroyed. Also, planting oaks is of negligible CO2 mitigation value under Assembly Bill 32 (2020/2050) reduction targets. Only the off-site preservation of oak woodlands at least equivalent in ecological function and quality to the woodlands impacted will provide meaningful CEQA CO2 mitigation.

The significant loss of trees is said to be justified for the purpose of providing housing units and the transformation of the site to a more urban-like environment (p. 30). This finding is inconsistent with surrounding land uses, i.e. low-density residential or undeveloped areas, golf courses, and the Laguna Seca Recreation Area on the east and south.

3. Other Climate Change Issues: The MND does not address Greenhouse Gas Emissions from the proposed project and related impacts on climate change as required by CEQA.
4. Land Use. The Initial Study notes (p.48) that the project is consistent with the County General Plan which encourages residential development near urban growth areas with convenient access to centers of employment, shopping, recreation and transportation. While there are some professional office job opportunities in the commercial portion of the Park itself, and in Ryan Ranch, there is no general shopping nearby, or other family resources such as libraries or recreation centers. Also, MPUSD would have to provide school bus transportation for resident children because there are no public schools nearby.

As stated above and in the MND, an amendment to the Monterey County General Plan is required for the proposed project. Why was an amendment not included in the proposed project?

5. Transportation. The MND stated the cumulative impact of the project on traffic congestion on Highway 68 would be significant, but reduced to levels of insignificance by paying regional traffic impact fees. The Regional Impact Fee Program includes projects that might mitigate traffic congestion on Highway 68; however a schedule for completion of related projects has not been identified because these projects were dependent on approval of the TAMC ½ cent sales tax defeated by the voters in November. Without identification of a construction schedule for the proposed roadway projects, mitigation measures relying on payment of a regional impact fee do not meet CEQA requirements.
6. Air Quality. The consistency analysis for air quality was prepared using out dated population forecasts. The Air Quality Management Plan was updated in July 2008 to include AMBAG's 2008 population forecasts which are considerably lower than the 2004 population forecasts. The air quality cumulative assessment should be updated using current population forecasts. Also, the MND does not include a quantitative analysis of

the impact of construction diesel exhaust on public health. Instead it finds that impacts would be reduced to less than significant with implementation of Best-Available Control Measures. A quantitative assessment should be prepared to determine if proposed mitigation measures would, in fact, reduce emissions to less than significant.

Very truly yours,

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

Chris Fitz, Executive Director  
LandWatch Monterey County

cc: interested parties