

Exhibit I

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May 1, 2017

Don Rochester, Chair
Planning Commission
County of Monterey
Salinas, CA 93901

Re: Deny 31-unit subdivision project on Val Verde Drive (PLN140089).
Do not certify EIR.

Dear Chair Rochester and Planning Commissioners:

We represent residents, property owners, business owners and employees who oppose the proposed 31-unit subdivision. The Carmel Valley LUAC unanimously recommended denial of the project for many reasons.

The project should be denied due to its significant unavoidable impacts on traffic and water and the project's many inconsistencies with adopted County policies and rules. The project violates County rules on traffic, water, unit cap, density, affordable housing, agricultural protection, development, and more.

Projects that are denied are exempt from the California Environmental Quality Act (CEQA).¹ The flawed environmental impact report (EIR) should not be certified.

The Project Violates Carmel Valley Master Plan Policies.

The subdivision violates important Carmel Valley Master Plan (CVMP) policies.

Violates the CVMP Policy specific to the project site.

Policy CV-1.10: The Val Verde Drive area is planned for residential use at a basic density of one (1) unit per acre. With suitable clustering, up to two (2) units per acre may be allowed. However, a density of up to four (4) units per acre may be allowed provided that at least 25% of the units are developed for individuals of low and moderate income or for workforce housing. This policy is intended to be independent from Policy CV-1.11, and not counted in conjunction with the density bonus identified in that policy.

Discussion: The plain language in policy CV-1.10 allows the site to have one residential unit per acre, consistent with the site's low density residential (LDR) zoning

¹ Pub. Resources Code, § 21080(b)(5); CEQA Guidelines, § 15270(a).

which allows a maximum of one unit per acre.² The second sentence in the policy says that *if* the development is clustered the County in its discretion *may* allow up to 2 units per acre. The correct reading of policy CV-1.10 is that the clustering requirement in the second sentence applies to the 4 units/acre option in the third sentence.³ However, the project is not clustered as required.

The applicant's interpretation is that the second sentence of policy CV-1.10 is divorced from the third sentence of the policy. His interpretation would make the policy internally inconsistent, which is prohibited. A statute must be interpreted so as to be internally consistent, and a particular section of the policy shall not be divorced from the rest of the policy. To interpret the clustering requirement as inapplicable to the 4 units/acre density requirement would be absurd, and absurd results are to be avoided; such an interpretation would make the second sentence redundant and meaningless, which is also to be avoided. Significance should be given whenever possible to each word, phrase, and sentence in a statute and to harmonize statutes internally and externally. There is only one way to harmonized policy CV-1.10 with the County Zoning code: require that a density of 4 units/acre only be allowed if the development is clustered. That is the only way to harmonize policy CV-1.10 with two sections of the County's Zoning Code: (1) section 21.14.050.A which limits density of residential units in LDR zones to "a maximum of 4 on any lot and not exceeding the zoning density of the property" and (2) section 21.14.060.A which mandated the "minimum building site shall be one acre unless otherwise approved as part of a clustered residential development."

A statute should be interpreted so as to produce a result that is reasonable. If two interpretations are possible, that which leads to the more reasonable result should be adopted.⁴ Here, the more reasonable interpretation is that a density of up to 4 units must be clustered.

Thus, the correct reading of CV-1.10 requires any development that seeks to take advantage of the 4 units per acre maximum must be clustered development. The County General Plan glossary defines clustering as follows:

CLUSTER DEVELOPMENT/SUBDIVISION means a development/subdivision design where the structures or lots or structures and lots are located on a portion of the land to be developed rather than spread throughout the land.

² County Zoning Code, § 21.14.060.

³ *California Highway Patrol v. Superior Court* (2006) 135 Cal.App.4th 488, 496-497 [plain meaning of the language governs].

⁴ *Granberry v. Islay Investments* (1984) 161 Cal.App.3d 382, 388.

The proposed subdivision is not clustered. Instead, the structures and lots are located throughout the site. (See Exh. A to this letter, showing the site plan.) No portion of the land would remain undeveloped. Because the project does not comply with policy CV-1.10, the project cannot be approved and must be denied.

As a separate and additional reason for denial, policy CV-1.10 does not allow density of more than 4 units per acre at the site. But that is what the applicant seeks here – density of nearly 8 units per acre for one lot (Lot 25), where the applicant crams the 7 inclusionary housing units onto less than one acre. The applicant is asking the County to make what the applicant calls “clarifications that allow exceptions to exceed 4 units/acre on a lot, create lots under the minimum one acre building site size, and exceed the maximum development density.” These changes are not a “clarifications.” Make no mistake: The changes would be amendments to the Carmel Valley Master Plan and the County-wide Zoning Code. The proper steps have not been followed for amendments and the project must be denied for that reason.

Violates policy requiring Rural Character and Rural Architectural Theme.

Policy CV-1.1	All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character. In order to preserve the rural character of Carmel Valley, development shall follow a rural architectural theme
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Discussion: The project does not preserve rural character because the project is too dense and the development does not follow a rural architectural theme. (See Exh. A [site plan] and Exh. B [depiction of market rate houses and inclusionary units].) You should deny the Administrative Permit and Design Approval for development in the "S" (Site Control) and "D" (Design Control) zoning districts which is part of the application.

The project site plan (Draft EIR, Fig. 2-3) shows a “150' LONG RETAINING WALL” at “6' MAX. HEIGHT” and 300' LONG RETAINING WALL at “4' MAX HEIGHT.” These large retaining walls are not consistent with Carmel Valley’s rural character.

Does not conform to Master Plan, therefore maximum density is prohibited.

Policy CV-1.5	In the residential areas, attainment of maximum density is dependent upon conformity of the proposed project to plan goals and policies.
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Discussion: The applicant is asking the County to approve a project density that is even greater than the maximum density allowed. However, the County may not approve that maximum because the subdivision does not conform with General Plan policies and Master Plan policies as required by policy CV-1.5.

Exceeds CVMP unit cap.

Policy CV-1.6 New residential subdivision in Carmel Valley shall be limited to creation of 190 new units [and] . . . There shall be preference to projects including at least 50% affordable housing units. . . .

Discussion: There are only 28 units left in the unit cap. The project proposes 31 units. It cannot be approved as presented, and no smaller project has been presented. When the LUAC asked the applicant whether he was willing to reduce the number of units in his project, he did not agree.

The project does not provide at least 50% affordable housing, so it is not entitled to preference. The project provides only 22.6% affordable housing at the site.

Violates Master Plan policies requiring retention of existing agriculture.

The site has been in active organic agriculture for many years, making use of the fertile land on the valley floor. The agriculture operation is a productive use that is consistent with the General Plan and Carmel Valley Master Plan.

The subdivision project would eliminate the agricultural use. The project would not comply with the Master Plan requirements for protecting agriculture, as follows:

Policy CV-6.2 Gardens, orchards, row crops, . . . farm equipment, and farm buildings are part of the heritage and the character of Carmel Valley. This rural agricultural nature should be encouraged

Policy CV-6.3 Croplands and orchards shall be retained for agricultural use. . . .

The Project Violates County General Plan Policies.

Does not provide 35% affordable housing as required.

General Plan policy LU-2.19 requires that residential development outside of a Community Area or Rural Center must include "35% affordable/workforce housing." This subdivision project is outside of a Community Area or Rural Center and thus must comply with policy LU-2.19. The subdivision is not consistent with policy LU-2.19 because it provides only 22.6% affordable/workforce housing at the site, instead of the required 35%.

Has not met County system for evaluating subdivisions.

General Plan policy LU-1.19 mandates County preparation of a Development Evaluation System ("DES") "to provide a systematic, consistent, predictable, and quantitative method for decisionmakers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity." The DES applies to projects like this Val Verde subdivision that are outside of Community Areas, Rural Centers, and Affordable Housing Overlay districts. The goal of policy LU 1.19 is to ensure that at least 80% of future development occurs in Community Areas, not as sprawl. Since approving the County General Plan in 2010 the County has failed to adopt a Development Evaluation System (DES). The DES requirement applies to this subdivision site. The County should not approve a subdivision that requires a DES until the DES has been adopted. Any other approach is not reasonable and not good planning. The Development Evaluation System is intended to improve and assist the analysis the Planning Commission and the Board of Supervisors are required to make. The purpose of the system is to ensure that any approved projects met the system's requirements and the County's values. The project has not complied and should be denied.

The Project Violates the County Zoning Code.

County Code chapter 21.14 codifies the regulations for low density residential zoning districts ("LDR") districts. The subdivision violates Zoning Code section 21.14.060, which establishes site development standards for the LDR zone as follows:

- A. Minimum Building Site: The minimum building site shall be one acre unless otherwise approved as part of a clustered residential development.

This project is not "a clustered residential development." The General Plan glossary defines clustering as a design where the structures and/or lots are located "on a portion of the land to be developed rather than spread throughout the land." Here, the market-rate units are spread throughout the entire site in a typical suburban layout. Because this project is not clustered, "the minimum building site shall be one acre." (§ 21.14.060.A, quoted above.) This subdivision proposes lots (building sites) of 0.25 acre to 0.38 acre which are far smaller than the required minimum building site of 1.0 acre. The subdivision cannot be approved consistent with the Zoning Code, Title 21.

Nothing in Zoning Code allows density of more than 4 units per acre in the LDR zone. But the applicant here seeks your approval of a density of nearly 8 units per acre for one lot on which the applicant proposes to cram the 7 inclusionary housing units.

Zoning Code section 21.14.050.A limits density of residential units in LDR zones to "a maximum of 4 on any lot and not exceeding the zoning density of the property." This subdivision project does not comply because it (1) places 7 units on one lot and

(2) exceeds the zoning density. The so-called “clarification” of section 21.14.050.A to allow higher density would be applicable County-wide and would require a zoning code amendment. It has not been adequately analyzed for cumulative County-wide impacts.

The Project Violates County Inclusionary Housing Requirements.

The County has adopted specific implementing requirements for residential inclusionary units. (See Exh. C to this letter.) The County requirements state that the inclusionary units shall be integrated with the market rate units.

DESIGN, SIZE AND LOCATION OF UNITS

The exterior appearance of the inclusionary units must be compatible with the market rate units. Compatibility includes the architectural style and detailing, but not necessarily the quality of materials or size of structures. The inclusionary units should be similar in number of bedrooms as the market rate units (up to four bedrooms). To the extent feasible, the inclusionary units shall be scattered throughout any development that also includes market rate units. However, inclusionary units may be clustered if it is found that such an arrangement better meets the objectives of the program.

The applicant has refused to scatter and integrate the inclusionary units even though it is feasible. Instead, the applicant has excluded the inclusionary units from the market-rate areas. He has crammed all the seven inclusionary units together with a corporation yard for the subdivision. The applicant’s proposal is contrary to the plain language and the intent of the County’s ordinance, contrary to good planning, and contrary to the applicant’s own objectives to “Create a mix of market rate and affordable housing” and to “Create an economically integrated” project.

The jammed-together inclusionary units here do not meet any County objectives. The applicant’s sole motive is increasing his profit margin. In April 2017, the applicant told the Carmel Valley LUAC that he expects to sell the 24 market rate houses for \$1.4 million to \$1.6 million each. That would be total sales of \$33.6 to \$38.4 million for a project that does not comply with the County plans and rules.

The project violates County requirements because the project’s inclusionary units are not compatible with the market rate units in several material ways. The project is inconsistent with the County requirements. (See Exhibits A, B and C to this letter). The following table identifies many of the ways in which the project is inconsistent with County inclusionary housing requirements and good planning.

Comparison of Inequalities between
Proposed Market Rate Houses and Proposed Inclusionary Units

	<u>Proposed 24 market rate houses</u>	<u>Proposed 7 inclusionary apartments</u>
<u>Size</u>	1,670 square feet per home.	860 square feet per unit. (DEIR, 2-5)
<u>Bedrooms</u>	Four or five bedrooms, according to County records.	Not stated, but at most two bedrooms given 860-s.f. size.
<u>Sale/rent</u>	For sale (\$1.4-\$1.6 million each).	Rental only.
<u>Style</u>	Single family detached homes, one and two stories.	Multi-family units in two-story buildings, which means not accessible.
<u>Exterior</u>	Very different appearance from inclusionary units.	Very different appearance from market rate homes.
<u>Yard</u>	Private courtyards and private front, back, and side yards.	No private exterior space.
<u>Garages</u>	Private garages.	No garages.
<u>Driveways / parking</u>	Private driveway and private parking for each home and lot.	Single shared driveway to shared surface parking lot for all 7 units.
<u>Lot size</u>	Lots of 0.24 to 0.38 acre each, each lot dedicated solely to that residence's use.	All 7 units crowded onto approx. 0.4-acre portion of 0.91-acre lot. The lot also has shared parking and water system facilities (wells, tanks, structure) for project.
<u>Exclusive use v. shared use</u>	No shared infrastructure on market-rate lots. All yard space is for private and exclusive use by each market-rate residence.	Inclusionary lot includes shared corporation yard for entire development: two water wells, 24'x12'x10' water treatment unit, and two storage tanks of 4,500 gals. to 15,000 gals. (DEIR ES-1, 4.15-8.)
<u>Amenities</u>	Washing machine in each home.	No washing machines in the units or on the inclusionary lot. Occupants would drive off-site to do laundry, causing traffic and water impacts.

The project's approach violates County rules and is deeply disrespectful to potential tenants of the inclusionary housing.

The Project Is NOT Infill.

This project would be sprawl. The project would place dense residential development onto farmland.

By comparison, infill is development that is located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter.⁵ This site does not meet the definition because the site is useful agricultural land that is surrounded on three sides by rural density housing. Infill refers to building on unused and underutilized lands within existing development patterns, in order to attain goals such as to reduce the conversion of agricultural land for new development.⁶ This project is not infill under any definition.

The Draft EIR Did Not Cap Water Use.

The Carmel Valley Alluvial Aquifer is overdrafted due to demands of all pumpers including Cal Am. The water supply is not a long term sustainable water supply, as required by County General Plan Public Service goals and policies. The applicant proposes to pump from two wells to provide domestic and exterior water for the 31 units. However, the applicant and the Draft EIR did not propose any effective cap or limits on water use. That means the use could be far greater than assumed in the EIR if this project gets approved.

The Project Would Cause Significant and Unavoidable Impacts on Traffic.

The Draft EIR admits that the project would have significant and unavoidable impacts on Highway One, and Carmel Valley Road also would be significantly impacted. Highway One traffic is already at Level of Service F between Carpenter and Carmel Valley Road. The proposed subdivision would create more than 300 new trips every day, making the problem even worse. The applicant would not do anything tangible to address the problem. Instead the applicant would make the local residents and businesspeople suffer even more from traffic delays, air pollution, safety, and other harmful traffic impacts that would have even further severe impacts on residents, businesses, and visitors.

The project would violate County General Plan circulation policy C-1.1 which states in key part as follows: "County roads operating at LOS D or below at the time of adopting this General Plan shall not be allowed to be degraded further" The few exceptions listed in policy C-1.1 are not applicable to this project.

⁵ E.g., CEQA Guidelines, § 15183.3.

⁶ E.g., California Office of Planning & Research guidelines on infill.

The Project Site Is in an Area at High Risk of Flooding.
The Project Would Obstruct the County's Top Priority Flood-Control Project.

The project site is subject to significant flooding from water that flows downhill from the north side of Carmel Valley in a southerly direction toward the river. The County's 2014 CSA 50 report states a "key deficiency" in the area's existing drainage system as follows:

DA-27. For both the 20- and 100-year storm events, a significant portion of the flow within the DA-27 channel is estimated to overtop its banks and spill across Val Verde Road into CSA-50. . . . The total volume of overflow from the DA-27 channel into CSA-50 for the 100-year storm event is approximately 46 acre-feet.

(Exh. D to this letter.)

Part of this problem is the inadequate Val Verde Drive levee: "The Val Verde tie-back levee is not just deficient in freeboard, but has top elevations lower than the predicted 100-year flood elevation" and "a fundamental reconstruction of the tie-back is needed for freeboard." Val Verde Drive is in Sub-Area 3. The CSA-50 report states,

The most immediate need for enhanced perimeter protection . . . is in Sub-Area 3. . . . In summary, the flood risk is very high and the flood hazard is high.

To help address the flooding problem, the County plans to raise Val Verde Drive by approximately three to five feet to act as a levee to prevent flooding in the areas of the project site, Rio Road, Carmel Rancho, Barnyard, and Crossroads. That project, called the Val Verde tie-back, is the top priority recommended for CSA-50. (Exh. D.) The project would benefit the residential and commercial areas to the west and south.

The applicant wants to widen and pave Val Verde Drive from Rio Road to the northern property boundary, to include two 17-foot travel lanes for a total width of 34 feet. The applicant also would construct an internal looped road with two entrances to Val Verde Drive. (DEIR, p. ES-1.) The applicant did not anticipate a raised road height and the project could cause significant problems for the County plan to raise the height of Val Verde Drive. In other words, the County could not construct its top-priority flood-control project or the flood-control project would become significantly more expensive.

At the same time, the project would bring 100 new residents to the high-risk floodplain area and add 31 more residences to the many homes and businesses already at risk of flooding.

Request to Planning Commission

The project cannot be approved under the adopted County plans, codes and regulations. You should:

1. Deny the project based on lack of compliance with the County General Plan, Carmel Valley Master Plan, Zoning Ordinance, County Inclusionary Housing policies, and unacceptable impacts on land use, traffic, water, flooding hazards, and all other issues identified by the public and Commissioners.
2. Not certify the EIR. CEQA compliance is not required for projects that are denied, and thus there is no need to approve the EIR.

Thank you.

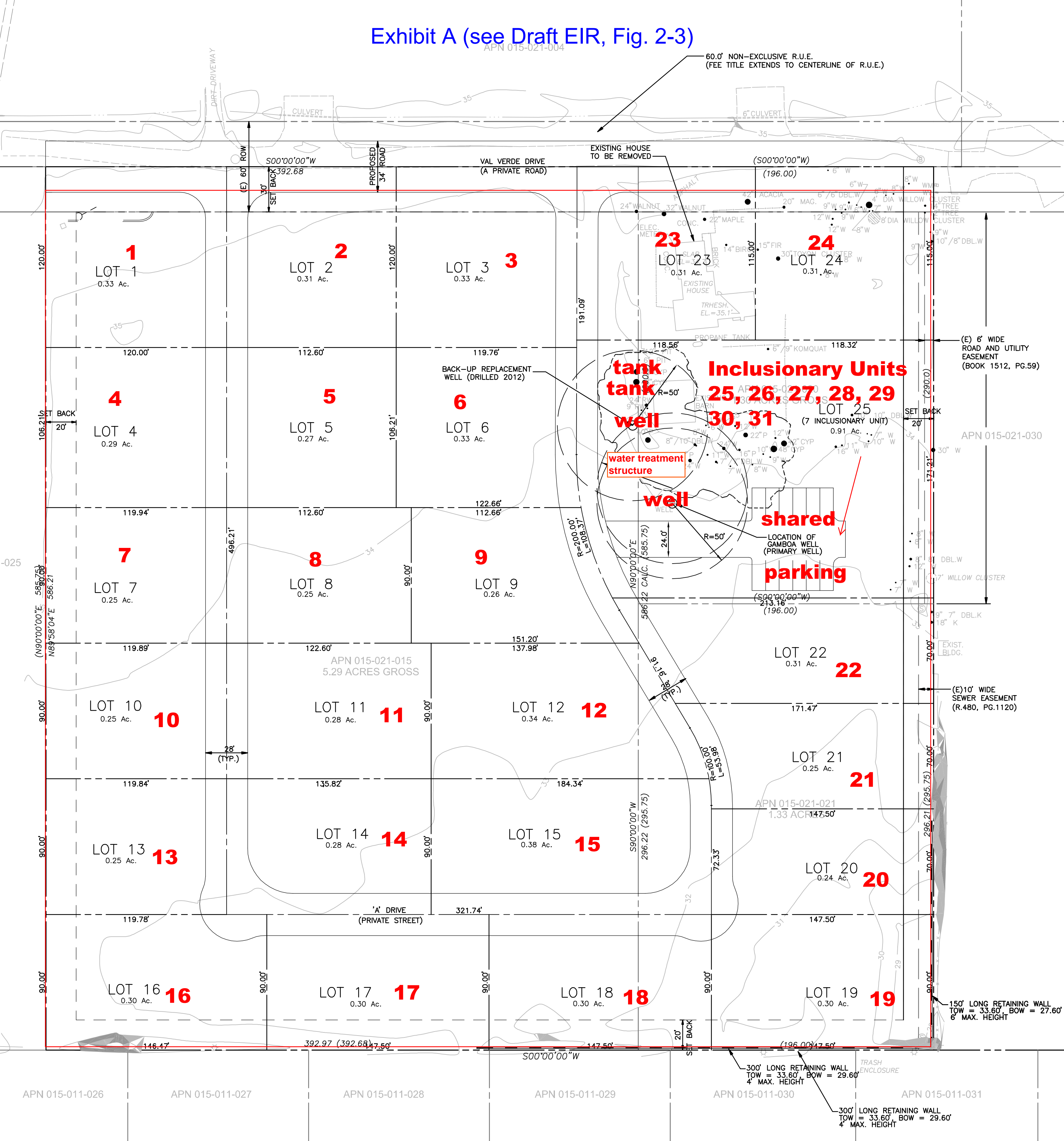
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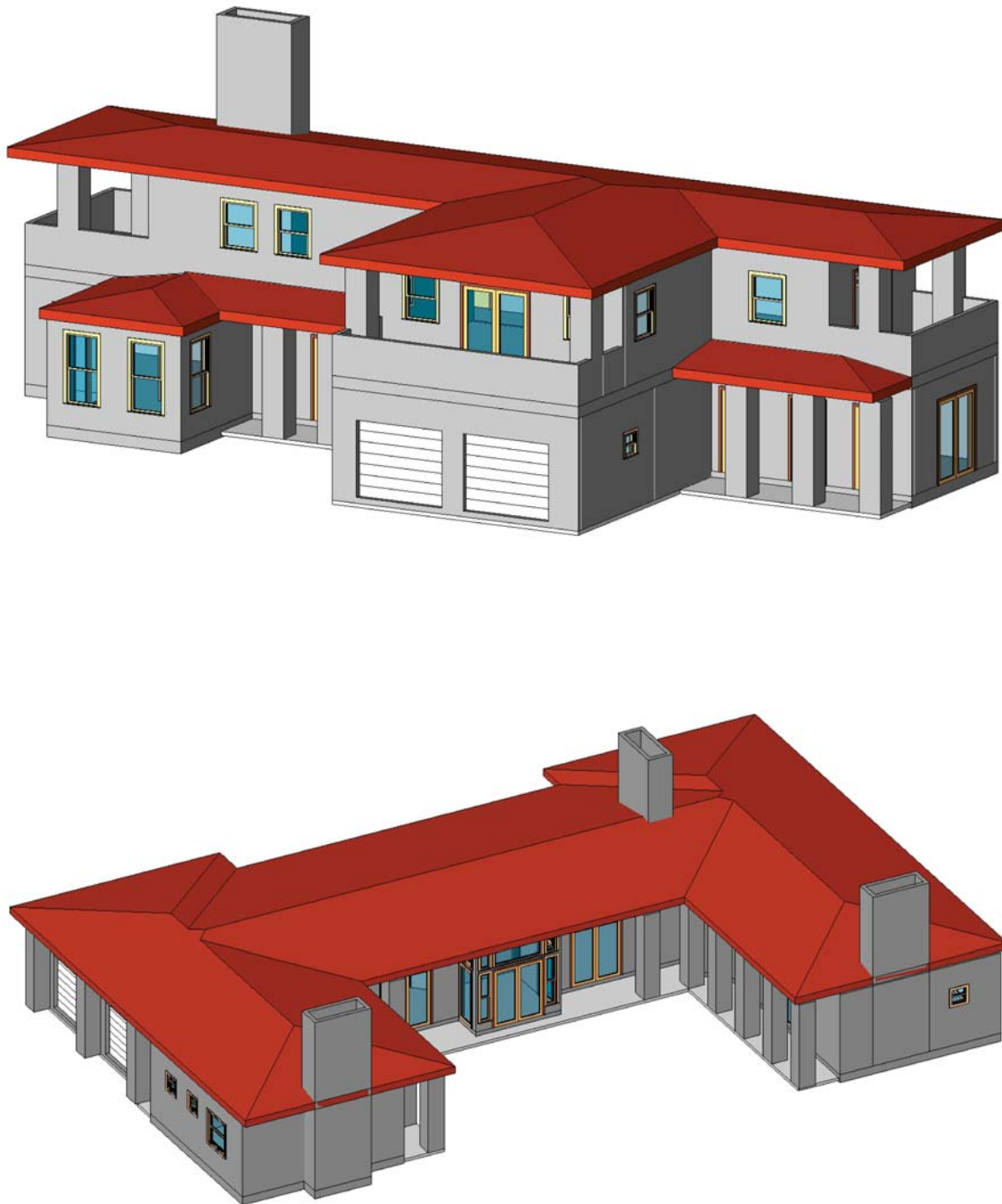
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Molly Erickson

- Exhibit A: Applicant's site map (from Draft EIR) annotated in red to show each proposed unit.
- Exhibit B: Applicant's depictions of market rate homes and inclusionary units (from Draft EIR).
- Exhibit C: County Inclusionary Housing requirements (excerpts).
- Exhibit D: County plan to raise height of Val Verde Drive as top-priority flood control project (County report excerpts).

APN 015-021-004



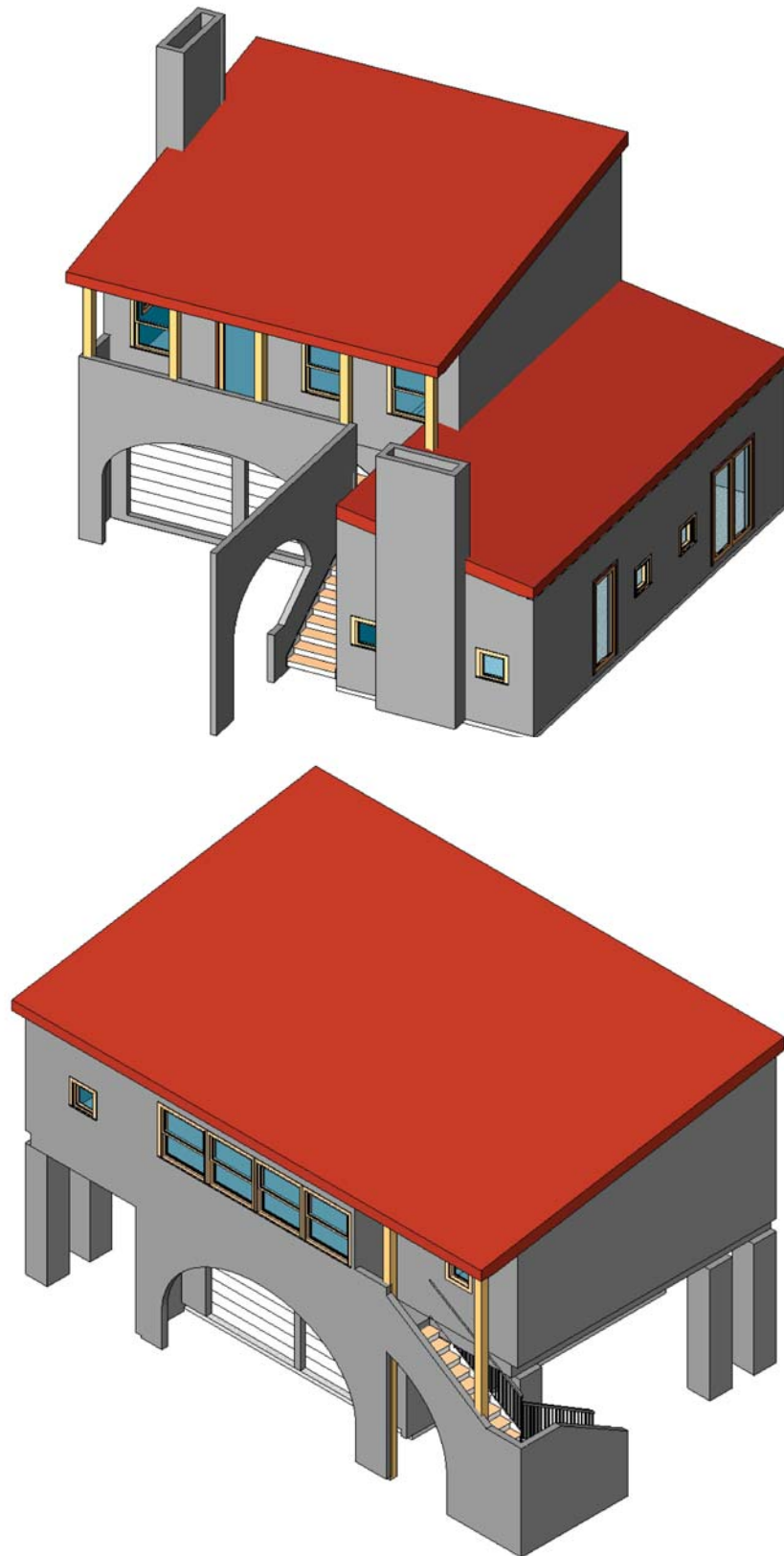


Preliminary Architectural Renderings:
Market Rate Single-Family Units

Source: Paul Byrne, 2014

Figure 2-4a

County of Monterey



Preliminary Architectural Renderings:
Inclusionary Units

Figure 2-4b



Amended July 12, 2011

ADMINISTRATIVE MANUAL

COUNTY OF MONTEREY INCLUSIONARY HOUSING PROGRAM

AMENDED JULY 12, 2011

APPENDIX MATERIALS UPDATED JUNE 2011



County of Monterey
Redevelopment and Housing Office

Amended July 12, 2011

The table above outlines the inclusionary obligation according to the method of “rounding up” the fractional requirement. According to the size of the proposed development, the 8%/6%/6% inclusionary requirements are applied. The rounding up process for a five unit development would be as follows: the 8% moderate-income requirement is 0.40, the 6% low income requirement is 0.30 and the 6% very low income requirement is 0.30. Beginning with the very low-income figure and rounding up, the 0.30 very low-income figure is not a whole number and so the 0.30 amount would be added to the next highest income category, low income. The 0.30 would be added to the 0.30 low income and the resultant figure of 0.60 is still not a whole number. The 0.60 is added to the 0.40 moderate-income figure and a resultant whole number of 1 unit is generated. Therefore, the inclusionary requirement would be 1 moderate income unit. The same type of rounding up process would be applied to each proposed development. If a fractional amount still remains after rounding up, then the developer has the option of paying an-in lieu fee based on the fractional requirement or providing an additional inclusionary unit.

County
requirements for
inclusionary units

C. DESIGN, SIZE AND LOCATION OF UNITS

compatible exterior

similar # bedrooms

scattered
throughout

The exterior appearance of the inclusionary units must be compatible with the market rate units. Compatibility includes the architectural style and detailing, but not necessarily the quality of materials or size of structures. The inclusionary units should be similar in number of bedrooms as the market rate units (up to four bedrooms). To the extent feasible, the inclusionary units shall be scattered throughout any development that also includes market rate units. However, inclusionary units may be clustered if it is found that such an arrangement better meets the objectives of the program.

D. TIMING OF INCLUSIONARY UNITS

The inclusionary units must be developed either prior to or concurrent with the development of the market rate units. The phasing plan for the release of building permits for both the inclusionary and the market rate units shall be described in the Master Inclusionary Developer Agreement.



County Service Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report

Prepared for:

Monterey County Resource Management Agency

October 2014



October 31, 2014

© 2014 Balance Hydrologics, Inc. Project Assignment: 212028

Final Lower Carmel River Stormwater Management and Flood Control Report

A report prepared for:

Monterey County Service Area 50 – Lower Carmel River

c/o Monterey County Resource Management Agency

168 West Alisal Street

Salinas, California 93901

(831) 755-4879

MEDEMAD@co.monterey.ca.us

Prepared by:



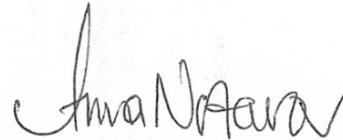
Report Authors:



Balance Hydrologics, Inc.
Edward D. Ballman, P.E., CFM
Principal Civil Engineer



Balance Hydrologics, Inc.
Eric Riedner, P.E.
Civil Engineer



Balance Hydrologics, Inc.
Anna Nazarov, P.E., CFM
Civil Engineer



Balance Hydrologics, Inc.
Adam Rianda, E.I.T.
Engineer



**Geo-Logic Associates
dba Pacific Geotechnical Engineering**
G. Reid Fisher, CEG
Senior Engineering Geologist



**Geo-Logic Associates
dba Pacific Geotechnical Engineering**
Chalerm "Beeson" Liang
Geotechnical Engineer



Report Authors (continued):



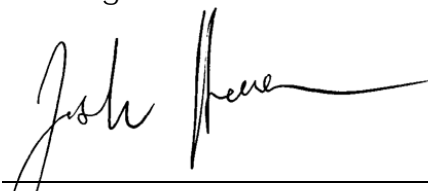
Whitson Engineers

Richard Weber, P.E., LS, QSD
Principal



Whitson Engineers

Nathaniel Milam, P.E., QSD
Civil Engineer



Denise Duffy & Associates, Inc.

Josh Harwayne
Senior Project Manager

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These results highlight a number of key deficiencies in the existing interior drainage system as follows:

- DA-27. For both the 20- and 100-year storm events, a significant portion of the flow within the DA-27 channel is estimated to overtop its banks and spill across Val Verde Road into CSA-50. For the 100-year storm simulation event, approximately 392 cfs out of a peak flow rate of 487 cfs spills into CSA-50. The total volume of overflow from the DA-27 channel into CSA-50 for the 100-year storm event is approximately 46 acre-feet.
- DA-28. The storm drain network located within DA-28 is estimated to be significantly backwatered by the assumed tailwater conditions in the Carmel River for both the 20- and 100-year storm events. This backwater results in significant overtopping at the catch basins along the DA-28 storm drain network with an estimated overflow volume of 115 for the 20-year design storm routed against the 100-year river flood and 53 acre-feet for the 100-year storm event routed against the 20-year riverine flood. Overflow rates are particularly high for manholes and catch basins located on or near Rio Road. The largest average overflow rate for the 20-year storm is approximately 22 cfs at from an inlet located on the south side of Rio Road, roughly 200 feet east of Carmel Rancho Boulevard (model node 28-2). For the 100-year design storm the largest overflow rate is approximately 48 cfs and, in this case, is located much further to the north in the parking lot adjacent to the Cornucopia Community Market just south of Carmel Valley Road (model nod 28-9). The fact that overflow for the 100-year storm is near the head of the pipe system is reasonable in that the pipes were likely never sized for such a large event.
- DA-29A (Hatton Canyon). The Hatton Canyon channel is predicted to overtop its banks immediately upstream from the inlet to the 72-inch diameter storm drain during large flood events. The model predicts a peak overflow rate of 6 cfs and an overtopping volume of 0.4 acre-feet during the 20-year storm event, but this

Drive. A typical section of a portion of the Val Verde component of the work is illustrated below in Figure 5-3.

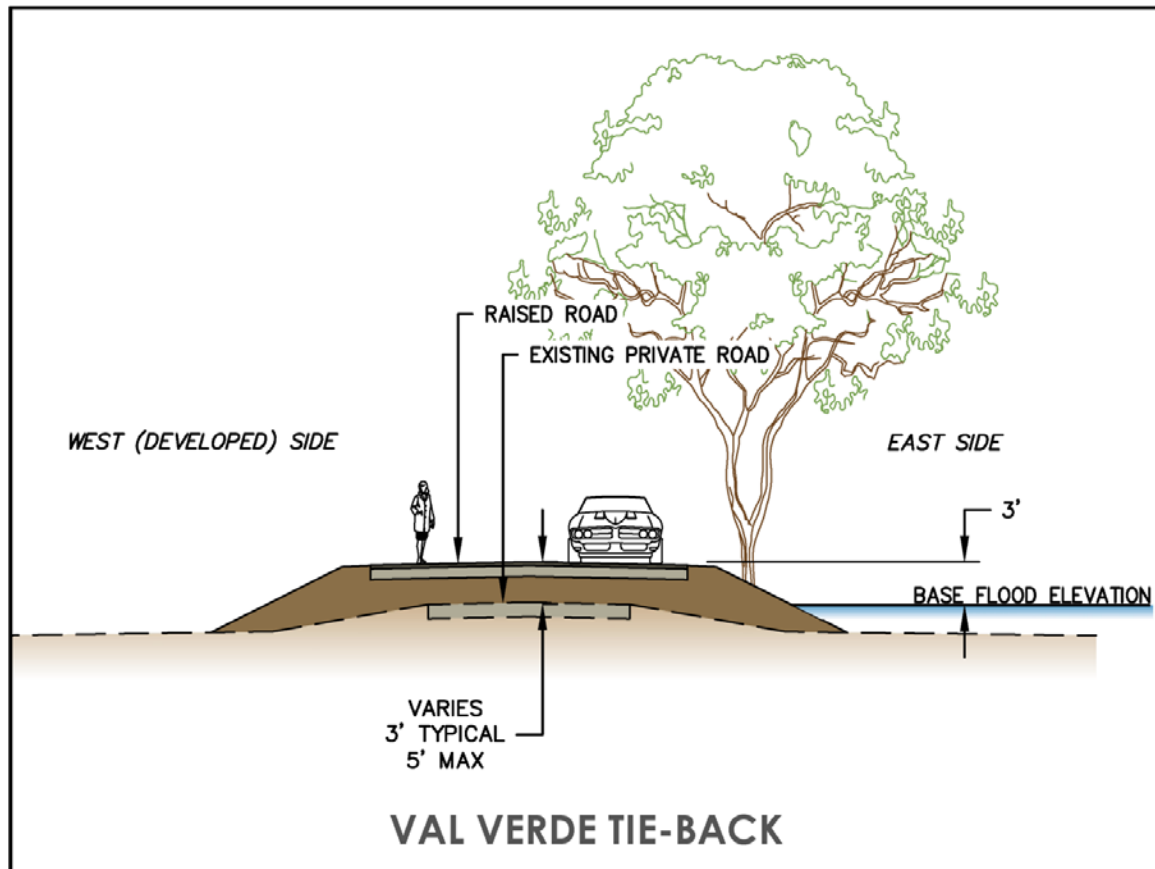


Figure 5-3 Typical cross-section for tie-back protection in CSA-50 Sub-Area 3 (Val Verde Drive)

The only fundamental difference in the tie-back projects over the range of scenarios and protection levels would be in the finished top elevation. In the case of the non-FEMA protection level, CSA-50 would have the option to construct the projects with less than the 3 feet of freeboard FEMA requires for new structures. However, it would not be prudent to undertake any tie-back project that did not provide at least 18 inches of freeboard.

It is also important to note that it will be necessary to address the issue of runoff from DA-27 as part of any tie-back protection project. This stems from the fact that the interior drainage analyses showed that runoff from very large storms in the DA-27 watershed would flow under and across Carmel Valley Road and then sheet flow to the

That said, the work completed as part of this program update points to a number of project priorities that can maximize benefits for stormwater and flood control in an incremental manner that can work effectively with funding resources and timelines. Per the project groupings presented in Table 5.8, the costs of either of the base scenario project ensembles prohibit serious recommendation as long as the South Overbank Restoration project has the potential to move forward. This leaves the two project groupings for the future condition scenario (e.g. with the SOR) as viable recommendations. However, the most important project components do not differ greatly between the two protection levels in the future scenario. Therefore, the overall recommendation is to pursue project components that would provide full FEMA-level protection per future conditions.

The specific recommended project priorities are:

1. Val Verde tie-back (Project 3-F-F-PP). As discussed previously, the eastern boundary of the CSA presents the very highest riverine flood risk and the potential hazard is high as well since flooding originating at this location can impact all areas west to Mission Fields. Reinforcing the Val Verde tie-back would also significantly reduce interior drainage flood risk by assuring that runoff from DA-27 could not flow into the CSA. The recommended approach would be to complete the full FEMA protection project for future conditions as a first step. The total cost would be on the order of \$4.6 million.
2. Stormwater quality and drainage (Project A-A-A-ID). This project is unique among those identified in that it has merit regardless of the scenario considered of the level of protection sought. Implementing the elements in this project would provide immediate and substantial benefits with respect to runoff water quality and would simultaneously address the potentially serious issues of backflow flooding in the DA-28 and DA-29A storm drain system. At the same time, the conveyance enhancements in the form of the Rio Road bioswale and bioretention/outfall retrofits at the Mission Fields and Riverside ponds would enhance runoff quality and markedly improve the ability to limit flood elevations



Carmel Valley Association

preserving the beauty, resources, and rural character of the Valley since 1949

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RE: PLN1400089 – Carmel Rio Road Subdivision

Dear Planning Commissioners,

We would like to re-emphasize the comments we made concerning this poorly conceived project:

- The project doesn't meet the affordable housing requirements of the Carmel Valley Master Plan and the County General Plan.
- The project exceeds the number of units allowed in Carmel Valley under the legal settlement agreed to by CVA and the County.
- The completed project would add over 300 daily trips to already over capacity Highway One.
- Thirty one families would be added to a high risk flooding area. The installation of a 6 foot flood wall would add risk to downstream residents and businesses.
- There is no guarantee that the residents of the 31 units would not exceed the water demand assumed by the EIR.
- The project would adversely impact the rural nature of the Carmel Valley. It will turn its existing rural character as an agricultural production site into an urban site. Keeping the site in agricultural production would adhere to CV Master Plan Policy CV-1.1 which would maintain the agricultural character of the area.
- These lands are currently used by local organic farms and serve and maintain the rural character of the Carmel Valley. Converting these plots of land into 31 units does not maintain the rural character of the Carmel Valley.

Please follow the recommendation of the Carmel Valley Land Use Advisory Committee and deny this project.

Pris Walton, President

MAIL P.O. Box 157, Carmel Valley, CA 93924

WEB www.carmelvalleyassociation.org | EMAIL president@carmelvalleyassociation.org

Schubert, Bob J. x5183

From: kiphopkins@comcast.net
Sent: Friday, April 28, 2017 11:21 AM
To: Schubert, Bob J. x5183
Subject: That CV zone....

Hello. You have a hard job. My comments are referring to: PLN1400089. Putting 31 new units in that field zone goes against the CV Master Plan. An estimate of 300 added car trips per day. That not only affects CV Rd., but our currently insane Highway One corridor to the north. Some people say that that's fine....dot...dot..dot...etc... We members of the CVA have a target on our backs, but I trust their idea that the Highway One corridor traffic study was tweaked and tweaked and sets a precedent for more cute development. I plead that the County officials behave, and not do what they "may've" done.

Thanks, KipI'm at 31430 Via Las Rosas, CV Home phone: 659-4002

Schubert, Bob J. x5183

From: gb136@comcast.net
Sent: Friday, April 28, 2017 11:23 AM
To: Schubert, Bob J. x5183
Cc: Bower, Gail
Subject: Oppose Val Verde PLN1400089

Hello Bob,

I'm emailing you to voice my opinion on the Val Verde development PLN1400089. I'm not in favor of this housing because it's already so crowded in this area - it's just another cookie cutter development, how boring and inappropriate. Not only that it would replace 7.9 acres of organic farmland and is in no way consistent with the Carmel Valley Master Plan. Further, the water is uncertain, traffic is estimated to increase by 300 cars per day.

So many reasons to say 'no'. Please let's keep it the way it is - and keep the development at bay to preserve a quickly disappearing lovely way of living.

Many thanks for reading my letter.
Gail Bower

Refer to: PLN1400089

Schubert, Bob J. x5183

From: Judith Giordano <jagiordano@sbcglobal.net>
Sent: Friday, April 28, 2017 11:33 AM
To: Schubert, Bob J. x5183
Subject: val verde development

I strongly oppose this development. Don't ruin the peace and beauty of the valley. Gardens, vineyards, horses, and its rural nature are what draws visitors and home owners to the valley. The traffic on Route one is horrendous already. Also if one drives north over Los Laureles Grade, where do you end up 68!! Don't make it worse.

Judi Giordano

Sent from Yahoo Mail on Android

Schubert, Bob J. x5183

From: Nancy Abildgaard <nancyabildgaard@comcast.net>
Sent: Friday, April 28, 2017 12:12 PM
To: Schubert, Bob J. x5183
Subject: PLN1400089

This proposal is so inappropriate for Carmel Valley, I don't know where to begin. It's not part of the Master Plan. Its bound to greatly increase traffic on Carmel Valley Road which is already being overused and more dangerous. Its design is not meant for rural settings, it couldn't be more offensive and inappropriate. Finally and very important is the water issue. Just because we had a good rain year, it is widely predicted that we will return to dry years. This peninsula has been over using available water for decades. This a poster child example of why we are in this water predicament. The future for those long time residents will be forced to pay more and use less water year after year. We are already at the end of that rope. Please deny this ridiculous and illegal proposal.

Schubert, Bob J. x5183

From: Kit (Office) <kitarmstrong@comcast.net>
Sent: Friday, April 28, 2017 12:34 PM
To: Schubert, Bob J. x5183
Subject: Val Verde Subdivision should not be approved

Dear Mr. Schubert,

I'm sure you are being inundated with emails from concerned Carmel Valley residents regarding the proposed Val Verde subdivision. I would like to add my voice to the messages opposing an approval recommendation for this project.

My mother lives in the Riverwood development on Rio Rd, I rent in the Carmel Knolls area, and we both use Carmel Valley Road, Rio Rd and Carmel Rancho Blvd regularly. Therefore, we know first-hand what the impacts of the additional traffic generated by the proposed subdivision will have on an area that is already getting too crowded, and is likely to be even more so if/when the new grocery store on Rio Rd. is approved and executed. We also are very aware of the flooding risks along Rio Rd.

We fully endorse the concerns expressed by the Carmel Valley Association regarding the impacts of the proposed project on water supply, flooding and open space. We strongly urge the County Planning Department to recommend that this project be rejected as currently proposed.

Thank you.

Kathleen Armstrong
26015 Dougherty Pl.
Carmel, CA 93923

Schubert, Bob J. x5183

From: Robert Nielsen <44pilgrim@gmail.com>
Sent: Friday, April 28, 2017 1:40 PM
To: Schubert, Bob J. x5183
Subject: PLN1400089

Dear Mr. Schubert,

As a long-time Carmel valley resident, i am writing to oppose the Val Verde subdivision that will be considered by the County Planning Commission. I would appreciate your including my notice of opposition in the materials that go before the members of the Commission.

The proposed subdivision has a density that will increase traffic considerably, and will draw on limited water resources. Carmel Valley Road is strained at times during the day, and although we had adequate rainfall this past winter, the Valley still has a water shortage -- with no assurance that the (expensive) water that will come from the new Desal plant will be adequate.

This subdivision is not in the best interests of the community, the Valley, and the County as a whole.

Thank you.

Sincerely,

Robert Nielsen

Robert Nielsen
email - 44pilgrim@gmail.com

Schubert, Bob J. x5183

From: Brandon Wiggins <brandon@visionplantscaping.com>
Sent: Friday, April 28, 2017 1:13 PM
To: Schubert, Bob J. x5183
Subject: PLN1400089

Dear Mr. Schubert,

Please do not allow the Val Verde proposition to go through. Even just the water usage alone should put the kibosh on this project but adding the additional traffic and stress on our school system (currently under attack by this administration), this project SHOULD NOT BE APPROVED!

This project does not fit the Carmel Valley Plan in any way and I oppose it whole-hardheartedly.

Brandon Wiggins
4B Buena Vista Del Rio
Carmel Valley, Ca. 93924

--

Brandon Wiggins
CEO, GM
Vision Plantscaping Inc.
California Licensed Landscape Contractor #702400
831.659.1800 office
831.659.1805 fax
831.915.4147 cell

Schubert, Bob J. x5183

From: John Heyl <johntheyl@earthlink.net>
Sent: Friday, April 28, 2017 12:48 PM
To: Schubert, Bob J. x5183
Subject: In re: Val Verde Subdivision PLN1400089

Mr Schubert,

I'm a citizen of Carmel Valley. Although I live near the village, the proposed Val Verde Drive development concerns me, both in it's original design and in it new revised form.

The project's plans indicate a lack of consideration for true flood prevention planning, only providing diversionary elements required without considering the impact on those downstream, should flooding occur.

Traffic on Carmel Valley road is improperly thought of as LOS C, when, in fact, accurate measurements of traffic flow both on Carmel Valley Road and Route 1 actually indicate LOS D and sometimes F conditions of vehicle frequency. Adding up to 300 car trips per day would certainly clog an already congested situation at the mouth of the valley.

Finally, I hope you'll convey my most major concern to the Planning Commission: When will our commission realize that agricultural zoning means no multi-unit housing projects? They are contrary to the letter and intent of the 20-year plan which got so much energy from so many people. Why can't it be followed as the permits are applied for, and not let these plans and projects even get to this stage, burning many people's resources, including the developers', to no avail?

Thanks for your consideration.

John Heyl
137 Laurel Dr.
Carmel Valley, CA
831-298-7159

Schubert, Bob J. x5183

From: chris_dale@comcast.net
Sent: Friday, April 28, 2017 12:52 PM
To: Schubert, Bob J. x5183
Subject: PLN140089, Carmel Rio Road

April 28, 2017

Dale McCauley
270 El Caminito Rd.
Carmel Valley, CA. 93924

Bob Schubert, Senior Planner
RMA, Monterey County
168 West Alisal St.
Salinas, CA 93901

PLN 140089

Mr. Schubert,

I am commenting on this proposed project in lieu of attending the public hearing.

I am against approving this application because it does not comply with the Carmel Valley Master Plan, County General Plan, agreements with CVA on limits of new units, adds to the traffic on Highway 1 and Carmel Valley Road, adds risk of flooding to neighbors and diminishes the rural character by converting agricultural land into very dense residential lots.

I understand the county does not control what happens during storms but the county is spending a lot of money preparing for what the future may bring. Most agree, adding to the problem of housing being built in the low lying mouth of the Carmel River is not prudent, and endangers residents and emergency personnel.

This is already a hot issue.

The county is responsible for safety and defending the public. The proposed project fails to protect us on so many fronts.

Please stop this project until the county has planned, funded and built adequate flood control in the Carmel River valley.

This proposed project, if approved, will add to the grid lock which already exists on the local roads both during construction and after it is developed. Protect the residents already dependent on roads, cars and access by emergency vehicles but stopping this project in its tracks.

The water issue is difficult to understand. First, why does it make sense to allow more residential users until the Cease and Desist Order is lifted? What message will this send the public when they see more development at the same time they see their water rates being raised?

I assume they will see greed and opportunism and this will make perfect sense.

You can't expect the public to conserve at the same time their water bills show increases for "loss of profits due to conservation actually working". So please stop this crazy messaging and stop this proposed expansion of water dependent users.

Frankly, these proposals should never get this far into the process and show how disrespectful the county is towards it's residents, its agreements and the environment.

Sincerely,

Dale McCauley

Schubert, Bob J. x5183

From: Cynthia Hertlein <earthtu-cv@yahoo.com>
Sent: Friday, April 28, 2017 1:53 PM
To: Schubert, Bob J. x5183
Subject: Val Verde

Dear Mr. Schubert,

The Val Verde subdivision is not an appropriate use of the land of Carmel Valley. It is inconsistent with the Carmel Valley Master Plan and allows high density creep to erode the rural character of our valley.

Cynthia Hertlein

Schubert, Bob J. x5183

From: Cara Carozza <c.carozza@hotmail.com>
Sent: Friday, April 28, 2017 1:54 PM
To: Schubert, Bob J. x5183
Subject: PLN1400089

Dear Mr. Schubert:

I would like to express my opposition to the Val Verde Drive Development (PLN1400089) in Carmel Valley. It is in no way consistent with the Carmel Valley Master Plan. As a resident and property owner in Carmel Valley I urge you to vote against this Development on May 10, 2017.

Thank you for considering my opinion,

Sincerely,

Cara M. Carozza

Schubert, Bob J. x5183

From: kathy west <tasker928@hotmail.com>
Sent: Friday, April 28, 2017 2:14 PM
To: Schubert, Bob J. x5183
Subject: val verde

Hi Bob

I am not able to attend the meeting next week but I hope this email assists in the opposition of Val Verde. I am against taking out the farmland that makes our community so appealing. I purchased property in the Valley simply because of the natural beauty and low level of housing projects. I moved from a congested area of traffic and population to enjoy the tranquility and ease of movement in this area. I am strongly opposed to the project. Water is a huge issue to our community and it's inconcievable to me that we'd allow something of this magnitude to be built. I vote no.

Karen Wood

Schubert, Bob J. x5183

From: Kmur617@aol.com
Sent: Friday, April 28, 2017 2:20 PM
To: Schubert, Bob J. x5183
Subject: Val Verde Drive Subdivision

Attn: Bob Schubert

Re: Val Verde Drive Subdivision

I am concerned that a 31 unit very crowded development that robs 7.9 acres of organic farmland from Carmel Valley is ill conceived. I understand that the traffic increase is expected to be 300 cars per day...I am adamantly opposed to this increase.

I would appreciate hearing an explanation of how it is consistent with the Carmel Valley Master Plan. Plus, the development is planned for a flood prone area. How can we promote this kind of living situation? I am mystified that anyone would consider this unoriginal plan to fit well in the rural nature of the valley.

Please go back to the drawing board.

Sincerely,

Constance Murray
10 Oak Meadow Lane
Carmel Vally

Schubert, Bob J. x5183

From: Furman Sheppard <furman.sheppard1@gmail.com>
Sent: Friday, April 28, 2017 2:42 PM
To: Schubert, Bob J. x5183
Subject: PLN 1400089

The Val Verde proposal is as inappropriate for Carmel Valley as anything I have heard.

Please do not approve this thoroughly disruptive project.

Furman Sheppard
831 626 2345

Schubert, Bob J. x5183

From: Anthony Ricigliano <tonymark1@sbcglobal.net>
Sent: Friday, April 28, 2017 3:05 PM
To: Schubert, Bob J. x5183
Subject: Val Verde Subdivision

Mr. Schubert,

This plan for 31 units (Val Verde Subdivision) is too congested and the water source is unknown therefore my vote is a NO.

Regards,

Anthony M. Ricigliano

40 years a Carmel Valley resident

Schubert, Bob J. x5183

From: May Waldroup <may@worldcitizen.cc>
Sent: Friday, April 28, 2017 4:20 PM
To: Schubert, Bob J. x5183
Subject: Val Verde Drive subdivision

I hear with HORROR that a plan for a development is under consideration for the Val Verde existing farmland for 31 houses.

It would be VERY detrimental to the area - traffic-wise and completely contrary to the Carmel Valley Master Plan.

It would add several hundred car trips to that small area which is already surrounded by a very heavily travelled part of the mouth of the valley. In NO WAY can you permit this project to go forward. The impact would be enormous. Other plans for the golf course area so close by are also threatening. What could any sane person be thinking of permitting these projects to go forward. There has to be consideration for residents of the Valley that uses the Mouth of the Valley for shopping. As it is, the area is already clogged up with hundreds of cars parking doing business. Please - make a sane decision and say NO to this project.

May Waldroup - Valley resident since 1970.

Schubert, Bob J. x5183

From: Linda Cheatham <bigruffs1616@yahoo.com>
Sent: Friday, April 28, 2017 5:24 PM
To: Schubert, Bob J. x5183
Subject: PLN140008

Dear Sirs,

This plan is not in accordance with the accepted Carmel Valley Master Plan. Please work to decrease traffic, water use, and destruction of the natural environment so Monterey County can maintain its beauty and continue to attract visitors from all over the world. Thank you for your time.

Sincerely yours,
Linda C
Carmel Valley

Schubert, Bob J. x5183

From: Doug Burke <doug.burke2@gmail.com>
Sent: Saturday, April 29, 2017 7:45 AM
To: Schubert, Bob J. x5183
Subject: Val Verde Drive development

Hello Bob-

I am emailing you my thoughts regarding the Val Verde Drive Development. I feel that this development is not appropriate for our Valley.

This crowded, cookie cutter development would replace 7.9 acres of organic farmland and is in no way consistent with the Carmel Valley Master Plan. Water is uncertain, traffic is estimated to increase by 300 cars per day, and it's in a flood prone area on the valley floor.

Thank you,

**Doug Burke
Carmel Valley Resident**

Schubert, Bob J. x5183

From: thegtcman@comcast.net
Sent: Saturday, April 29, 2017 10:16 AM
To: Schubert, Bob J. x5183
Subject: Val Verde project PLN 1400089

Dear Mr Schubert,

No doubt you have heard from many others on this contentious project. I will keep my comment brief. Upon retirement from my Santa Barbara surgical practice in 2005, we moved to Carmel Valley, as the quiet and relatively uncongested nature of Santa Barbara was rapidly changing into another crowded Southern Calif beach community. Since relocating here to Carmel Valley we have watched the congestion and traffic volume increase on Carmel Valley Rd, bringing with it noise and the obvious safety concerns. We have also observed the highly politicized water situation here become increasingly worse. We now live with the tyranny imposed by Cal Am, with absolutely no rational relief in sight.

We all recognize that land owners and developers see the windfall profits of their developments, and their need to influence public officials, as an unfortunate consequence of human nature. At what point do you/we say enough is enough, and actually perform the regulatory duties you were entrusted to perform? Greed ultimately has a way of spoiling everything.

Respectfully

Phil Scheinberg MD, FACS

Schubert, Bob J. x5183

From: Bill & Barbara Strohm <run4mail@comcast.net>
Sent: Saturday, April 29, 2017 12:18 PM
To: Schubert, Bob J. x5183
Subject: Val Verde DRive Development

I want to express my opposition to this project because it is not appropriate for this area.

I vote against it.

Sincerely ,

Wilbur J Strohm

Carmel

Schubert, Bob J. x5183

From: Ellen Korstanje <ellenkorstanje@hotmail.com>
Sent: Saturday, April 29, 2017 2:16 PM
To: Schubert, Bob J. x5183
Subject: PLN 1400089

Dear Mr. Schubert,

I am sending you this urgent message in reference to the 31 unit Val Verde development plan (PLN 1400089).

There was a profound reason why the Carmel Valley master plan was created. The nature of this precious valley and its capacity for inhabitants, commerce and traffic was analyzed and subsequently documented in the master plan. If you take a closer look at this document you will learn that the above mentioned development exceeds the available resources in this valley. In addition to the availability of water and traffic issues, this area is flood prone as well.

I strongly recommend that you side with those of us who have chosen to live here after years of hard work and effort, by arguing during the upcoming meeting on May 10, that this development is NOT CONSISTENT with the Carmel Valley master plan and therefore should NOT be allowed to go forward.

Sincerely,

Ellen Korstanje

Sent from my iPad

Schubert, Bob J. x5183

From: John Manning <ruthandrick@msn.com>
Sent: Saturday, April 29, 2017 4:20 PM
To: Schubert, Bob J. x5183
Subject: Val Verde

Dear Commissioner Schubert,

As a Carmel Valley resident since 1966, I would like to put in my 2 cents worth about the latest proposed development, PLN1400089 at Val Verde Dr. There has been a long history of poor planning in Carmel Valley for too long. Building in the flood plain and adding more traffic to the gridlock of Hwy 1 and the whole Mouth of the Valley, especially with the approved but not yet built projects just doesn't make any sense. This land is not appropriate for housing. Please do the right thing and say no to this mess.

Thank you for your time.

Ruth Carter

PO Box 184

Carmel Valley 93924

Sent from my iPhone

Schubert, Bob J. x5183

From: Nan Lansdowne <nanlansdowne@yahoo.com>
Sent: Saturday, April 29, 2017 10:07 PM
To: Schubert, Bob J. x5183
Subject: Vel Verde Development is a bad idea

Dear Mr. Shubert,

Please do not let the Val Verde Development proceed. There is already too much traffic in our valley. This will be a problem and an expense when there are floods from heavy rains as we have had this winter. We should stick with the master plan.

Sincerely,
Nan Lansdowne

**6 La Rancheria
Carmel Valley, CA 93924
Lansdowne@post.Harvard.edu
831-277-7044**

Schubert, Bob J. x5183

From: Mlmartin4 <mlmartin4@aol.com>
Sent: Saturday, April 29, 2017 10:15 PM
To: Schubert, Bob J. x5183

This crowded, cookie cutter development would replace 7.9 acres of organic farmland and is in no way consistent with the Carmel Valley Master Plan. Water is uncertain, traffic is estimated to increase by 300 cars per day, and it's in a flood prone area on the valley floor.

**Marlene Martin
26455 Via Mallorca
Carmel, Ca. 93923**

Schubert, Bob J. x5183

From: Ann Hanham <annhanham@gmail.com>
Sent: Sunday, April 30, 2017 12:12 PM
To: Schubert, Bob J. x5183
Cc: 'Ann Hanham'; 'Scott Hanham'
Subject: Carmel Valley Valle Verde Subdivision (PLN1400089)

Re: Carmel Valley Valle Verde Subdivision (PLN1400089)

Dear Bob:

I am writing today because Carmel Valley has two large housing projects that are going through the planning stages. As you are no doubt aware, the Carmel Valley Association (CVA) settled a law suit against the County Board of Supervisors over allowances to build new units in the 2010 General Plan. The settlement of the suit included retention of the historic car-for-car counting of traffic, and reduction of the proposed 266 total new units to 190.

I am writing to express concern that the Val Verde project:

- If approved alongside the Rancho Canada project, would cause the total to exceed the 190 units agreed upon in the legal settlement (note, about 34 of the 190 have already been allocated), and provides no allowance for future homes to be built under the term of the settlement.
- It would also concentrate all new homes into 2 large "cookie cutter" developments in a way that is inconsistent with the look and character of Carmel Valley.
- Impact our neighborhood's traffic (Carmel Valley Road is already heavily travelled and exceeds recommended limits for the traffic plan....not to mention frequent bottlenecks on the Cabrillo Highway through Carmel).
- Will be located in an area that has a high probability of flooding. With more buildings/concrete/asphalt covering the open spaces, there will be less porous land to absorb water/rain, and may make nearby areas even more vulnerable to flooding. Who will pay for the damages and services required when this occurs?
- Impact availability of services to existing residents (schools, police, fire, etc.)
- Impact affordability housing efforts. The DEIR excludes analysis of conflicts with Monterey County's affordable housing policy and implies that there are no allowances for affordable housing development in the plan.
- Does not have a sustainable long term water supply.

My husband and I would like these comments to be considered in the upcoming May 10th Planning meeting.

Thank you in advance for your assistance in reviewing our concerns,

Ann Hanham
4105 Segunda Drive
Carmel, CA 93923
annhanham@gmail.com
831-620-0373

Schubert, Bob J. x5183

From: Newton Bayless <ctbinb@redshift.com>
Sent: Sunday, April 30, 2017 11:19 PM
To: Schubert, Bob J. x5183
Subject: Opposition for the 31 unit Val Verde Drive development goes before the County Planning Commission.

Please record my opposition for the 31 unit Val Verde Drive development goes before the County Planning Commission.

This development is not appropriate for our Valley.

This crowded, cookie cutter development would replace 7.9 acres of organic farmland and is in no way consistent with the Carmel Valley Master Plan. Water is uncertain, traffic is estimated to increase by 300 cars per day, and it's in a flood prone area on the valley floor.



Newton Bayless
ctbinb@redshift.com
P.O. Box 123
Carmel Valley, CA. 93924-0123
Phone.....831-659-2347

"Until one has loved an animal, a part of one's soul remains unawakened." - Anatole France

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Schubert, Bob J. x5183

From: James Greco <greco@jamesgreco.com>
Sent: Monday, May 01, 2017 7:52 AM
To: Schubert, Bob J. x5183
Subject: PLN1400089- Proposed Val Verde Developement

To Bob Shubert,

We are totally opposed to this planned development. This is so irrational and inappropriate for the site and the Carmel valley. What a blight this development would have in the valley

Please vote 'NO' on this.

Thank you

James Greco



James Greco, CLU, CLTC

3785 Via Nona Marie #303

Carmel, CA 93923

License 0678857

Tel: 831 624 6000

Fax: 831 624 1954

Web: <http://jamesgreco.com>

greco@jamesgreco.com

Map

<http://goo.gl/U18QKe>

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Carmel Valley Association

preserving the beauty, resources, and rural character of the Valley since 1949

Carmel Valley Association (CVA) submits these further comments in opposition to the 31-unit subdivision on Val Verde Drive. CVA provides this summary of principal points in CVA response to the traffic and circulation portion of the DEIR for the project.

The EIR should not be certified, and the project application should be denied.

- The DEIR identifies **significant and unavoidable impacts**, which **precludes lawful approval of the project**
 - except through the decision-making agency's "statement of its views on the ultimate *balancing* of the merits of approving the project *despite the environmental damage*" (CEQA)
 - which "*balance[s]*", as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks"
 - and which states "in writing the *specific* reasons to support its action based on ... information in the record"
 - and in which it bears the "burden ... to show that it has considered the identified means ... of lessening or avoiding the project's significant effects and to *explain its decision allowing those adverse changes to occur.*"
 - **No benefits are identified** in the project description or in its DEIR that would legitimately **qualify to override the unavoidable adverse environmental impacts** that would accrue from approval of the project.
- Traffic: The project would **add many trips to already unacceptable and significantly impacted roadway conditions**, as shown in the DEIR and summarized on pages 3 and 4, and in Appendix 1, of the January 23, 2017 letter to Bob Schubert on this project from CVA. It would add about 300 trips daily and about 30 during each peak hour, with most occurring on the unacceptably and significantly impacted road segments.
- The additional traffic would significantly **exacerbate the already-impeded movement of vehicles, including emergency vehicles** and those engaged in emergency evacuation, during and after emergencies.

- **Evacuation routes from this area are strictly limited**; only two-lane roadways (or 4-lane access to 2-lane evacuation routes) are available for emergency traffic movement.
- The area is under **constant threat from, and has had substantial recent experience with, wildfire, floods and/or earthquakes**.
- By increasing local traffic, this project would **increase delays in emergency response to individual emergencies**, which already are subject to elevated risks of delay because of narrow road segments -- some with inadequate shoulders, -- that restrict free access by emergency vehicles.
- **Unacceptable traffic congestion**, according to stated CVMP standards, **already exists at 4 intersections and on 6 segments** of roads studied in the project EIR, and would be significantly worsened under cumulative conditions, according to DEIR data:
 - Existing traffic already experiences **unacceptable delays at four study intersections**; these already unacceptable delays would be **increased by an additional 43% to 140%** under cumulative conditions.
 - Existing traffic already experiences **unacceptable speeds on 3 road segments in the shopping complex** area characterized by Rio Rd. and Carmel Rancho Blvd.; these already unacceptably low speeds would be decreased by an additional 4% to 42% under cumulative conditions.
 - Existing traffic on **critical segments 6 and 7 of Carmel Valley Road** already experiences **unacceptable PTSF levels**; these already unacceptably high PTSF values would be **increased by an additional 4% to 42%** under cumulative conditions.
- Since much of the traffic generated by the project would use a **critically congested portion of Highway 1 (with traffic volume exceeding roadway capacity)**, the method of analysis used by the DEIR there must be properly suited to the salient road conditions and should be properly applied. But in fact, the MMLOS **method** and LOS+ **software** that is used is **entirely improper and is egregiously misapplied** by CCTC, and therefore by the DEIR.
- Segments 1-4 of **Highway 1 operate at LOS F**; they **do not operated at the levels stated in the DEIR**. The DEIR's treatment of Highway 1 segments between Ribera Drive and Carpenter Street, incorporated entirely from the CCTC "analysis" in the Rancho Canada Village **EIR, is demonstrably and incontrovertibly false** in a number of crucial respects. The issues include the following, among others (for more information, see CVA comments on the Rancho Canada Village DEIR, and in particular see (1) NCHRP documents (Report 616, Web Document 128, both for Research Project 3-70) that define and direct use of the MMLOS method, and (2) the FehrPeters specifications for the LOS+ software used by CCTC):
 - The multimodal level of service (MMLOS) method used is intended for use where four standard "urban street modes of transportation (auto, pedestrian, bicycle, and transit with pickup/discharge stops) exist, but only one (auto) exists on the portion of Highway 1 studied. The method specifies that **the three missing modes all operate LOS F, which was not reported in the DEIR**.
 - The level of service for the sole mode of travel actually present, the **auto mode**, **operates at LOS F** under MMLOS specifications **along the entire portion of**

Highway 1 studied in the DEIR. Thus the level of service for every one of segments 1-4 in the DEIR is LOS F, but the **DEIR does not disclose** this. Instead, the DEIR reports false, highly distorted LOS values that would indicate far lower levels of congestion than actually exist, or certainly than proper use of the MMLOS method determines. According to the definition and specifications for use of the method used on Highway 1, “If any directional segment hourly volume/capacity ratio (v/c) exceeds 1.00 [LOS F] for any mode, that direction of street is considered to be operating at LOS F for that mode of travel for its entire length (regardless of the computed level of service).” (See NCHRP web document 128, p. 6, exhibit 1, note 1.)

- Use of the MMLOS method is **predicated on** declaration of the Highway 1 segments as an “**urban street**”, which it is not, and the **Board of Supervisors has stated and reaffirmed that it is not an “urban street”**. However, even if use of MMLOS were legitimately used, all relevant segments still would operate at LOS F.
- Land use along segments 1-4 (the relevant portion of Highway 1) is **entirely residential** in character. But page 1 of NCHRP web document 128, the user’s guide to MMLOS, states clearly that the method is “**not designed to be applied to residential streets**”, constituting yet another verification that MMLOS is misapplied in the CCTC “analysis”, and therefore in this DEIR.
- MMLOS calculations consider only the **number of full stops** (mandated by stop signs and signals) **per mile**, and the **proportion of intersections with left-turn lanes**; actual **traffic volume is excluded** from MMLOS computations (except to determine whether a segment operates at LOS F or not, i.e., whether traffic volume exceeds capacity). Thus, whether no traffic uses the roadway, or it is at half capacity, or just below capacity, the computed auto LOS value is exactly the same, and plays no role in determining LOS under MMLOS prescription. The result for a segment is entirely insensitive to congestion, but responds only to whether a roadway may be designed to accommodate a certain level of traffic volume. This is **completely inappropriate for the assessment of environmental impact of variations in traffic**.
- **Data for two potentially important intersections on Carmel Valley Road are absent from the DEIR but should have been included:**
 - The intersection of Carmel Valley Road and **Valley Greens Drive** recently was shown in another project DEIR to operate at LOS F; potential addition of any traffic to Carmel Valley Road at that intersection should guarantee its inclusion in
 - **Brookdale Drive’s** intersection with Carmel Valley Road is an especially dangerous one because of limited sightlines arising from local topography and curving roadway.
- **Critically important raw data** required to establish a **usable baseline** against which to measure environmental impact is **missing** from the DEIR. Examples include:
 - **Specific times of data acquisition.** For example, the times at which peak traffic occurs determine the actual values of peak traffic, and when they are not specified one cannot determine whether the asserted traffic volumes are correct or not. The Rancho Canada Village DEIR excluded certain peak traffic volumes that occurred near midday by restricting attention to hours (e.g., 7-9 AM, 4-6 PM) which had lower volumes; errors as much as 20% resulted. In the Val Verde DEIR data acquisition times are essentially absent.

- **Raw traffic volumes** in both directions at 15-minute intervals are required for establishment of peak traffic periods, as well as for data-inputs to calculated traffic measures; they also serve to determine average daily trips and the general daily patterns of traffic for a given segment of roadway. All of these are essential to establish a baseline for evaluation of environmental impacts from traffic. Their absence. Their absence, even in part, renders adequate public disclosure of traffic baseline conditions impossible, and hence violates CEQA,

This accumulation of environmental traffic issues, singly and collectively, demonstrate conclusively that

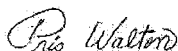
1. The **EIR** for the project **cannot be certified legitimately under CEQA** because its substantial inadequacies, incompleteness, and clear failure to make a good faith effort to disclose all that it reasonably could (e.g., failure to identify and repair fatal flaws from serious misapplication of MMLOS, and in consequence presenting irrefutably false results as if valid), thus clearly violating CEQA, and
2. The **project must be denied**, since the EIR contains unmitigated and unmitigatable significant and unavoidable environmental impacts (some – but not all, as shown above – declared in the DEIR itself) concerning traffic and other environmental risks, which clearly override any conceivable benefits that could accrue to the public, or serve the public interest, from implementation of this proposed project.

Continued degradation of public access to infrastructure already significantly overburdened and impinging on the adequacy such **vital public services** as ambulance and fire response, and such safety provisions as availability of **functional emergency evacuation routes, cannot be excused** by wishes for private gain or for rectification of unfortunate business decisions. Public facilities, publicly owned for public use and benefit, including roads and other infrastructure, must be protected from erosion of their functional value to the community.

Implementation of the Carmel Rio Subdivision proposal would have just such an **erosive effect on public infrastructure and facilities, and therefore the project must be denied**. In addition, its approval in the face of its significant and unavoidable environmental effects, both immediate and cumulative, would have **growth-inducing impacts** by warranting and supporting a project that diminishes environmental quality and its utility for the public. Induced growth would exacerbate the adverse effects of the project, thus **further justifying project denial**.

The EIR should not be certified, and the project application should be denied.

Thank you for the opportunity to provide these additional comments.



Pris Walton, President

Carmel, January 3rd, 2017

Stan & Bozena Kluz
P.O. Box 222175
Carmel, CA 93922

E-mail: stanmkluz@gmail.com

Mr. Bob Schubert
Monterey County
Resource Management Agency – Planning
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Re: Notice of Availability of the DEIR (Draft Environmental Impact Report) for the Carmel Rio Road Project (PLN140089; SCH2015071046)

Dear Mr. Schubert:

Thank you very much for the distribution of the Notice of Availability of the DEIR for the Carmel Rio Road Project (PLN140089; SCH2015071046). DEIR is a very impressive document and you should be congratulated for that massive amount of work. This almost 1,000 page Report, including all Appendices, appears to describe almost all aspects of matters related to the Project (Carmel Rio Road Project). As residents/senior citizens at 26540 Val Verde Drive, we have noticed that certain areas of the project cause concerns, which we would like to share with you. I hope you will accept them in good faith.

We would like to emphasize one point: since the document is so large, and many people spent enormous amount of time preparing it, it is simply impossible for a single person like me (Stan) to cover all aspects mentioned in the Report. We touched briefly only on some points which are a great deal of concern to us.

A. General comments regarding the density of the development.

1. The Carmel Rio Road LLC is proposing to build a mixed income residential subdivision on 7.9 acres of land, located at 15 and 26500 Val Verde Drive, involving a construction of 31 dwellings.

As much as this proposal is legitimate, assuming of course that the zoning ordinance is amended, it doesn't mean that its approval would be a wise undertaking. As mentioned in the Report, Val Verde area is designated as low density residential/agriculture countryside and "sticking" a high density subdivision there does not fit well the original vision for this region. This region should remain as low density residential/agriculture, as the best fit for the most desirable rural setting and environmental preserve.

All existing residences at Val Verde are single family houses, one dwelling per parcel, ranging from 1.3 to about 5 acres per parcel.



May 1, 2017

Don Rochester, Chair
Monterey Planning Commission
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

SUBJECT: DEIR for Carmel Rio Road subdivision (aka Val Verde project)

Dear Chair Rochester and Planning Commissioners:

LandWatch Monterey County is a nonprofit, land conservation and planning organization representing more than 1000 Monterey County residents, including a significant number of Carmel Valley residents. LandWatch urges you to deny approval of the proposed Carmel Rio Road subdivision (aka Val Verde project), which would convert approximately eight acres of farmland, currently used for row crops, into 31 residential units. Our review of the draft environmental impact report (DEIR) confirms the project would violate a variety of General Plan policies, including those related to air quality, aesthetics, hydrology and water quality, and traffic and circulation.

Land Use and Project Inconsistencies with the Carmel Valley Master Plan and 2010 County General Plan

The project is inconsistent with General Plan Policy CV-1.10.

The Val Verde Drive area is planned for residential use at a basic density of one (1) unit per acre. With suitable clustering, up to two (2) units per acre may be allowed. However, a density of up to four (4) units per acre may be allowed provided that at least 25% of the units are developed for individuals of low and moderate income or for workforce housing. This policy is intended to be independent from Policy CV-1.11, and not counted in conjunction with the density bonus identified in that policy.

Only 22.6% of the total 31 units would be built on-site. The remainder of the 25% would be met through payment of an in-lieu fee of \$206,544. While this would meet the County's inclusionary housing requirements, it is inconsistent with Policy CV-1.10.

The project is inconsistent with 2010 General Plan policy LU-1.19, which requires it meet the Development Evaluation System (DES).

Because the project is outside a Community Area or Rural Center, it is subject to the DES. While adoption of the DES is at least six years past due, the project is inconsistent with the basic requirement in the General Plan that it must include 35% affordable housing. The General Plan states:

Residential development shall incorporate the following minimum requirements for developments in Rural Centers prior to the preparation of an Infrastructure and Financing Study, or outside of a

Community Area or Rural Center: 1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units to be considered.”

The project, which includes 25% affordable housing but not 10% Workforce housing, is inconsistent with the policy.

The project is inconsistent with General Plan Policy LU-2.13, which states:

The County shall assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households. The Affordable Housing Ordinance shall include the following minimum requirements:

- a) 6% of the units affordable to very low-income households
- b) 6% of the units affordable to low-income households
- c) 8% of the units affordable to moderate-income households
- d) 5% of the units affordable Workforce I income households

The project does not include a mix of affordable housing as required.

The project is inconsistent with General Plan Policy OS 10.9, which states:

The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met.

Because the Draft EIR did not adequately address temporary emissions of toxic air contaminants, the project may have significant impacts on sensitive receptors including students and staff at the Carmel Middle School.

The project is inconsistent with General Plan Policy County General Plan Policy C 1.1, which states:

The acceptable level of service for County roads and intersections shall be Level of Service (LOS) D, except as follows:

- a. Acceptable level of service for County roads in Community Areas may be reduced below LOS D through the Community Plan process.
- b. County roads operating at LOS D or below at the time of adopting this General Plan shall not be allowed to be degraded further except in Community Areas where a lower LOS may be approved through the Community Plan process.
- c. Area Plans prepared for County Planning Areas may establish an acceptable level of service for County roads other than LOS D. The benefits which justify less than LOS D shall be identified in the Area Plan. Where an Area Plan does not establish a separate LOS, the standard LOS D shall apply.

The project does not meet the LOS D standard and is therefore inconsistent with the General Plan.

The General Plan consistency analysis in the DEIR did not address Policy CV-2.17, which requires:

- f) The traffic standards (LOS as measured by peak hour conditions) for the CVMP Area shall be as follows: ...3) Carmel Valley Road Segment Operations: .b) LOS of “D” and ADT below its threshold specified in Policy CV-2.17 (a) for Segments 3,4,5,6 and 7 is an acceptable conditions.

The project is inconsistent with this policy because thresholds for Segments 6 and 7 would be exceeded.

The project exceeds the number of units allowed in Carmel Valley under the legal settlement agreed to by Carmel Valley Association and Monterey County.

The project is inconsistent with the basic provision in the Carmel Valley Master Plan requiring the maintenance of the Valley's rural character.

As noted above, the project would convert approximately eight acres of farmland, currently used for row crops, into 31 residential units. Additionally, the project is a poorly designed, "cookie-cutter" subdivision egregiously in conflict with Carmel Valley's rural character.

Other Legal, Land Use, and Environmental Inconsistencies

- Thirty-one families would be added to a high risk flooding area.
- The DEIR identifies the construction of retaining walls up to six feet to allow the site to be raised above the flood plain. The downstream impact of these structures was not addressed in the DEIR.
- Assessment of the availability of water was incomplete in the DEIR
- CSA 50 flood control projects include a levee adjacent to Val Verde Drive. The impact of a levee on project design and access was not addressed in the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael DeLapa", with a stylized flourish at the end.

Michael DeLapa
Executive Director

Schubert, Bob J. x5183

From: extrarovers@aol.com
Sent: Monday, May 01, 2017 10:15 AM
To: Schubert, Bob J. x5183
Subject: PLN 1400089

Carmel Valley Is Full! In order to be Rural you have to retain Rural. Carmel Valley is being wiped-out by typical San Jose housing developments. Val Verde, Rancho Canada. Val Verde is ag land. Adding hundreds of car trips to the congested Hwy 1 is idiotic. Pulling more water out of the ground for another housing project-really? There is nothing good about the Val Verde project, every aspect is a Negative. The same for Rancho Canada. The 190 build-out for Carmel Valley is wrong and needs to be rescinded. Zero growth is what will save what is Left of Carmel Valley.

More people , cars, pollution, water consumption ,traffic, impact on public services is never good. Enough. Stop Val Verde and all development in Carmel Valley.

Lea Magee

Schubert, Bob J. x5183

From: extrarovers@aol.com
Sent: Monday, May 01, 2017 12:39 PM
To: Schubert, Bob J. x5183
Subject: PLN1400089

Carmel Valley has no need for more houses, cars , people, traffic, problems, pollution, water consumption. Val Verde is ag land and it needs to stay ag land not pave it over with houses.

Affordable housing means you can not afford to live there. Not everyone can live in the Valley. There are some 38 houses for sale in the Valley. If you want to live here buy a built house. Do not wipe out ag and open space land and ruin what is left of the Valley. Past and present board of supervisors have approved houses built in a flood plane and are not held accountable for those homes being flooded, example, poor decision. Val Verde, another bad descision.

Lea Magee

May 1, 2017

schubertbj@co.monterey.ca.us

RE: Val Verde Carmel Project (Carmel Rio Road LLC DEIR), PLN 140089

I am writing to make several comments on the DEIR for the proposed Val Verde housing project. I'm a long time business owner with offices on Carmel Rancho Blvd., adjacent to the proposed project.

My analysis of the DEIR raises numerous serious concerns, but my letter would like to focus on two:

Traffic Issues:

I believe the estimated 300 additional daily car trips, when added to the already crowded intersections in the mouth of the Valley, are totally unacceptable. The road infrastructure in this area is already insufficient to handle periods of peak daily traffic activity. I believe adding to this traffic mess will negatively affect the many small businesses in the area, and could also create problems for any emergency evacuation needs. This concern is especially worrisome given the other proposed developments "in the pipeline"—the Rancho Canada subdivision, the New Leaf grocery store, and the State Park parking lot, all of which will further jam the intersections in the Carmel Rancho area. *It would be unconscionable for the Planning Commission and Supervisors to approve a project that dooms the Carmel Rancho business and homes to frequent and dangerous gridlock episodes.*

Flooding:

The DEIR also does not answer major concerns of 1) potential flooding from overflow from the Carmel River, and 2) storm run-off drainage issues. I personally witnessed flooding in this area, from both the river and insufficient drainage, during the El Nino storms in the late 90's. In these events, street flooding extended into the parking lots, parking garages and in some cases, right up to the steps of ground level businesses on Carmel Rancho Blvd. To my knowledge there has been no meaningful remediation of either flooding risk since that time. The Val Verde project would only add more runoff from the 31 unit property to the drains surrounding the project. The DEIR, when discussing these two risks, *only mentions the possibility of mitigation of either risk after the project has been approved.* This suggests the possibility of the problem not being solved before new flooding could commence. ***This project should not be built until flooding and drainage solutions are already in place.***

In short, for these two reasons alone, I ask the Board to reject this developer's DEIR.

Sincerely,

Peter Neumeier

Schubert, Bob J. x5183

From: Rosemary Coulter <rnrccoulter@sbcglobal.net>
Sent: Monday, May 01, 2017 3:41 PM
To: Schubert, Bob J. x5183
Subject: Proposed development on Val Verde Drive

Planning Development Committee,

Please record my opposition to the proposed development for the construction of 31 homes on Val Verde Drive in Carmel.

As a resident of Carmel Valley for over 30 years, I am appalled at the effort to negate the Carmel Valley Master Plan with a development such as this.

Traffic on Carmel Valley Road at times is frightening. We do not need this type of development in our area.

Rosemary T Coulter

Schubert, Bob J. x5183

From: Ron Coulter <rcoulter@sbcglobal.net>
Sent: Monday, May 01, 2017 4:14 PM
To: Schubert, Bob J. x5183
Subject: Proposed Development on Val Verde Drive

Dear County Planning Committee,

I am opposed to the proposed development for the construction of 31 homes on Val Verde Drive in Carmel.
PLN1400089

I have been a resident of Carmel for many years and I do not feel this is in the best interest of the residents of Carmel and Carmel Valley. This goes against the spirit of the Carmel Valley Master Plan and is too big a development on a small piece of land.

This will just make traffic in Carmel that much worse.

Ron Coulter

Schubert, Bob J. x5183

From: Edward F. Morrow <ed_morrow@comcast.net>
Sent: Monday, May 01, 2017 4:46 PM
To: Schubert, Bob J. x5183
Cc: Edward F. Morrow
Subject: Val Verde Development

Dear Mr. Schubert;

I am writing to express my opposition to the Val Verde Drive development (**PLN1400089**).

It is inconsistent with the stated intention of the Carmel Valley Master Plan. It in no way reflects or supports the intention of the Master Plan to preserve the rural character of Carmel Valley. It looks more like the boring parts of San Jose than what should be in Carmel Valley. The Developer's layout is designed to optimize the Developers profit and not to preserve the character of Carmel Valley. From what I can tell this is the sort of planning that your urban planning professors warned you against.

The demand on services and traffic are unsupportable. The availability of water is uncertain, and the increase in traffic in the area would add to an already overburdened road system.

It is located in a flood prone area. With the upcoming increased flows in the Carmel River, this area is prone to flooding. You should talk to the people who were in the area in the 90s and they can tell you why you would not want to own a house in this area. The potential infrastructure cost to remediate this flood prone area are not what we the taxpayers of Monterey County should be spending our money on.

This project is a very bad idea and should be rejected.

Thank you for your consideration.

Regards,
Ed Morrow
Carmel Valley, CA

Schubert, Bob J. x5183

From: James White <jimwhite321@yahoo.com>
Sent: Monday, May 01, 2017 5:52 PM
To: Schubert, Bob J. x5183
Cc: Gayle White
Subject: Val Verde Subdivision

Dear Mr. Schubert,

The proposed "Val Verde" Subdivision will add noise and traffic to a road structure that is clearly insufficient to accommodate even existing traffic.

I strongly encourage disapproval of this proposal.

Thank you,

James White
28089 Barn Way
Carmel Valley Ranch

Sent from my iPhone

Schubert, Bob J. x5183

From: Rafael Maldonado <2maldonados@gmail.com>
Sent: Monday, May 01, 2017 10:09 PM
To: Schubert, Bob J. x5183
Subject: Val Verde Development

As residents of Carmel Valley for the past 20 yrs. we have seen the increase in the traffic flow to such extent that Carmel Valley road resembles a freeway.

We are adamantly opposed to this proposed development. It will only add to the traffic congestion, and water problems that plague the Valley.

We pray our voices of opposition will be heard in this matter.

Respectfully,

Nydia and Ralph Maldonado

Sent from my iPad

Schubert, Bob J. x5183

From: Jeff Frey <jfrey419@gmail.com>
Sent: Monday, May 01, 2017 11:15 PM
To: Schubert, Bob J. x5183
Subject: Opposition to Val Verde housing development PLN 1400089

Dear Mr. Schubert and Monterey County Planning Commission:

I am writing to express my concern regarding the proposed Val Verde housing development in Carmel Valley (PLN 1400089). This development will remove 8 acres of farmland/ open space from the valley mouth, cause increased traffic on the already crowded Carmel Valley Road, create an aesthetically displeasing housing tract, which will be visible from Corona Ranch and Jack's Peak, and will further erode the semi- rural landscape that remains in that part of the valley. In addition, It will put more pressure on the already stressed Carmel River watershed, and, because the development is in the Carmel River floodplain, could become another liability during flooding.

Carmel Valley is a uniquely beautiful, peaceful community (increasingly more rare in California), which has the potential to stay that way, or to go the direction of so many other locations throughout our state, cheapened by characterless tract homes and shortsighted schemes. Please don't allow this development project to go forward.

Thank you,
Jeff Frey
Carmel Valley

Sent from my iPad

Schubert, Bob J. x5183

Subject: FW: Opposition to Carmel Rio Road (Val Verde) subdivision
Attachments: LW comments CarmelRoadPC_FINAL.pdf; ATT00001.htm

From: LandWatch ED <execdir@mclw.org>

Date: May 1, 2017 at 09:59:35 PDT

To: "Schubert, Bob J. x5183" <SchubertBJ@co.monterey.ca.us>

Cc: Janet Brennan <janetb@montereybay.com>, "Holm, Carl P. x5103" <HolmCP@co.monterey.ca.us>, "Onciano, Jacqueline x5193" <oncianoj@co.monterey.ca.us>

Subject: Opposition to Carmel Rio Road (Val Verde) subdivision

Hi Bob,

LandWatch urges the Monterey County Planning Commission to deny the Carmel Rio Road (Val Verde) subdivision. Please share our comment letter (attached) with Planning Commission Chair Chair Don Rochester and the other planning commissioners.

Regards,

Michael

Michael D. DeLapa
Executive Director
LandWatch Monterey County
execdir@mclw.org
650.291.4991 m

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May 1, 2017

Don Rochester, Chair
Monterey Planning Commission
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

SUBJECT: DEIR for Carmel Rio Road subdivision (aka Val Verde project)

Dear Chair Rochester and Planning Commissioners:

LandWatch Monterey County is a nonprofit, land conservation and planning organization representing more than 1000 Monterey County residents, including a significant number of Carmel Valley residents. LandWatch urges you to deny approval of the proposed Carmel Rio Road subdivision (aka Val Verde project), which would convert approximately eight acres of farmland, currently used for row crops, into 31 residential units. Our review of the draft environmental impact report (DEIR) confirms the project would violate a variety of General Plan policies, including those related to air quality, aesthetics, hydrology and water quality, and traffic and circulation.

Land Use and Project Inconsistencies with the Carmel Valley Master Plan and 2010 County General Plan

The project is inconsistent with General Plan Policy CV-1.10.

The Val Verde Drive area is planned for residential use at a basic density of one (1) unit per acre. With suitable clustering, up to two (2) units per acre may be allowed. However, a density of up to four (4) units per acre may be allowed provided that at least 25% of the units are developed for individuals of low and moderate income or for workforce housing. This policy is intended to be independent from Policy CV-1.11, and not counted in conjunction with the density bonus identified in that policy.

Only 22.6% of the total 31 units would be built on-site. The remainder of the 25% would be met through payment of an in-lieu fee of \$206,544. While this would meet the County's inclusionary housing requirements, it is inconsistent with Policy CV-1.10.

The project is inconsistent with 2010 General Plan policy LU-1.19, which requires it meet the Development Evaluation System (DES).

Because the project is outside a Community Area or Rural Center, it is subject to the DES. While adoption of the DES is at least six years past due, the project is inconsistent with the basic requirement in the General Plan that it must include 35% affordable housing. The General Plan states:

Residential development shall incorporate the following minimum requirements for developments in Rural Centers prior to the preparation of an Infrastructure and Financing Study, or outside of a

Community Area or Rural Center: 1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units to be considered.”

The project, which includes 25% affordable housing but not 10% Workforce housing, is inconsistent with the policy.

The project is inconsistent with General Plan Policy LU-2.13, which states:

The County shall assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households. The Affordable Housing Ordinance shall include the following minimum requirements:

- a) 6% of the units affordable to very low-income households
- b) 6% of the units affordable to low-income households
- c) 8% of the units affordable to moderate-income households
- d) 5% of the units affordable Workforce I income households

The project does not include a mix of affordable housing as required.

The project is inconsistent with General Plan Policy OS 10.9, which states:

The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met.

Because the Draft EIR did not adequately address temporary emissions of toxic air contaminants, the project may have significant impacts on sensitive receptors including students and staff at the Carmel Middle School.

The project is inconsistent with General Plan Policy County General Plan Policy C 1.1, which states:

The acceptable level of service for County roads and intersections shall be Level of Service (LOS) D, except as follows:

- a. Acceptable level of service for County roads in Community Areas may be reduced below LOS D through the Community Plan process.
- b. County roads operating at LOS D or below at the time of adopting this General Plan shall not be allowed to be degraded further except in Community Areas where a lower LOS may be approved through the Community Plan process.
- c. Area Plans prepared for County Planning Areas may establish an acceptable level of service for County roads other than LOS D. The benefits which justify less than LOS D shall be identified in the Area Plan. Where an Area Plan does not establish a separate LOS, the standard LOS D shall apply.

The project does not meet the LOS D standard and is therefore inconsistent with the General Plan.

The General Plan consistency analysis in the DEIR did not address Policy CV-2.17, which requires:

- f) The traffic standards (LOS as measured by peak hour conditions) for the CVMP Area shall be as follows: ...3) Carmel Valley Road Segment Operations: .b) LOS of “D” and ADT below its threshold specified in Policy CV-2.17 (a) for Segments 3,4,5,6 and 7 is an acceptable conditions.

The project is inconsistent with this policy because thresholds for Segments 6 and 7 would be exceeded.

The project exceeds the number of units allowed in Carmel Valley under the legal settlement agreed to by Carmel Valley Association and Monterey County.

The project is inconsistent with the basic provision in the Carmel Valley Master Plan requiring the maintenance of the Valley's rural character.

As noted above, the project would convert approximately eight acres of farmland, currently used for row crops, into 31 residential units. Additionally, the project is a poorly designed, "cookie-cutter" subdivision egregiously in conflict with Carmel Valley's rural character.

Other Legal, Land Use, and Environmental Inconsistencies

- Thirty-one families would be added to a high risk flooding area.
- The DEIR identifies the construction of retaining walls up to six feet to allow the site to be raised above the flood plain. The downstream impact of these structures was not addressed in the DEIR.
- Assessment of the availability of water was incomplete in the DEIR
- CSA 50 flood control projects include a levee adjacent to Val Verde Drive. The impact of a levee on project design and access was not addressed in the DEIR.

Sincerely,



Michael DeLapa
Executive Director

Schubert, Bob J. x5183

From: Yerdua Mz <yerdumz@gmail.com>
Sent: Tuesday, May 02, 2017 2:47 PM
To: Schubert, Bob J. x5183
Subject: Carmel Rio Road LLC

Re Project File No. PLN 40089 (15 & 26500 Val Verde Drive Carmel

Dear Mr. Schubert,

I am writing to express my concern over and opposition to the above referenced project. I have lived on Carmel Valley Road 1.9 miles east of Highway 1 for 42 years (I am 66 years of age).

This project is inconsistent with the Carmel Valley Master Plan. Issues of increased traffic, flood control, water, and workforce and affordable housing all indicate that this project is one of several that are inappropriate for the mouth of the valley.

Approving a project that deviates from the Carmel Valley Master Plan and requires exceptions and amendments is wrong and should not be allowed.

Thank you for your consideration,

Audrey F. Morris
5630 Carmel Valley Road
Carmel, CA 93923

Schubert, Bob J. x5183

From: Don Bonsper <dbonsper@outlook.com>
Sent: Tuesday, May 02, 2017 12:16 PM
To: Schubert, Bob J. x5183
Cc: Martha Diehl; Hert, Luther; mduflock@gmail.com; Rochester, Don; ambrizana1@gmail.com; Vandever, Keith; amydroberts@ymail.com; Getzelman, Paul C.; Padilla, Cosme; Mendez, Jose
Subject: Opposition to PLN140089

Dear Planning Department and Commissioners,

This email conveys my opposition to PLN 14009, the Val Verde development at 26500 Val Verde Drive. I concur completely with the findings of the Carmel Valley LUAC and ask that the commissioners deny this planning permit.

I live in the upper Carmel Valley at 19301 Cachagua Rd. I must travel to the peninsula often which includes the mouth of the valley. My dentist, bank, and medical lab are all in this area. The likely increase in traffic congestion from the Val Verde project will impact on all of us who use this vital part of the greater community.

The project as stated on the web site sounds almost offensive. Less than 8 acres will become home to 31 units, 24 single family and one 7 family squeeze. Exceptions are being sought for units per acre, lot size, and density. It is just wrong to crowd all of this in the flood prone area. Stuffing 7 units on one lot in the name of affordable housing is a joke. The whole concept of affordable housing was to create some diversity in a neighborhood or development by not having the housing all in one location. This creates a mini development within the overall project which could become a troubled area.

This project violates the Master Plan for Carmel Valley and raises the questions, "Why can't planning and development follow the rules and guidelines? Why does everything have to an exception?"

The commissioners know me as a vocal opponent of PLN 140863 which seeks to establish a church on a rural residential parcel in Cachagua. Both projects are trying to work around the requirement to maintain the rural character of Carmel Valley as much as possible. And both projects appear to be backed by big money. Enough. Please deny the Val Verde project as submitted.

Respectfully,

Don

Schubert, Bob J. x5183

From: janiswp23@aol.com
Sent: Tuesday, May 02, 2017 6:26 PM
To: Schubert, Bob J. x5183
Subject: Val Verde subdivision

I

Dear Mr. Schubert and Commision members,

I am writing to express my hopes that you will deny the Val Verde subdivision in its current proposal. This "plan" does not, in ANY way, meet the requirements of the land use plan for this area. The developer needs to go back to the drawing board and come up with a planned development that meets ALL criteria for our precious Carmel and Carmel Valley areas.

I attended the meeting earlier this month where the plan was submitted for review, and practically the first words from the developer were threats of a lawsuit! Apparently that is how he acquired use of the existing road for access also.

I respectfully ask that no exceptions to the requirements and land use plan be made for this version of this development to proceed. Thank you for your time and consideration.

Sincerely,
Janis Wilson-Pavlik
11 Jet Lane
Carmel Valley 93924

Sent from AOL Mobile Mail

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