



Monterey County

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Board Order

Upon motion of Supervisor Potter, seconded by Supervisor Parker, and carried by those members present, the Board of Supervisors hereby:

Public Hearing held:

- a. Approved Addendum No.1 to the Final Environmental Impact Report for the 2010 Monterey County General Plan (#07-01, SCH #2007121001) ("FEIR"); and
- b. Adopted Resolution No. 13-029 amending the 2010 Monterey County General Plan ("General Plan"), and specifically the Carmel Valley Master Plan ("CVMP"), to implement a settlement of litigation regarding the General Plan and CVMP.

PASSED AND ADOPTED on this 12th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter, and Parker

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on February 12, 2013.

Dated: February 21, 2013
File Number: 13-0125

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____

Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 13-029:

Resolution approving Addendum No. 1 to FEIR #07-)
01, SCH #2007121001, and amending Policies CV)
1.6, 2.17, 2.18, 3.11, 3.22 and 6.5 of the 2010)
Monterey County General Plan/Carmel Valley)
Master Plan relating to the New Residential Unit Cap,)
Traffic Methodology, Carmel Valley Road)
Committee, Tree Protection, and Non-agricultural)
Development on Slopes.....)

RECITALS

WHEREAS, section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county; and,

WHEREAS, on October 26, 2010, the Board of Supervisors adopted the 2010 Monterey County General Plan ("General Plan"), which included the Carmel Valley Master Plan ("CVMP"), and certified its accompanying Final Environmental Impact Report (#07-01, SCH #2007121001) ("FEIR"); and,

WHEREAS, subsequent to the adoption of the General Plan and certification of the FEIR, four lawsuits were commenced challenging those actions on a variety of grounds; and,

WHEREAS, one of those lawsuits was filed in the name of the Carmel Valley Association ("CVA"); and,

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), settlement negotiations were begun with all litigant groups; and,

WHEREAS, following extended negotiations, an agreement was reached with the CVA which requires the County to consider amendments to the General Plan/CVMP, and the Board of Supervisors approved the settlement; and,

WHEREAS, pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan; and

WHEREAS, proposed amendments to the General Plan/CVMP came on regularly for public hearing before the Monterey County Planning Commission on November 14, 2012; and,

WHEREAS, the proposed amendments to the General Plan affect CVMP Policies CV-1.6 (New Residential Unit Cap), CV-2.17 (Traffic Methodology), CV-2.18 (Carmel Valley Road Committee), CV-3.11 (Tree Protection), and CV-6.5/3.22 (Non-agricultural Development on Slopes); and,

WHEREAS, an Addendum to the certified FEIR (“Addendum No. 1”) has been prepared pursuant to Section 15164 of the CEQA Guidelines because substantial evidence in the record shows that the conditions requiring a Subsequent Environmental Impact Report (“EIR”) or Supplement to an EIR do not exist; and,

WHEREAS, the Planning Commission considered the Addendum No. 1 and voted 8-0-2 to recommend the adoption of the proposed amendments with certain exceptions or modifications; and,

WHEREAS, a public hearing was scheduled before the Board of Supervisors on December 4, 2012, at 1:30 p.m. to consider the proposed amendments and the Addendum No. 1, and at least 10 days before the public hearing, notice of the hearing before the Board of Supervisors was published in the Monterey County Weekly and mailed to interested parties; and

WHEREAS, the matter was continued first to January of 2013, and subsequently to February 12, 2013; and

WHEREAS, the matter came on regularly for the public hearing before the Board of Supervisors on February 12, 2013, at 1:30 p.m. to consider the proposed amendments and the Addendum No. 1, and at least 10 days before the public hearing, notice of the hearing before the Board of Supervisors was published in the Monterey County Weekly and mailed to interested parties; and

WHEREAS, while the California Government Code provides that any mandatory element of the General Plan may be amended no more than four (4) times during any calendar year, Policy LU-9.6 (d) of the General Plan provides that amendments to the County’s General Plan be considered no more than twice per calendar year; and,

WHEREAS, there have been no General Plan amendments considered in 2013 prior to the Board meeting of February 12, 2013; and,

WHEREAS, General Plan Policy LU-9.7 sets forth general grounds for the consideration of General Plan amendments which, in relevant part, include (in subsection (b)) that there is a clear change of facts or circumstances, or (in subsection (c)) that the amendments better carry out the overall goals and policies of the General Plan and the amendments are in the public interest; and,

WHEREAS, all policies of the General Plan have been reviewed by the Planning Department staff and the County Counsel’s Office to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan; and

WHEREAS, the Board of Supervisors has considered all the written and documentary evidence, the staff report and its attachments, oral testimony, and other evidence presented; and

WHEREAS, the Board of Supervisors has considered the Addendum No. 1, attached hereto as Exhibit 1; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

FINDINGS

- A. The above recitals are true and correct.
- B. There are no substantial changes proposed to the General Plan/CVMP that will require major revisions to the certified FEIR (#07-01, SCH #2007121001) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- C. There are no substantial changes that will occur with respect to the circumstances under which the General Plan/CVMP is undertaken which will require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- D. There is no new information of substantial importance that shows any of the following:
- i. that the General Plan/CVMP will have one or more significant effect not discussed in the FEIR;
 - ii. significant effects previously examined will be substantially more severe than shown in the FEIR;
 - iii. mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the General Plan/CVMP, but the County declines to adopt the mitigation measure or alternative; or
 - iv. mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the County declines to adopt the mitigation measure or alternative.
- E. There has been a clear change of circumstances in that litigation has been filed challenging the validity of the General Plan and its FEIR, and the proposed amendments better carry out the overall goals and policies of the CVMP which, in relevant part, are to monitor conditions in Carmel Valley to better understand the impacts of development, and to place appropriate controls on development in light of existing constraints, such as traffic and water.

DECISION

The amendments to the 2010 Monterey County General Plan/Carmel Valley Master Plan set forth in Exhibit 2, attached hereto and incorporated herein by reference, are hereby adopted.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Parker, and carried this 12th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on February 12, 2013.

Dated: February 22, 2013
File Number: 13-0125

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

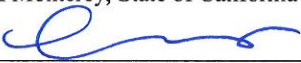
By 
Deputy

EXHIBIT 1

Addendum No. 1 to Final Environmental Impact Report #07-01, SCH #2007121001 Pursuant to California Environmental Quality Act Guidelines Article 11, Section 15164

**2010 MONTEREY COUNTY GENERAL PLAN/CARMEL VALLEY MASTER PLAN
Planning File No. REF120079
Amendment of General Plan/Camel Valley Master Plan**

1. Introduction

On October 26, 2010, by Resolution Nos. 10-290 and 10-291 the Monterey County Board of Supervisors certified Final Environmental Impact Report #07-01, SCH #2007121001 (“FEIR”), and adopted findings, a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program, and the 2010 Monterey County General Plan (“General Plan), including the Carmel Valley Master Plan (“CVMP”). As part of a settlement of litigation regarding the adoption of the General Plan and CVMP, and certification of the FEIR, amendments to CVMP Policies CV-1.6 (relating to the new residential unit cap in the CVMP area), CV-2.17 (relating to traffic counting methodology along Carmel Valley Road), CV-2.18 (relating to the Carmel Valley Road Committee), CV-3.11 (relating to tree protection), and CV-3.22 and 6.5 (relating to non-agricultural development on slopes) are being considered. The proposed amendments are set forth and discussed in Attachments A and B to the staff report for this matter.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines (“Guidelines”) to make minor technical changes to the project analyzed in the FEIR. None of the conditions described in Guidelines Section 15162 or 15163, calling for preparation of a subsequent EIR or supplement to an EIR, have occurred.

2. Scope and Purpose of this Addendum

This Addendum No. 1 describes whether any changes or additions are necessary to the FEIR as a result of the proposed amendments to the General Plan/CVMP, or if any of the conditions described in Guidelines Section 15162 exist. Please see the attached memoranda from ICF International, incorporated herein by reference, that assesses the potential environmental impacts from the adoption of the proposed amendments, and whether any changes to the FEIR are required.

3. Conclusion

As the ICF memoranda disclose, the proposed changes to the CVMP Policies will not result in additional impacts or an increase in the severity of impacts; the identification of feasible mitigation measures or alternatives that were previously identified as infeasible; or the identification of considerably different mitigation measures or alternatives than those disclosed or discussed in the FEIR. Accordingly, none of the conditions described in Guidelines Section 15162, requiring a Subsequent EIR, exist. This Addendum No. 1 is considered sufficient because it discloses the proposed amendments to the CVMP Policies, and provides an analysis regarding the lack of environmental impacts.

FEIR #07-01 has been included as an attachment to the staff report and is available on the County's web site at http://www.co.monterey.ca.us/planning/gpu/GPU_2007/FEIR_Information/FEIR_Information.htm.



TO: Mike Novo, Monterey County Planning Director

FROM: Rich Walter, ICF International

CC: Les Girard, Monterey County Counsel
Terry Rivasplata, ICF International

DATE: November 5, 2012

RE: Potential Changes to Monterey County 2010 Carmel Valley Master Plan Policies

This memorandum presents ICF's review of the potential CEQA implications of potential changes to Monterey County 2010 Carmel Valley Master Plan (CVMP) policies concerning development potential, traffic, tree removal, and development of slopes. ICF also reviewed an Addendum (Addendum No. 2) to the final EIR prepared by the County for the 2010 General Plan prepared concerning the proposed policy changes to the CVMP.

Our review is limited to the potential for changes in environmental impacts due to policy changes relevant to the impacts disclosed in the certified EIR for the 2010 General Plan. Our review is based on our understanding of CEQA, the General Plan/CVMP and the General Plan EIR. Our review does not constitute legal advice.

A prior Addendum (Addendum No. 1) was also prepared by the County concerning certain proposed changes in Public Services policies. That addendum does not concern issues addressed in this memo.

Policy CV-1.6 - Potential Policy Changes Regarding Development Potential

The proposed changes include the following: (1) limiting new residential subdivision units to 190, which is a reduction in buildout potential from 266 units; and (2) addition of clarifying language about accessory units and how the term "units" is defined.

The reduction in buildout level in the CVMP area will result in slightly lower environmental impacts of buildout within the CVMP area. Relative to the CVMP area, the reduction in environmental impact would not result in any new significant impacts or substantial more severe impacts than those disclosed in the 2010 GP EIR. In theory, if housing demand is fixed at any point in time then the reduction in allowable units in CVMP will make it slightly more likely that development would occur in locations outside CVMP for any fixed point in time. However, the change does not increase the allowable units in any other part of the County and thus the 76 units eliminated in the CVMP

would not be added to buildout totals in other parts of the County. As such, no new impacts in areas at buildout outside the CVMP buildout above those disclosed in the 2010 GP EIR would be expected. In theory, one could argue that traffic levels (and development) outside the CVMP could be higher in the interim between the present and buildout due to the accommodation of the 76 units (or some portion thereof) in other parts of the County. However, it would be speculative to attempt to identify exactly where these 76 units (or portion thereof) might be distributed. Given the limited amount of units, this is unlikely to substantially change traffic conditions or environmental impacts in the interim on a County-level scale compared to that disclosed in the 2010 GP EIR.

Regarding the clarifying language replacing the term "auxiliary unit" with the term "accessory dwelling unit" and the clarifying language regarding defining the term "units" in Policy CV-1.6, the proposed edits only clarify the intent of the prior language, neither increasing nor decreasing the development potential of the policy. As such, there is no increase in environmental impact due to these proposed clarifications compared to the environmental impacts disclosed in the 2010 GP EIR.

Policy CV-2.17 - Potential Policy Changes Concerning Traffic

The proposed changes include the following:

- Splitting of Rio Road monitoring segment into two segments: 1) from Rio Road at its eastern terminus to Carmel Rancho Blvd. and 2) between Carmel Rancho Blvd and SR1;
- addition of requirement for traffic analysis using the Average Daily Traffic (ADT) methodology, new ADT threshold triggers for evaluation and additional monitoring; new ADT traffic standards;
- mandating of use of the PTSF methodology;
- change of peak hour "trigger" for monitoring roadways from 10 or less peak trips in favor of 1% of the PTSF value necessary to cause a decrease in LOS;
- addition of requirement to annually establish PTSF or other methodology thresholds;
- addition of requirement for ADT analysis in EIRs for new development and analysis of cumulative traffic impacts outside the CVMP from development within the CVMP area; and
- exclusion of application of Policy CV-2.17 to commercial development in any light commercial zoning where a requirement for General Development Plan or amendment may be waived pursuant to Monterey County Code section 21.18.030(E).

Addition of ADT Fixed Volume Thresholds/Standards

The fundamental change proposed is the addition and application of thresholds, triggers, and standards using fixed ADT volumes. The specific fixed ADT volumes for Carmel Valley Road are those derived using the ADT approach to determine the existing capacity of the roadways as they are designed presently. Use of a fixed ADT volume threshold eliminates the ability to take into account any future capacity improvements including additional lanes or new passing lanes.

As shown in the attached tables, current conditions are under the proposed new ADT standards for 2005, 2008, 2009, 2010 and 2011 traffic volumes with one exception (Segment 7 exceeded the ADT threshold in 2005). The 2010 GP EIR identified that cumulative 2030 traffic conditions would exceed the LOS standards in CV-2.17 for Carmel Valley Road Segments 5, 6 and 7 using the LOS standards based on PTSF methodology. The 2010 GP EIR concluded that impacts to Segments 5, 6 and 7 could be mitigated to a less than significant level by mitigation included in the proposed CVTIP, which consisted of adding passing lanes to these segments. Using the ADT fixed volume LOS standards included in the proposed settlement agreement, 2030 cumulative traffic conditions could exceed the ADT standards for Carmel Valley Road Segments 2, 3, 4, 5, 6 and 7 (as well as Segment 10 if the 2-lane standard is applied to the 4-lane roadway). The actual traffic amounts would not change (and may be slightly less due to the reduction to 190 new subdivision units), however if the ADT fixed volume standards were used as the CEQA significance thresholds, then there would be new significant impacts to Carmel Valley Road Segments 2, 3 and 4 (and possibly Segment 10). The significance would result from the addition of new significance thresholds, not a substantial change in actual traffic or physical impact. The County has identified to ICF that the ADT thresholds in the policy are not intended to be used as CEQA thresholds for either future projects or for the traffic analysis for the 2010 General Plan EIR and thus that the thresholds used in the prior General Plan EIR remain unchanged. As such, since the policy revisions would not increase traffic (and may actually lower it slightly), they would not result in an increase of actual physical environmental impacts compared to those disclosed in the 2010 General Plan EIR.

As shown in the attached Table 2, based on a projection forward from 2011 conditions to predicted 2030 conditions, Segment 7 may exceed its ADT fixed volume threshold as soon as 2015 following by Segments 3, 4, 5 and 6 by perhaps around 2020. There are practically no options in the CVMP area for building new diversionary roads that could route traffic away from roadways that exceed their ADT threshold and adding roadway capacity will not reduce volumes. Thus the use of the ADT standard eliminates the ability to mitigate traffic impacts short of denying permits to projects that generate new trips above the ADT threshold. This will have a substantial impact on CEQA compliance for all discretionary approvals that result in new trips for projects other than light commercial projects for which an exclusion is provided in the policy revision. Thus, starting perhaps as soon as 2015, the approval of any discretionary project that contributes trips to the road system would require preparation and consideration of an EIR.

The proposed ADT fixed volume threshold/standard of 27,839 for Segment 10 (Carmel Rancho Blvd. to SR1) is inconsistent with the other thresholds and should be clarified. For example, the threshold for Segment 9 is 51,401. It appears that the proposed Segment 10 threshold is for two-lanes only but this is not clarified anywhere in the new policy. It is likely that this threshold is an old ADT threshold from before this segment was expanded to 4 lanes. It would be clearer to establish a 4-lane threshold for Segment 10 than the proposed 2-lane threshold.

Monitoring Trigger Changes

The proposed changes do not eliminate the existing CV-2.17 required monitoring or use of PTSF triggers or standards, but change the trigger for public hearing from 10 peak trips to 1% of the PTSF value that would cause a decrease in LOS. We did not analyze what the 1% PTSF trigger would mean in terms of volumes; thus this change could be more or less stringent than the prior trigger. As the trigger only requires a public hearing and not actual action, this change would not result in more environmental impacts than disclosed in the 2010 GP EIR.

The proposed changes add an 80 percent of ADT volume threshold trigger for converting five-year monitoring into annual monitoring for a particular segment. As of 2011, Segments 3, 4, 5, 6, 7 and 8 have exceeded this threshold and thus annual monitoring will be required for these segments, which is an addition of one segment (Segment 8) over that required by existing policy. It should be noted that Segment 10 is at 79% of its ADT threshold in 2011 (and was over the threshold in 2005, 2008 and 2009) and will likely exceed its threshold shortly, triggering annual monitoring for this segment as well. Additional annual monitoring does not result in any environmental impact greater than that disclosed in the 2010 GP EIR.

Mandating PTSF Methodology

The existing policy requires monitoring and reporting using both ADT and PTSF methodology. Revised Policy CV-2.17b specified use of PTSF methodology or other methodologies determined appropriate by Public Works, leaving it open to use of other accepted methodologies. However, revised Policy CV-2.17c specified the use of a PTSF trigger for public hearings. This was probably an oversight. It is recommended that no reference be made to use of PTSF in the policy. It is suggested that references to non-ADT methodologies should be to a "professionally accepted traffic analysis methodology as determined by the Public Works Department" instead. This would allow change over time to reflect changes over time in professional practice.

Splitting of Rio Road into Two Segments

The existing Policy CV-2.17 included Rio Road between Carmel Rancho Blvd. and SR1, but the proposed policy changes would split this road into two segments by adding a new segment from Val Verde Road to Carmel Rancho Blvd. Traffic along this segment would be affected by new development, if approved, along Val Verde Drive and/or at Rancho Canada Village. It is unclear where the 6,416 fixed volume ADT threshold was derived from, since this segment was never included in prior CVMP traffic segments (the focus on Rio Road was always west of Carmel Rancho Blvd.). In the traffic study included in the Draft EIR for Rancho Canada Village (Hexagon Transportation Consultants 2007), the predicted future volumes with Rancho Canada Village (281 units) if access westward to Rio Road would be approximately 3,200 ADT (assuming 10 times predicted PM peak levels) compared to approximately 1,000 ADT at present. As the proposed changes limit overall new subdivision units to 190, of which 24 are reserved for the Delfino property, the maximum units that could be allowed at Rancho Canada Village (or a combination of

Mr. Mike Novo, Monterey County
November 5, 2012
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Rancho Canada village and development along Val Verde Drive) would be 166 units. Assuming a proportional reduction in traffic from 281 units to 166 units, then with project-volumes would be less than that above. At any rate, it would appear that future volumes with Rancho Canada Village may be well below the proposed ADT standard of 6,416 for Rio Road west of Val Verde Drive.

However, as noted above, cumulative traffic along certain segments of Carmel Valley Road will likely exceed the proposed ADT fixed volume standards perhaps as soon as 2015; thus any CEQA documents for Rancho Canada Village or other development projects would need to disclose potential contributions to cumulative traffic impacts, which are likely to be found significant and unavoidable and require preparation of an EIR and adoption of a statement of overriding considerations.

Exclusion for Light Commercial Development

The exclusion of application of Policy CV-2.17 to commercial development in any light commercial zoned area where a requirement for General Development Plan or amendment may be waived pursuant to Monterey County Code section 21.18.030(E) would not result in new traffic impacts over those disclosed in the 2010 GP EIR because Section 21.18.030(E) states that a waiver can only be provided if there are no potential significant adverse impacts from the proposed development. Thus any such development would still need to be assessed for traffic impacts in order to support the finding in Section 21.18.030 (E), but would not necessarily need to use the LOS standards and methodology in the revised Policy CV-2.17. This leaves open the possibility that such development could be analyzed using standard HCM methodologies instead of the ADT methodology proposed for all other development.

Policy CV-2.18 - Potential Policy Changes Concerning Traffic

The proposed changes include the following:

- addition of requirement that the Carmel Valley Road Committee to review and comment on proposed projects in the CVTIP and the annual monitoring reports; and
- addition of a requirement that the Carmel Valley Road Committee comment on the PSR for the CVTIP.

The addition of requirements that the committee comment on the CVTIP, monitoring reports, or the PSR would not change impacts in CVMP in regards to traffic or any other impact. The requirements are only that the committee is to comment; the changes do not make the committee the decision-maker for deciding what projects are included in the CVTIP which remains the County.

Policy CV-3.11 - Potential Policy Changes Concerning Tree Removal

The proposed changes include the following:

- required permit for removal of healthy native oak, madrone, and redwood trees in the CVMP area;
- required replacement by one-gallon or greater nursery-grown trees where feasible;
- adds a minimum fine for violations;
- allows for emergency exemptions; and
- exempts tree removal where specified in CPUC General Order No. 95 and by government agencies.

The changes are more specific than the existing policy and more stringent by mandating a permit, replacement, and establishing fines. Essentially, the changed policy provides the detail that would have been expected from the ordinance called for in existing policy. The emergency and government agency exemptions were called for in existing policy. A utility exemption was not called out in the existing policy, but is a specification of state CPUC regulations and thus would have applied in any case. As such, the revisions regarding tree removal would not result in any new significant or substantially more severe environmental impacts than that disclosed in the 2010 GP EIR.

Policy CV-3.22 and CV-6.5 - Potential Policy Changes Concerning Development on Slopes

The proposed changes include the following:

- deletes CV-6.5 and replaces with new policy CV-3.22 that narrows slope prohibition to “non-agricultural” development instead of “new development; and
- provides that non-agricultural development on slopes above 25% that is not on highly erodible soils is subject to General Plan OS-3.5(1).

The existing policy CV-6.5 was not intended to refer to agriculture when it referred to development; thus the new language clarifying that the policy applies to “non-agricultural” development does not limit the development potential as it was understood at the time of the 2010 GP EIR. Since the existing policy CV-6.5 only applied to slopes that both had highly erodible soils and were in excess of 25%, the reference to development on slopes of greater than 25% without highly erodible soils being subject to General Plan Policy OS-3.5(1) is only a clarification. Agricultural conversions will remain subject to General Plan Policy OS-3.5(2). As such, the revisions regarding development on slopes would not result in any new significant or substantially more severe environmental impacts than that disclosed in the 2010 GP EIR.

Seg #	Carmel Valley Road Segment	Standard ADT	Capacity ADT	2005		2008		2009		2010		2011		2011 percent of Standard ADT
				ADT	ADT	ADT	ADT	ADT	ADT	ADT	ADT	ADT	ADT	
1	East of Holman Rd.	8,487	9,600	3,774	3,235	2,966	3,050	2,932	35%					
2	Holman Road to Esquiline Road	6,835	9,600	4,260	3,673	3,323	3,441	3,338	49%					
3	Esquiline Road to Ford Road	9,065	11,680	8,651	8,658	8,011	7,930	7,766	86%					
4	Ford Road to Laureles Grade	11,600	11,680	11,589	10,608	10,543	10,421	10,328	89%					
5	Laureles Grade to Robinson Canyon Road (1)	12,752	11,680	11,739	11,521	10,824	10,915	10,855	85%					
6	Robinson Canyon Road to Schulte Road	15,499	14,600	14,736	14,163	13,757	13,442	13,519	87%					
7	Schulte Road to Rancho San Carlos Road	16,340	11,680	21,010	15,984	15,532	15,242	15,308	94%					
8	Rancho San Carlos Road to Rio Road	48,487	14,600	19,655	19,532	19,532	19,634	18,964	39%					
9	Rio Road to Carmel Rancho Blvd.	51,401	30,900	25,484	24,655	24,265	23,645	23,502	46%					
10	Carmel Rancho Blvd. to SR-1	27,839 (2)	30,900	23,847	23,160	22,416	21,839	22,034	79%					
11	Carmel Rancho Blvd between CVR and Rio Road	33,465	N/A	N/A	11,015	9,616	9,486	9,205	28%					
12	Rio Road between Val Verde and Carmel Rancho	6,416	N/A	N/A	N/A	N/A	N/A	820	13%					
13	Rio Road between Carmel Rancho and SR1	33,928	N/A	N/A	12,270	11,289	10,990	10,963	32%					
				Settlement	KHA 2008	Monterey County, 2011		Monterey County, 2012		Calculated				

Notes:
 (1) KHA studied Laureles Grade to Miramonte Road and Miramonte Road to Robinson Canyon Road. Results are shown for Miramonte Road to Robinson Canyon Road which had higher volumes.
 (2) Threshold is for 2-lanes

Sources:
 Kimley-Horn Associates. 2008. Traffic Analysis of Carmel Valley Road. Unpublished data.
 DKS Associates. 2007. Carmel Valley Master Plan Traffic Study. July. Released as Appendix F to Carmel Valley Traffic Improvement Program Draft Subsequent EIR. August 2007.
 Monterey County, 2011, 2012. Annual Monitoring Data for Carmel Valley for 2008, 2009, 2010 and 2012

Table 2: Comparison of Settlement Agreement ADT Standards to predicted 2030 Conditions

Seg #	Carmel Valley Road Segment	Type of Roadway	2011 Conditions			2030 Cumulative (KH 2008)			CYMP 2030 Cumulative (DKS 2007)		
			Standard ADT	ADT	Capacity	ADT	% of Standard	Year > STD	2-way PM peak	ADT (1)	Year > STD
1	East of Holman Road	2-Lane (Undivided)	6,497	2,932	9,600	4,600	54%	2074	579	6,790	2038
2	Holman Road to Esquiline Road	2-Lane (Undivided)	6,835	3,338	9,600	4,500	66%	2068	721		
3	Esquiline Road to Ford Road	2-Lane (Undivided)	9,065	7,766	11,600				1,023		
4	Ford Road to Laureles Grade	2-Lane (Undivided)	11,600	10,328	11,600				1,478		
5	Laureles grade to Robinson Canyon Rd (2)	2-Lane (Undivided)	12,752	10,865	11,600				1,578		
6	Robinson Canyon Rd to Schulte Road	2-Lane (Undivided)	15,489	13,519	14,800				1,893		
7	Schulte Road to Rancho San Carlos Road	2-Lane (Undivided)	15,340	13,306	11,600				2,027		
8	Rancho San Carlos Rd to Rio Road	4-Lane (Divided)	45,487	18,964	30,900	23,900	49%	2125	3,925	26,250	2088
9	Rio Road to Carmel Rancho Blvd.	4-Lane (Divided)	51,401	23,592	30,900	28,400	57%	2101	3,062	30,620	2085
10	Carmel Rancho Blvd between CVR and Rio Road	4-Lane (Divided)	27,839 (3)	22,034	30,900				2,482	24,820	2051
11	Carmel Rancho Blvd between CVR and Carmel Rancho	4-Lane (Divided)	33,465	820	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12	Rio Road between Val Verde and Carmel Rancho	2-Lane (Undivided)	6,416		N/A	N/A	N/A	N/A	N/A	N/A	N/A
13	Rio Road between Carmel Rancho and SRT	4-Lane (Divided and Undivided)	33,928	10,963	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Settlement	Monterey County, 2012	KHA 2008	KHA 2008	Calculated	Calculated	DKS 2007	Calculated as 10 X peak	Calculated

Notes:
 (1) DKS did not estimate average daily volumes. Rough calculation of 10 times PM peak volume may overestimate or underestimate 2030 volumes.
 (2) KHA studied Laureles Grade to Miramonte Road and Miramonte Road to Robinson Canyon Road. Results are shown for Miramonte Road to Robinson Canyon Road which had higher volumes.
 (3) Threshold is for 2 lanes

Sources:
 Kinley-Horn Associates, 2008. Traffic Analysis of Carmel Valley Road. Unpublished data.
 DKS Associates, 2007. Carmel Valley Master Plan Traffic Study, July. Released as Appendix F to Carmel Valley Traffic Improvement Program Draft Subsequent EIR, August 2007.
 Monterey County, 2012. Annual Monitoring Report for CVR.



**ATTORNEY-CLIENT PRIVILEGE
PRELIMINARY/WORK IN PROGRESS**

TO: Mike Novo, Monterey County Planning Director

FROM: Rich Walter, ICF International

CC: Les Girard, Monterey County Counsel
Terry Rivasplata, ICF International

DATE: November 20, 2012

**RE: Potential Changes to Monterey County 2010 Carmel Valley Master Plan Policies
concerning Road Monitoring Locations**

This memorandum presents ICF's review of the potential CEQA implications of potential changes to Monterey County 2010 Carmel Valley Master Plan (CVMP) policies concerning road monitoring segments. Our review is limited to the potential for changes in environmental impacts due to policy changes relevant to the impacts disclosed in the certified EIR for the 2010 General Plan. Our review is based on our understanding of CEQA, the General Plan/CVMP and the General Plan EIR. Our review does not constitute legal advice.

Policy CV-2.17 - Potential Policy Changes Concerning Traffic Monitoring

The proposed changes include the following:

- No annual monitoring of Rio Road
- Addition of annual monitoring of Segment 10 (Carmel Valley Road between Carmel Rancho And SR1)

The 2010 CVMP Policy CV-2.17 included annual monitoring of Rio Road between Val Verde Drive and SR1. The deletion of annual monitoring for this segment would not cause any increase in traffic levels or change traffic conditions. The revised Policy 2.17 will still require periodic (5-year) monitoring of all segments and annual monitoring where any segment is within 20% of its ADT threshold. As a result, annual monitoring will still be required before a roadway reaches identified thresholds. As this proposed change would not actually change environmental conditions, there would be no change in environmental impacts disclosed in the prior 2010 GP EIR.

The 2010 CVMP Policy CV-2.17 did not include annual monitoring of Carmel Valley between Carmel Rancho Blvd. and SR1. The addition of annual monitoring for this segment would not cause any increase in traffic levels or change traffic conditions. Thus, this proposed change would not result in any change in environmental impacts disclosed in the prior 2010 GP EIR.

EXHIBIT 2

Proposed Amendment to Monterey County 2010 General Plan (Carmel Valley Master Plan) shown as changes from 2010 Master Plan policies as adopted on October 26, 2010

- CV-1.6 New residential subdivision in Carmel Valley shall be limited to creation of ~~266~~ 190 new units as follows:
- a. There shall be preference to projects including at least 50% affordable housing units.
 - b. Lots developed with affordable housing under the Inclusionary Housing Ordinance or an Affordable Housing Overlay (Policy LU-2.12) may have more than one unit per lot. Each unit counts as part of the total unit cap.
 - c. Existing lots with five (5) acres or more may have the first single family dwelling plus one ~~auxiliary~~ accessory dwelling unit. Units added on qualifying existing lots shall not count as part of the total unit cap. New ~~auxiliary~~ accessory dwelling units or single family dwellings beyond the first single family dwelling shall be prohibited on lots with less than five (5) acres, except that this provision shall not apply to projects that have already been approved, environmental review for ~~auxiliary~~ such units has already been conducted, and in which traffic mitigation fees have been paid for such ~~auxiliary~~ units prior to adoption of this Carmel Valley Master Plan.
 - d. New lots shall be limited to the first single family dwelling. ~~Auxiliary Accessory dwelling units and single family dwellings beyond the first single family dwelling shall be prohibited.~~
 - e. Of the ~~266~~ 190 new units, 24 are reserved for consideration of the Delfino property (30 acres consisting of APN: 187-521-014-000, 187-521-015-000, 187-512-016-000, 187-512-017-000, 187-512-018-000, and 187-502-001-000) in Carmel Valley Village (former Carmel Valley Airport site) to enable subdivision of the property into 18 single family residential lots and one lot dedicated for six affordable/inclusionary units, provided the design of the subdivision includes at least 14 acres available for community open space use subject to also being used for subdivision related water, wastewater, and other infrastructure facilities.
 - f. New units or lots shall be debited from the unit count when an entitlement is granted or a building permit is issued, whichever occurs first.
 - g. At five year intervals, the County shall also examine any other factors that might warrant a downward adjustment to the residential unit cap.
- The County shall develop a tracking system and shall present, before the Planning Commission, an annual report of units remaining before the Planning Commission. For purposes of the new residential unit cap set forth in this policy, the term "unit" or "units" means lots created by subdivision (including condominiums), accessory dwelling units, single family dwellings beyond the first single family dwelling on a lot, and apartments.

CV-2.17 To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:

a) Twice yearly monitoring by Public Works (in June and October) of peak hour traffic volumes and daily traffic volumes at the following six (6) locations indicated in bold (at least one of the yearly monitoring periods will occur when local schools are in session) in the following list noted in bold type:

	<i>Carmel Valley Road</i>	<i>ADT threshold</i>
1.	East of Holman Road to CVMP boundary	<u>8487</u>
2.	Holman Road to Esquiline Road	<u>6835</u>
3.	Esquiline Road to Ford Road	<u>9065</u>
4.	Ford Road to Laureles Grade	<u>11,600</u>
5.	Laureles Grade to Robinson Canyon Road	<u>12,752</u>
6.	Robinson Canyon Road to Schulte Road	<u>15,499</u>
7.	Schulte Road to Rancho San Carlos Road	<u>16,340</u>
8.	Rancho San Carlos Road to Rio Road	<u>48,487</u>
9.	Rio Road to Carmel Rancho Boulevard	<u>51,401</u>
10.	Carmel Rancho Boulevard to SR1	<u>27,839</u>
	<i>Other Locations</i>	
11.	Carmel Rancho Boulevard between Carmel Valley Road and Rio Road	<u>33,495</u>
12.	Rio Road between its eastern terminus at Val Verde Drive and <u>Carmel Rancho Boulevard SR1</u>	<u>6,416</u>
13.	<u>Rio Road between Carmel Rancho Boulevard and SR1</u>	<u>33,928</u>

~~Monitoring may be reestablished on other segments when traffic studies indicate that they are approaching 80% of existing thresholds.~~

b) A yearly evaluation report shall be prepared jointly by the Public Works Department in December to ~~evaluate the peak hour level of service (LOS) for that shall report on traffic along the six (6) monitoring locations and determine if any of those segments are approaching a peak hour traffic volume that would lower levels of service below the LOS standards established below under Policy CV 2-17(e) indicated segments.~~ The report shall evaluate traffic using the PTSF methodology (or such other methodology as may be appropriate for a given segment in the opinion of the Public Works Department), and the ADT methodology. ADT thresholds for each segment are listed above, and the Public Works Department shall annually establish appropriate PTSF or other methodology thresholds for each of the six (6) segments listed above will summarize peak hour data and Percent Time Following (PTSF) analysis in an Average Daily Trips (ADT) format.

c) A Public hearings before the Board of Supervisors shall be held in January immediately following the December report when only 100 or fewer ADT 10 or less peak hour trips remain before the ADT count for a segment will equal or exceed the indicated threshold, or where the PTSF (or such other methodology as may be appropriate for a given segment in the opinion of the Public Works Department) for a segment exceeds or is within one percent (1%) of the value that would cause a decrease in the LOS an unacceptable level of service (as defined by Policy CV-2-17C) would be reached for any of the six (6) segments described above.

d) At five year intervals the County shall monitor all segments listed in Policy CV-2.17(a) and the annual report described in Policy CV-2.17(b) shall include a report on all segments. If such periodic monitoring and reporting shows that any segment not previously part of the annual report is within twenty percent (20%) of the listed ADT threshold, that segment shall thereafter be subject to the annual monitoring and reporting.

e) Also At five year intervals the County shall examine the degree to which estimates of changes in Levels of Service (“LOS”) in the Carmel Valley Master Plan Area may be occurring earlier than predicted in the General Plan Environmental Impact Report. If the examination indicates that LOS are likely to fall to a lower letter grade than predicted for 2030, then the County shall consider adjustments to the cap on new residential units established in Policy CV-1.6 and/or the cap on new visitor serving units established in Policy CV-1.15 or other measures that may reduce the impacts, including, but not limited to, deferral of development that would seriously impact traffic conditions.

f) The traffic LOS standards (LOS as measured by peak hour conditions) for the CVMP Area shall be as follows:

- 1) Signalized Intersections – LOS of “C” is the acceptable condition.
- 2) Unsignalized Intersections – LOS of “F” or meeting of any traffic signal warrant are defined as unacceptable conditions.
- 3) Carmel Valley Road Segment Operations:
 - a) LOS of “C” and ADT below its threshold specified in Policy CV-2.17(a) for Segments 1, 2, 8, 9, and 10, 11, 12 and 13 is an acceptable condition;
 - 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 condition.

During review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in Policy CV

2.17(~~f~~e), after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project, which will include evaluation of traffic impacts based on the ADT methodology. Such additional roadway improvements must be sufficient, when combined with the projects programmed for completion prior to the project-generated traffic in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements. Any EIR required by this policy shall assess cumulative traffic impacts outside the CVMP area arising from development within the CVMP area.

This policy does not apply to the first single family residence on a legal lot of record. The use of the ADT methodology as set forth in this Policy CV-2.17 shall be limited to the purposes described in the Policy, and the County may utilize any traffic evaluation methodology it deems appropriate for other purposes, including but not limited to, road and intersection design. This policy shall also not apply to commercial development in any Light Commercial Zoning (“LC”) district within the CVMP area where the Director of Planning has determined that the requirement for a General Development Plan, or amendment to a General Development Plan, may be waived pursuant to Monterey County Code section 21.18.030 (E).

Amend CV-2.18

- CV-2.18 The County shall adopt a Carmel Valley Traffic Improvement Program (CVTIP) that:
- a. Evaluates the conditions of Carmel Valley Road and identifies projects designed to maintain the adopted LOS standards for this roadway as follows:
 1. In order to preserve the rural character of Carmel Valley, improvements shall be designed to avoid creating more than three through lanes along Carmel Valley Road.
 2. Higher priority shall be given to projects that address safety issues and manage congestion.
 3. The project list may include projects previously identified for inclusion in the CVTIP or their functional equivalent.
 4. Priorities shall be established through community input via a Carmel Valley Road Committee, which shall be established by the Board of Supervisors and shall review and comment on proposed projects in the CVTIP, and review and comment on the annual report described in Policy CV-2.17 (b).

5. At a minimum, the project list shall be updated every five years unless a subsequent traffic analysis identifies that different projects are necessary.
- b. Validates and refines the specific scope of all projects proposed by the CVTIP through preparation of a Project Study Report (PSR). The PSR will be reviewed and commented on by the Carmel Valley Road Committee prior to commencement of project design.
- c. Establishes a fee program to fund the CVTIP. All projects within the Carmel Valley Master Plan (CVMP) area, and within the “Expanded Area” that contribute to traffic within the CVMP area, shall contribute a fair-share traffic impact fee to fund necessary improvements identified in the CVTIP, as updated at the time of building permit issuance. Fees will be updated annually as specified by the CVTIP to account for changes in construction costs and land values. The County shall adopt a CVTIP within one year of approval of the 2010 General Plan. The CVTIP does not apply to any roadways (including SR1) that are located outside the CVMP area.

Amend CV-3.11

- CV-3.11 The County shall discourage the removal of healthy native oak and madrone and redwood trees in the Carmel Valley Master Plan Area. A permit shall be required for the removal of any of these trees with a trunk diameter in excess of six inches, measured two feet above ground level. Where feasible, trees removed will be replaced by nursery-grown trees of the same species and not less than one gallon in size. A minimum fine, equivalent to the retail value of the wood removed, shall be imposed for each violation. In the case of emergency caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, a tree may be removed without the above permit, provided the County is notified of the action within ten working days. Exemptions to the above permit requirement shall include tree removal by public utilities, as specified in the California Public Utility Commission’s General Order 95, and by governmental agencies. Removal of healthy, native oak, madrone, and redwood trees in the Carmel Valley Planning Area shall be discouraged. An ordinance shall be developed to identify required procedures for removal of these trees. Said ordinance shall take into account fuel modification needed for fire prevention in the vicinity of structures and shall include:
- a. ~~Permit requirements.~~
 - b. ~~Replacement criteria~~
 - c. ~~Exceptions for emergencies and governmental agencies~~

Add CV-3.22

- CV-3.22 Notwithstanding policy OS-3.5(1), non-agricultural development that is both on

slopes in excess of twenty five percent (25%) and on highly erodible soils shall be prohibited. Non-agricultural development on slopes in excess of twenty five (25%) percent that is not on highly erodible soils shall be subject to Policy OS-3.5(1).

Delete CV-6.5

~~CV 6.5 Notwithstanding *Policy OS 3.5*, new development shall be prohibited on slopes: 1) with highly erodible soils, and 2) in excess of twenty five percent (25%).~~