Attachment G

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ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

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August 28, 2019

Our File No: 4813.001

Mr. Joe Sidor, Associate Planner
Monterey County RMA
1441 Schilling Place
Salinas, CA 93901

RE: River View at Las Palmas

Dear Joe:

This letter is to follow up on our discussions about the operational aspects of River View at Las Palmas (RVLP) and what distinguishes it from a senior housing project. RVLP is designed to be and will be fully licensed as a Residential Care Facility for the Elderly (RCFE). The operational aspects of RVLP and the requirements the State Health and Safety Codes will be explained later in this letter but it is important to understand the purpose and need for RVLP.

RIVER VIEW at LAS PALMAS RESIDENTIAL CARE FACILITY
(aka. Assisted Living)

Continuum of Care

River View at Las Palmas (RVLP) is designed to provide a continuum of care for its residents to meet their specific, individual needs brought about largely by the aging process.

Maintain an Appropriate Level of Independence

As a person ages and traditionally simple tasks become challenging and confusing, whether due to normal memory loss and/or physical impairment, the loss of their independence and having to depend on others becomes a primary fear. The primary fear in the loss of independence may stem from not being able to drive or live on their own, inability to manage their financial affairs, making medical decisions and similar activities. That fear may drive more rapid debilitation. By having a facility and a program that includes addressing the early stages of challenges to independence, residents are given the opportunity for more gradual transition from a family home to a community setting. With the continuum of care, residents will be able to maintain

their independence and dignity, under an appropriate level of care and supervision, consistent with their ability and needs.

Reduce the Trauma of Their Transition

As much as an aging person fears losing independence, they may fear change even more. Changing where they live, their living accommodations and the people they are accustomed to seeing on a regular basis are all potentially traumatic events to individuals who may at the same time be losing some of their physical, mental and emotional ability to cope with change.

The continuum of care facility and services design addresses each stage of aging and dependence to mitigate those fears as residents move from minimal needs and supervision, to moderate care, including physical assistance with activities of daily living, then more substantial assistance. This provides the residents a more comfortable transition at each life stage as needed, within a community where friendships, support and comradery have developed, and trust and care are part of everyday life.

Receive an Appropriate Level of Care Based on their Individual Needs

Although RVLP has been referred to as an assisted living facility it is, under the terms of the California Health and Safety Codes a Residential Care Facility for the Elderly[1] (RCFE) where persons receive an agreed to level of care and supervision[2] based on entry and follow-up assessments. RVLP, including the casitas, will be fully licensed as an RCFE.

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[1] "Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75 percent of the residents are sixty years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents. (HSC1569.2,p.1)

[2] Level I—Base care and supervision. Residents at this level are able to maintain a higher degree of independence and need only minimum care and supervision, as defined, and minimal personal care assistance.
Level II—Nonmedical personal care. Residents at this level have functional limitations and psychosocial needs requiring not only care and supervision but frequent assistance with personal activities of daily living and active intervention to help them maintain their potential for independent living.
Level III—Health related assistance. Residents at this level require the services of lower levels and rely on the facility for extensive assistance with personal activities of daily living. This level may include residents who also require the occasional services of an appropriate skilled professional due to chronic health problems and returning residents recovering from illness, injury, or treatment that required placement in facilities providing higher levels of care.
These levels are to be based on the services required by residents at each level due to their functional limitations. (HSC 1569.70)

Operations

Assessment:

Prospective occupants are required by the Health and Safety Code to undergo an assessment, performed by professionals, to determine their needs and appropriate level of care[3]. The assessment may be done in an individual interview with the prospective resident. It is often done by a combination of an interview with the prospective resident, those responsible for their daily care, their physicians and may include an observation of their physical condition. If there is "a fit" between the prospective occupant and RVLP, that person is eligible to become a resident[4].

Living Assignments:

Persons with a relatively high level of independence would typically begin their residency at RVLP in the assisted living casitas. Those initially needing a higher level of care would begin in the main unit but could start in larger units with more independence farther from care stations. If a significant degree of care is required, they could start in the units closer to care stations and services. Persons with dementia, Alzheimer's or similar conditions become residents of the memory care unit.[5]

Cost of Services:

There is a one-time fee to become a resident. There is a rental fee and a monthly service fee for each resident based on the level of care to be provided to that resident. The base monthly service fee includes meals in the facility dining rooms, weekly cleaning and linen service, laundry and transportation. Additional fees are added for other needed services such as medication management, dressing, room service for meals, personal hygiene assistance, etc.

Continuum of Care:

When a person becomes a resident at RVLP they receive the services they need. As their needs increase, so do those services. A casita resident is anticipated to eventually move to the main unit. Main unit residents may then move to different locations in the main unit as their level of need increases. They may eventually need to relocate to the memory care unit. RVLP residents have first priority to move through the units at RVLP.

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[3] With limited exceptions, an RCFE cannot accept persons who are in need of 24-hour, skilled nursing or intermediate care or if the person is bedridden,

[4] So partners or family members may stay together there may be situations where the partner of resident will also become a RVLP resident even though they may not need the services provided by RVLP.

[5] Memory care residents are inclined to wander. The memory care unit is fully secured with controlled entrance and exit.

Residents stay at RVLP until they or those persons responsible for them choose to relocate them or the level of care they need exceeds that provided by RVLP, including but not limited to, skilled nursing.

Summary

RVLP is not a senior housing project. It is not open to everyone. Only individuals who need the services identified in their assessment are eligible to become residents. Once a resident, they will be able to receive an increasing level of support and living arrangements as their needs increase. As long as RVLP can provide, within the limits of the Health and Safety Codes, the necessary level of care and the persons ultimately responsible for the residents agree, RVLP is their home.

Sincerely,

Dale Ellis
DE/af

Sidor, Joe (Joseph) x5262

From: Pete Andresen <wahkahchim@aol.com>
Sent: Monday, September 23, 2019 2:46 PM
To: Sidor, Joe (Joseph) x5262
Subject: Please don't approve the Las Palmas Senior Care Facility

Hi, I'm a citizen of Salinas.

It seems to me that with global warming, commuting issues, lack of water, infrastructure overcrowding (Highway 68 is often a parking lot) and emergency services, that development would be better off inside existing Salinas City limits, on previously developed ground such as Abbott Street, NOT out on the 68 corridor.

Thanks and be well.

Peter G. Andresen, voter, 831-809-6999.

Sidor, Joe (Joseph) x5262

From: Roy Gobets <roygobets@aol.com>
Sent: Tuesday, September 24, 2019 2:25 PM
To: Getzelman, Paul C.
Cc: Sidor, Joe (Joseph) x5262
Subject: Upcoming PC Workshop on RVLP

Hello Paul,

My name is Roy Gobets. I live in Las Palmas I off River Road in Salinas and am writing you in reference to upcoming PC agenda items on October 9 (workshop) and again on Oct 30 (regular session) when the RVLP (PLN 150372) project will be reviewed. I understand from on-line information that you are the PC Chair.

Here is the note I received from Joe Sidor. (He has done a great job of responding to my many requests):

From Planning (Joe Sidor):

The Final Subsequent Environmental Impact Report for the River View project was posted 9/19/19

https://www.co.monterey.ca.us/ government/departments-i-z/ resource-management-agency- rma-/planning/current-major- projects/river-view-at-las- palmas-assisted-living-senior- facility

In addition, the RMA will schedule a project workshop at the Planning Commission on October 9th. I believe the agenda will only accommodate 2 hours for River View, so the Chair may limit public comment.*

The Planning Commission (PC) public hearing on the project (i.e., when the PC may make its recommendation to the Board of Supervisors) is tentatively scheduled for October 30th.

As a long time LPI resident I (unofficially) represent a sizable ad hoc group of concerned homeowners who plan to deliver extensive public comment at these upcoming hearings. In that role I work with the LPI speakers to keep such public comment concise, on target and constructive.

I understand from Joe Sidor that there is no scheduled site visit as yet. Instead I believe the two hour workshop is planned to help with the anticipated strong level of public interest and high number of speakers.

While I think there is ample merit in the spirit of workshop dialogue, I also believe that in this case a site visit is not merely desirable, but absolutely essential. A workshop simply cannot substitute for a site visit.

I have two requests:

1) May I meet with you for maybe a half hour (soon) before the 10/9 workshop to introduce myself, make your acquaintance and get some guidance for a productive session with the PC? It can be a cup of coffee anywhere. On your schedule - I am retired.

2) Please come and see the site. Come as a full PC or come individually, but do visit.

I can host you if you think it appropriate. Bring good hiking shoes. Planning could host you if you request. I believe a workshop may help but there is nothing like SEEING the proposed site to place the many concerns you will hear in useful context.

Regards,
Roy Gobets
235-1701 Call anytime.
Sent from my iPad

Sidor, Joe (Joseph) x5262

From: rlong296 <rlong296@yahoo.com>
Sent: Wednesday, September 25, 2019 7:27 PM
To: Sidor, Joe (Joseph) x5262
Subject: Las palmas road use

As an ex las palmas 1 resident i think it is ridiculous you dont have an alternative entrance. Built an entrance road with your own stoplight.

Sent from my Verizon, Samsung Galaxy smartphone

NOLAND
HAMERLY
ETIENNE
& HOSS

Attorneys at Law | A PROFESSIONAL CORPORATION

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831-424-1414 EXT. 271
OUR FILE NO. 18764.010

October 9, 2019

Re: Parcel Q and Las Palmas Ranch Master Association No. 1

To Whom it May Concern:

Our firm has represented the Las Palmas Ranch Master Association No. 1 for the past 15 years. Parcel Q is not member of the Las Palmas Ranch Master Association No. 1 ("HOA").

Parcel Q was part of the original Las Palmas Subdivision map entitled - "Amended Map of Las Palmas Ranch Corey House Area/Unit 1 Tract No. 1086A, filed June 15, 1989, in Volume 16 of Cities and Towns at Page 70, in the Office of the County Recorder of Monterey County, California".

Although Parcel Q is shown on the subdivision map, it is not governed by the "Master Declaration of Covenants, Conditions and Restrictions" recorded on June 16, 1989, in Reel 2377, Page 261, Official Records of Monterey County, ("Declaration" or "CC&Rs"), which govern the Las Palmas HOA.

The CC&Rs' Recital B references most of the Las Palmas lots in the various Las Palmas Area 1 maps, but does not include Parcel Q.

The HOA Articles of Incorporation (Articles IV & VI) and the Bylaws (Section 2.10) apply to the "Lots" required by the Declaration to be a Member of the Association. A Member (Section 2.11) is defined as a person entitled to Membership, as provided in the Declaration.

Parcel Q is not a member of the HOA. The HOA members currently pay a month dues of $155.00/mos. Parcel Q has never paid HOA monthly dues, annual, or special assessments (Article IV) required under the CC&Rs, nor does Parcel Q have voting rights in the HOA (Article III) under the CC&Rs, nor has the Parcel Q owner submitted their Project plans to the HOA Architectural Committee for approval (Article VI) as required by the CC&Rs.

Moreover, Parcel Q has no deeded right to access any of the Common Area owned and managed by the HOA, except for limited access granted to Parcel Q in the Parcel Q deed, recorded at Document 2013046807, July 24, 2013, Official Records of Monterey County.

The Parcel Q deed provides for a non-exclusive easement expressly for, and limited to, ingress, egress, road and utilities over that portion of River Run Road and Woodridge Court, being a portion of Common Area Parcel C and Las Palmas Road being Common Area Parcel A as shown on Las Palmas Tract Map1086A.

Unlike the rights granted to the HOA members in their deeds, the Parcel Q deed does not grant the Parcel Q owner any other rights to the HOA "Common Areas" described in the CC&Rs.

The Las Palmas subdivision roads are private roads owned and maintained by HOA. Parcel Q has only limited defined access over only a small portion of the private HOA roads.

The Parcel Q owners pay the HOA a nominal fee of $40/mos. for road maintenance costs, but there is no written road agreement between the HOA and the Parcel Q owner.

Other than as expressly granted in the Parcel Q deed, the Parcel Q owner has no right to use any of the other HOA Common Area, private HOA roads, other HOA private property, or other owner's private property, within the Las Palmas Ranch Master Association No. 1 area.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine G. Kemp

CGK:aac

HOA Board of Directors

Received by RMA-Planning on November 8, 2019. This revised letter supersedes previous letter with same date.

HORAN | LLOYD

HORAN LLOYD
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
26385 Carmel Rancho Blvd., #200
Carmel, CA 93923

Tel: 831.373.4131
Fax: 831.373.8302
horanlegal.com

File No. 8125.01

November 7, 2019

Via Electronic and Regular Mail
Brandon Swanson
Joseph Sidor
Monterey County
Resource Management Agency
1441 Schilling Place
Salinas, CA 93901

Re: River View at Las Palmas Assisted Living Senior Facility – PLN150372

Dear Messrs. Swanson and Sidor:

This firm represents residents of Las Palmas I, and this letter is to comment on the procedural violations that have occurred in the processing of the above-referenced application. Specifically, the application process failed to include the requirements set forth in Monterey County Code section 21.64.320, commonly referred to as the "Proof of Access" ordinance. Additionally, the applicant did not engage the Monterey County Water Resources Agency ("MCWRA") in an attempt to prove long-term, sustainable water supply for the project as required under Policies PS-3.1 and PS-3.2 of the 2010 Monterey County General Plan. The applicant must adhere to the procedures set forth in the Monterey County Code and Monterey County General Plan prior to any further proceedings before the County's decision-making body.

A. Proof of Access Ordinance

Section 21.64.320.D.1 of Monterey County Code states that an application "will not be deemed complete" until the following information or documentation is provided by the applicant:

A. A copy of the private road agreement.
B. A copy of the private road maintenance agreement.

C. Written permission to use a private road for the project from a private road governing structure.
D. A site plan that includes documentation showing existing access limits and minimum access requirement from the project to the primary public road or right-of-way. If access does not meet minimum requirements of the local Fire Authority and Monterey County Resource Management Agency – Public Works Department, the applicant must demonstrate the ability to meet the minimum level of improvements required.

The applicant has not provided the required documentation and thus, the application should not have been deemed complete.

Section 21.64.320.D.3 of the Monterey County Code sets forth special noticing requirement. Section 21.64.320.D.3 states, "The Director of Planning shall provide notice of a project to all parties to a private road and interested parties within (10) working days of submittal of an application." The notice is to provide "the opportunity for any party to a private road to object to the use of the private road, for purposes of the project." The purpose of this special noticing procedure is to "provide an opportunity for resolution of disputes prior to consideration of the project by the appropriate authority or for staff to consider recommendation following the provisions of this Section."

Because the access road and the property on which the emergency access is proposed are owned by individuals with partial interest in the real property, each owner with property interest must be notified and provided an opportunity to object.

It is important to note that the exemption set forth in Section 21.64.320.D.4.d does not apply to the emergency access that would need to be constructed for the project. This section exempts, "projects whose use of a private road is limited to emergency access only." There is no existing private road for use for emergency access. The applicant is proposing to construct emergency access on land he does not own. This exemption only applies to existing private road that may be used during an emergency, which clearly is not what is available to the applicant for this project.

B. Long Term Sustainable Water Supply

Long Term Sustainable Water Supply is defined in the 2010 General Plan as "a water supply from any source (e.g., groundwater, surface water, aquifer storage recovery project or other) that can provide for the current and projected future demand for water from that source as determined pursuant to the criteria required to be adopted by *Policy PS-3.2.*" Section PS 3-1 states "new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development." Although there is a rebuttable presumption in the Zone 2C assessment district

of a long term sustainable water supply, the presumption was rebutted when the Department of Water Resources declared the 180-400 Foot Aquifer Subbasin ("180-400 Subbasin") in critical overdraft, which finding cannot be overcome by California Water Company's "will serve" letter.

The Draft Subsequent EIR ("DSEIR") only describes water resources for the project in general terms and greatly relies on the "will serve" letter rather than adequately describing the specific wells and well system of California Water Company that would provide water service to the project. The well locations, the number of wells, etc. are critical details because if the supply wells are located in the 180-400 Subbasin (which is apparent in the DSEIR's general discussion), the project cannot be approved pursuant to Policy PS 3-1. Additionally, because water for the project would be supplied from the 180-400 Subbasin, the project would clearly result in new significant environmental impacts triggering the need for a subsequent EIR for recirculation.

The procedure the applicant should have undergone, as required in Policy PS-3.2, is to confer with the MCWRA to determine if there is Long Term Sustainable Water Supply and an Adequate Water Supply System for the project. Policy PS-3.2 states, "A determination of a Long Term Sustainable Water Supply shall be made upon the advice of the General Manager of the Water Resources Agency." To comply with this policy, the MCWRA would work with the applicant to model the affected subbasins (180-400 and El Toro Basins) based on the project's water supply well locations and the projected water consumption to determine if the project would result in cumulative impacts, cause negative effects on in-stream flows, etc. as set forth in Policy PS-3.2. This required procedural step was completely disregarded by the applicant, and the application must not go before any decision-making body until the applicant complies with these General Plan policies.

It is clear the applicant elected to bypass the requirements to avoid disclosing significant environmental impacts. There was clearly no consultation with the MCWRA because the MCWRA submitted a comment letter to the DSEIR, dated April 25, 2018, which states, "The DEIR should evaluate consistency with PS-3.1 and PS-3.2, the presumption of long-term sustainable water supply for the project."

These procedural violations are fatal flaws. Should the application proceed and is approved, it would be clear the County failed to proceed in a manner required by law by ignoring its own ordinance and General Plan policies. We request that you remedy these procedural defects immediately by following the procedures set forth in the Monterey County Code and General Plan.

Sincerely,

Pamela H. Silkwood

RESOLUTION NO. 2019-01

LAS PALMAS RANCH MASTER ASSOCIATION

AFFIRMING ASSOCIATION PRIVATE PROPERTY RIGHTS AND OBLIGATIONS WITH REGARD TO PARCEL Q

WHEREAS, Las Palmas Ranch Master Association (also known as the Las Palmas Ranch Master Association No. 1) is a duly formed Nonprofit Mutual Benefit Corporation providing for the management, administration, maintenance, preservation, and architectural control of the initial phase of the Las Palmas Planned Unit Development Subdivision ("Association");

WHEREAS, the initial phase of the Las Palmas Planned Unit Development Subdivision includes five unit areas, consisting of residential lots and common area lots, shown on recorded Tract Maps as Corey House Area Unit 1 (Tract Map 1086A), Corey House Area Unit 2, (Tract Map 1087A), Corey House Area Unit 3 (Tract Map 1088A), Corey House Area Unit 4 (Tract Map 1089A), and Corey House Area Unit 5 (Tract Map 1090A) (collectively "Las Palmas Ranch Phase 1"). The Tract Maps listed in the preceding sentence are collectively referred to as "Corey House Area Unit Maps";

WHEREAS, the Association governs Las Palmas Ranch Phase 1, including ownership of the Las Palmas Phase 1 common areas and Las Palmas Ranch Phase 1 private roads shown on the Las Palmas Ranch Phase 1 Corey House Area Unit Maps;

WHEREAS, the private road system developed as part of Las Palmas Ranch Phase 1 shown on the Corey House Area Unit Maps, is for the common use of the Las Palmas Ranch Phase 1 members, is owned by the Association, and the maintenance and repair of the private road system is paid by the Association through Association membership dues;

WHEREAS, on or about May 27, 1998, the Association purchased Parcels E and F, as shown on the Corey House Area Unit 1 Map, located between Woodridge Court and County Park Road, from the developer, Las Palmas Ranch Development Company, Inc., for the benefit of the use of the Association's members for open space and recreational purposes.

WHEREAS, at the time of the purchase of Parcels E & F, the Association and its membership, contemplated no development was to occur on Parcels E & F, including no road development, other than minor development incidental to recreational use;

WHEREAS, the Las Palmas Ranch 1 developer also dedicated, for private use, drainage easements to permit the construction, maintenance and operation of drainage facilities on, over and under certain strips of land within the Las Palmas Ranch 1 area for the purpose of conveying drainage from the natural drainage tributary to each easement, which drainage facilities are owned and maintained by the Association. The developer also dedicated storm drainage easements to County Service Area #72;

WHEREAS, the existing storm drainage system for Las Palmas Ranch 1 is believed to be only adequately sized for the number of residences built as part of Las Palmas Ranch Phase 1;

WHEREAS, Parcel Q is shown on Tract Map 1086A, but it is not part of the five Corey House Area Unit residential lots, easements, and common areas, making up Las Palmas Ranch Phase 1;

WHEREAS, Parcel Q remains undeveloped and is now owned by River View at Las Palmas, LLC;

WHEREAS, Parcel Q is not a member of the Association, has not paid membership dues to the Association, has no ownership interest in any of the Association's common areas, private easements, private roads (including Country Park Road), or private property, other than having only limited access rights over a portion of the Association's private roads (portions of River Run, Woodridge Court, and Las Palmas Road) pursuant to the Grant Deed recorded at Document 2013046807, July 23, 2013, Official Records of Monterey County, California ("Parcel Q Deed");

WHEREAS, it has been well-established in California law that the extent of a servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired. (California Civil Code §806). When an easement is granted for a specific use, there may not be an increase in the burden of the easement (California Civil Code §807), and the servient tenement owners have the right to insist that so long as the easement is enjoyed, it shall remain substantially the same as it was at the time the right accrued; and

WHEREAS, the Association Board of Directors seeks to protect the Association's private property, including its common areas, easements, and private roads.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Directors of Las Palmas Ranch Master Association

1. affirms that use of the Association private roads within Las Palmas Ranch Phase 1 remains limited to residential use;

2. affirms that Parcel Q has no right to use of any of the Association's private roads, but for the limited scope of use set forth in the Parcel Q Deed;

3. will insist that the scope of Parcel Q's limited use of the Association private roads remains substantially the same as they were at the time the right to use the private road easements accrued;

4. affirms that use of the Association's Parcels E & F remains consistent with the intent of the Association at the time it purchased said parcels, and consistent with the subsequent use thereon by its members, which is recreational use, and that no development, including road construction, is allowed thereon other than for recreational purposes;

5. affirms that Parcel Q has no right to use of any of the Association's common areas, including, but not limited to, community parks, sidewalks, open space areas, Parcels E & F, or the grass median at the eastern terminus of Country Park Road;

6. affirms that the use of the storm drainage system developed for Las Palmas Ranch Phase 1 subdivision remains limited to residential use by Las Palmas Ranch Phase 1, as built out; and

7. will insist upon the use of the storm drainage system easements, and facilities thereon, remaining substantially the same as they were at the time the right to the easements accrued.

PASSED AND ADOPTED by the Board of Directors of the Las Palmas Ranch Master Association at a special meeting held on the 18th day of December 2019 by the following vote:

AYES, and all in favor, thereof, Directors: Denise Benoit, Otavio Bernardo, Jennifer Lukasik, Mishalin Modena and David Tucker

NOES, Directors: None

ABSENT, Directors: Roberta Pastorino and Fred Rowland

ABSTAIN, Directors: None

Sidor, Joe (Joseph) x5262

From: Kemp, Christine <CKemp@nheh.com>
Sent: Tuesday, January 14, 2020 4:49 PM
To: Sidor, Joe (Joseph) x5262
Cc: Swanson, Brandon xx5334; Spencer, Craig x5233
Subject: River View at Las Palmas PLN150372
Attachments: 2020-01-13 Peer Review 19-0745 River View at Las Palmas.pdf

Joe Sidor
Monterey County Planning RMA

Dear Joe –

Attached please find the Las Palmas Ranch Master Association's expert opinion/peer review report on the Noise impact analysis in the Environmental Impact Report for the Riverview at Las Palmas project (PLN150372) . This expert opinion finds that the Riverview EIR Noise analysis failed to fully consider potential significant impacts, as well as, failed to provide adequate mitigation for potential significant impacts.

Moreover, the Draft EIR found that noise impacts were considered "Effects Not Found to be Significant", yet an entire new analysis of noise impacts was added to the Final EIR without further public notice, review, or circulation. Pursuant to CEQA Guideline 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. Given the fact significant new information on noise impacts was added to the EIR after the Draft EIR public review period ended, the County is required to recirculate the EIR for public review and comment before bringing the EIR back to the County's decision making body for certification.

Sincerely,

Christine G. Kemp
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13 January 2020

Ms. Christine Kemp
Noland, Hamerly, Etienne & Hoss
333 Salinas Street
PO Box 2510
Salinas, CA 93901
Email: ckemp@nheh.com

Subject: **River View at Las Palmas Assisted Living Senior Facility**
Peer Review of Draft EIR/Final EIR
Salter Project: 19-0745

Dear Ms. Kemp:

We reviewed the noise sections of the draft[1] and final[2] environmental impact reports (EIR) for the River View at Las Palmas Assisted Living Senior Facility in Salinas. Our efforts focused on potential noise impacts to off-site land uses, particularly the residences to the east and south of the proposed River View site. This letter summarizes our comments.

The Draft EIR includes a discussion of noise in Section 11.0: *Effects Not Found To Be Significant*. The Draft EIR does not include a detailed study of operational noise sources, construction noise, or traffic noise impacts. Environmental noise measurements were not completed as part of the Draft EIR to establish baseline conditions. The Final EIR includes updates to the Draft EIR language in Topical Response H: *Noise*. The following comments relate to this.

Existing Noise Environment

For the Final EIR, one 24-hour noise measurement and four short-term spot measurements were taken near the proposed River View at Las Palmas site. The short-term noise measurements were taken for periods of 20 to 30 minutes at midday. After reviewing the information in the Final EIR, we identified the following items of concern:

1. The data sheets in Appendix J indicate that the short-term noise measurements were taken with sound level meters set to "fast" weighting. For environmental noise measurements, "slow" weighting is typically used[3]. This change could result in a noise level reduction of several decibels, which would make the ambient environments quieter than presented in the Final EIR. It appears that the 24-hour noise measurement properly utilized "slow" weighting.

---

[1] Draft EIR: Draft Subsequent Environmental Impact Report, River View at Las Palmas Assisted Living Senior Facility, 29 January 2018

[2] Final EIR: Final Subsequent Environmental Impact Report, River View at Las Palmas Assisted Living Senior Facility, September 2019

[3] "Fast" weighting is typically used for short-duration measurements, such as a motor vehicle pass-by.

2. The data sheets in Appendix J indicate that at noise measurement Locations NM-2 and the 24-hour measurement location, the sound level meters were set to measure a "Level Range" of 40 to 100 dB. However, several noise levels shown during the measurement window are below 40 dB. It should be confirmed that the noise levels reported below 40 dB are accurate, and that these noise levels are included in the L_{eq} calculated by the sound level meter.

3. Measurement data is presented in Table 11-1 as "L_{eq}" noise levels, which is defined as the "equivalent" (i.e., average) noise level over a given period of time. For the short-term noise measurements, the L_{eq} can be representative of the noise environment.

   However, for the 24-hour noise measurement, a single L_{eq} value does not present an accurate picture of the on-site noise level. Consider that the noise level during the day continuously varies but is generally lower during nighttime hours. By presenting a single noise level, without separate ranges for daytime and nighttime noise levels, there is no clear picture of the noise environment or ambient noise levels during the daytime and nighttime hours.

   Appendix J shows a wide range in the measured noise levels from the 24-hour noise monitor. During daytime hours, L_{eq}(4-min) were typically 60 to 73 dBA, and 30 to 40 dBA during quiet nighttime periods.

Given the above, it seems that the noise levels presented in the Final EIR do not accurately reflect the existing noise environment at the Las Palmas site.

Noise Impacts – Operational Phase

The Final EIR lists several potential noise impacts from operational activities at the proposed River View site. The following summarizes our comments:

4. The Final EIR notes that rooftop equipment with a noise level of 70 dB at 15 feet will be reduced to 46 dB at 250 feet, the distance of the closest residences. Since rooftop mechanical equipment at residential facilities can operate continuously (e.g., 24 hours a day), it is assumed that this equipment will need to meet both daytime and nighttime noise ordinances.

   The Monterey Code of Ordinances limits nighttime noise levels to 45 dBA (per Section 10.60.040, Table 1). If the stated rooftop mechanical equipment operates during the nighttime hours of 9 p.m. to 7 a.m., the L_{eq} 45 dBA limit would be exceeded. The Final EIR does not indicate that the equipment will not operate during nighttime hours, or what mitigation would be used to ensure the rooftop equipment will not exceed the nighttime noise ordinance limit.

5. The Final EIR indicates that rooftop equipment typically generates noise levels of "up to L_{eq} 70 dBA at a distance of 15 feet from the source". At a project of this size, we would expect to see multiple pieces of rooftop equipment in close proximity, which would result in louder cumulative noise levels. This does not seem to have been factored into the noise analysis.

6. The Final EIR indicates that rooftop HVAC equipment would not have a substantial impact because the noise level at the adjacent residences (L_{eq} 46 dBA due to equipment) would be below the measured noise level of L_{eq} 70 dBA. As shown in Appendix J, there are large portions of the nighttime hours when the noise level is at or below 46 dBA.

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7. Per Draft EIR Section 4.0: *Project Description,* the assisted living and mental care facilities will include dining facilities and laundry services available for the residents. The Final EIR does not address noise from the delivery trucks serving these uses, nor from any medical supply delivery trucks that we assume will also serve the facility. Potential sources of noise include the truck traffic increase along Woodridge Court, noise generated by on-site loading docks, and back-up beepers associated with the delivery trucks and unloading equipment. The Final EIR does not address the number and timing of daily delivery trucks, nor does it address the location of the loading dock and necessary noise mitigation to the nearby residences.

8. Per Draft EIR Section 4.0: *Project Description,* the assisted living and mental care facilities will include transportation available for the residents. The noise analysis does not seem to address the shuttle service mentioned in the Draft EIR, Section 9.0: *Transportation*. It is assumed that noise from arriving, departing, and idling shuttle buses would contribute to the noise environment at the adjacent residences, but this is not addressed.

9. The Final EIR notes that emergency vehicles would be used "on occasion" to transport seniors needing emergency care. The Final EIR indicates that there is an agreement that the subdivision will be a "no-siren zone", but does not expand on the information contained in the agreement. The Final EIR does not indicate how many additional trips are expected from emergency vehicles along Woodridge Court, the extent of the "no-siren zone", and the noise impact from additional emergency vehicle trips with sirens along River Road.

10. The Final EIR does not address trash collection, including the anticipated frequency and types of trash collection. Potential sources of noise include trash truck traffic along Woodridge Court and noise associated with the collection (e.g., dumpster moving, debris falling), but these are not addressed.

11. The entrance to the proposed River View site is along Woodridge Court, which would have a steep grade along that portion of the roadway. The analysis does not seem to account for this steep grade adjacent to the residences, which would likely increase noise from vehicles (e.g., cars, shuttle buses, delivery vehicles, emergency vehicles, trash trucks) entering the site.

12. The HUD Traffic Noise analyses referenced in this section (and contained in Appendix J) are focused on River Road. An analysis is not provided for Woodridge Court, which is the entrance for all traffic to the River View at Las Palmas facility. We would expect that traffic will increase along Woodridge Court, leading to an increase in noise level at the residences adjacent to Woodridge Court. In particular, there could be an increase in medium and heavy trucks due to the delivery trucks, shuttle buses, trash trucks, and emergency vehicles, which would typically have louder engines than standard automobiles.

13. Per Draft EIR Section 4.0: *Project Description*, there will be several outdoor plazas, but the use of these plazas is not defined. The Final EIR does not address any on-site operational noise from residents (e.g., amplified music at outdoor areas, outdoor events, outdoor dining). Will these be part of the project design?

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14. The Final EIR does not indicate if there will be any building-wide alarm systems or any regular testing of these alarm systems. Depending on the alarm type, the frequency of alarms, and the response vehicles (e.g., fire trucks), this could create a noise impact.

As indicated above, the Final EIR does not provide intended mitigation strategies to reduce noise levels that are above the noise ordinance, nor does it provide an analysis of noise levels on the road nearest the residences. Noise from loading docks or outdoor-use spaces are not addressed in either the Draft or Final EIR.

* * *

This concludes our comments on the noise portions of the River View at Las Palmas EIR. Should you have any questions, please call.

Sincerely,

CHARLES M. SALTER ASSOCIATES

Valerie Smith, PE
Senior Associate

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San Francisco, CA
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F 415.397.0454
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Charles M. Salter
ASSOCIATES INC.

Sidor, Joe (Joseph) x5262

From: Kemp, Christine <CKemp@nheh.com>
Sent: Wednesday, January 15, 2020 4:17 PM
To: Sidor, Joe (Joseph) x5262
Subject: RE: Request for River View Information

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Joe –

Thank you for the information below. My comments, on behalf of the Las Palmas Ranch Master Association ("Association"), to the information you provided, are in blue bold font below:

County Comment :
The EMS spreadsheet shows ambulance calls for similar operations for the 2-year timeframe 10/2017 - 10/2019. The Applicant received the EMS figures from the Health Dept., and contacted the facilities directly for the bed numbers. Based on the numbers provided, it averages to about 1 call every three days for a similarly-sized facility.
Las Palmas Association Response:
The Association will review this information. We sent you a Sound Consultant peer review report delineating the flaws in the EIR regarding the noise analysis. The EMC information is also new information that was not included in the EIR noise analysis, as required.

The Applicant's agent has also informed RMA-Planning staff via discussions of the following:

- The grant deed for the project parcel includes a non-exclusive easement for ingress, egress, road and utilities from River Road to the property. There is nothing in the easement language that limits the use. RMA-Planning concurs
- with this information based on our review of the grant deed submitted with the initial application.

Las Palmas Association Response:
The Parcel Q grant deed provides only for ingress and egress over a "portion" of three roads: Las Palmas, River Run, and Woodridge Court. These are limited rights to use certain portions of certain roads. The Parcel Q owner has no right to use any of the Associations other private roads or portions thereof.

- The Applicant pays monthly fees to the HOA. No further information has been provided to RMA-Planning, nor has the Applicant provided any agreement regarding the purpose or use of the monthly fees.

Las Palmas Association Response:
Parcel Q is not a member of the Association. The Parcel Q owner pays the Association a nominal amount of $40/month for minor reimbursements for road maintenance, as they are using portions of Association roads over which they have an easement. This is a hand-shake "Gentlemen's" arrangement, and as far as I know, is not memorialized in writing. It is not Association dues. Current homeowners pay $155 per lot in Association dues. There is also no indication that the Parcel Q owners have ever paid any of the increases in Association dues that homeowners have been required to pay, nor has the Parcel Q owner been subject to the other Association rules and regulations, including Architectural Review. If the Parcel Q owner were subject to the rules of the Association, we believe, they would have been required to sign documents in escrow, just like the other homeowners/Association members acknowledging the Association documents. As far as we know, they have not done that. Parcel Q owners have also never paid any special assessments which may occasionally be required of the homeowners.

- The storm drains have been connected since installation of the system, and the system has been accepting drainage from the project parcel.*

* Based on RMA-Planning research, the Applicant pays annual property taxes to CSA 72. Also, per current development regulations, development drainage is required to be retained on site.

Las Palmas Association Response:

As we understand, the storm drain system was designed for the Las Palmas 1 initial phase of the Las Palmas build out. An assisted living facility on Parcel Q was not envisioned as part of the initial Las Palmas 1 build out, so it is unlikely the drainage system was sized to support such a project. How is the County assuring that all drainage will remain on site? Is it retained – and slowly drains off site, or detained to remain on the site? There have already been issues with drainage on the hillside above Las Palmas 1 on Parcel Q, causing the hillside to erode and mud flow/clogging of the Las Palmas drainage system behind Country Park Road.

The Applicant also provided a copy of the access and utilization agreement (attached) to cross Parcels E and F with a line for reclaimed wastewater.

Las Palmas Association Response:

As we understand, there is an existing "recycled" water pipe running to somewhere on to Parcel Q for recycled water distribution from the sewer plant to Parcel Q (as is the case for Las Palmas 1, Las Palmas 2 and the Kinship Center), which end users can use the recycled water for irrigation water. This Access and Utility Agreement pertains solely to this pipeline, which we also understand has already been installed. The Association does not take issue with the already installed recycled water line to Parcel Q. That Agreement, however, has no bearing on Parcel Q's limited ingress and egress rights over Association property.

I would also appreciate you forwarding any additional information you obtain from the Parcel Q owner regarding the Association or Association property. At one point there was a claim being made by the Parcel Q owner that he had, or would obtain, access rights for emergency fire access across Parcel E, Parcel F, or County Park Road. The Association wants to go on record again, reiterating that Association is not amenable to granting the Parcel Q owner additional rights in any of the Association's property. Can you please let me know what is the latest proposal is regarding emergency fire access.

As always, thank you for your help.

Christine
Christine G. Kemp
NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation
333 Salinas Street
P.O. Box 2510
Salinas, CA 93901
(831) 424-1414 ext. 271
(831) 424-1975 (fax)
ckemp@nheh.com
www.nheh.com

Serving the Central Coast Since 1928

From: Sidor, Joe (Joseph) x5262 [mailto:SidorJ@co.monterey.ca.us]
Sent: Sunday, January 12, 2020 11:38 AM
To: Kemp, Christine
Subject: Request for River View Information

Christine,

Please see the attached files re information recently submitted by the Applicant for the River View project.

The EMS spreadsheet shows ambulance calls for similar operations for the 2-year timeframe 10/2017 - 10/2019. The Applicant received the EMS figures from the Health Dept, and contacted the facilities directly for the bed numbers. Based on the numbers provided, it averages to about 1 call every three days for a similarly-sized facility.

The Applicant's agent has also informed RMA-Planning staff via discussions of the following:

- The grant deed for the project parcel includes a non-exclusive easement for ingress, egress, road and utilities from River Road to the property. There is nothing in the easement language that limits the use. RMA-Planning concurs with this information based on our review of the grant deed submitted with the initial application.
- The Applicant pays monthly fees to the HOA. No further information has been provided to RMA-Planning, nor has the Applicant provided any agreement regarding the purpose or use of the monthly fees.
- The storm drains have been connected since installation of the system, and the system has been accepting drainage from the project parcel.*

* Based on RMA-Planning research, the Applicant pays annual property taxes to CSA 72. Also, per current development regulations, development drainage is required to be retained on site.

The Applicant also provided a copy of the access and utilization agreement (attached) to cross Parcels E and F with a line for reclaimed wastewater.

Best regards,
Joe

Joseph (Joe) Sidor, Associate Planner
Monterey County RMA-Planning
1441 Schilling Place, Salinas, CA 93901
(831) 755-5262 direct
(831) 755-5025 main reception

Dear Clerk / Staff,

Kindly distribute to each of the Monterey County Supervisors.

File other - as required.
More needed? Contact me 831-455-8229

Sign me,
a citizen who knows we need more senior housing

Nancy Iversen

Thank you.

Nancy Riddle Iversen
Las Palmas Ranch
21091 Old Ranch Ct.
Salinas, CA 93908-1409

Dear Supervisor, Luis Gjelo, Jan 29 2020

You are aware of a proposal for Senior Housing making its way (slowly) through the Mty Co. Planning Commission. This is the Riverview at Las Palmas project for cottages, Assisted Living and Dementia Care Unit.

There is a group, a well organized group who oppose this project. They stay in touch with each other regularly via email. And they contact you and your staff in order to "soften you up." (their term).

I however, support senior housing, thus support this project. I do not think you need constant prodding. I believe you are aware that people live longer, that Monterey County is a favorite spot for retirees, that as people age, probability of need for senior housing increases. I count on your independent knowledge and judgement.

District 1

I spent time going to various parts (of Mty Co) talking to people about senior housing, folks in your district know the problem. I collected signatures to a letter of support from over 500 people; various ages and income levels.

I feel that issues that can be mitigated, should be mitigated (lights at night) (sight into Las Palmas subdivisions) (limitation to easement ingress/egress)

I feel that issues that cannot be mitigated, be accepted. (East #68 traffic) (River Road traffic)

I do not have a private attorney (like Pamela from Carmel Valley) nor money to fight this. I depend upon you.

Sincerely,
Nancy Iversen
Nancy Iversen

Nancy Riddle Iversen
Las Palmas Ranch
21091 Old Ranch Ct.
Salinas, CA 93908-1409

455-8229

Enclosed-a list of resources, including your own agency, with facts and figures on senior housing.

Information i.e. Riverview

Senior Magazine. (Best of Monterey County) 2019-2020
Resource Guide (annual mag)
Monterey County Area Agency on Aging/area plan

CA State Dept. of Finance
58 county projections - statistics on incoming college/jobs/retirement
Alliance on Aging (on site)

Realtors – no statistics maintained on age of buyers. But increases in both advertising and staff size in the last 10 years tell the story.
(Also personal anecdotes)
US Census data 2000/2010....2020

Quote
Margaret Huffman, Director Monterey County AAA
"1 in 5 Monterey County residents will be age 60 - 2020"
(that's tomorrow)
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"Planning & needed services has NOT kept pace with demographics."

Dear Supervisor, John Phillips

Jan 29 2020

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Dear Supervisor, Christopher Lopez

Jan. 29, 2020

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Dear Supervisor, Jane Parker

Jan 29 2020

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Dear Supervisor, Mary Adams, Jan 29 2020

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Sincerely,

Nancy Iversen

Enclosed-a list of resources, including your own agency, with facts and figures on senior housing.

Information i.e. Riverview

Senior Magazine. (Best of Monterey County) 2019-2020
Resource Guide (annual mag)
Monterey County Area Agency on Aging/area plan

CA State Dept. of Finance
58 county projections - statistics on incoming college/jobs/retirement
Alliance on Aging (on site)

Realtors – no statistics maintained on age of buyers. But increases in both advertising and staff size in the last 10 years tell the story.
(Also personal anecdotes)
US Census data 2000/2010....2020

Quote
Margaret Huffman, Director Monterey County AAA
"1 in 5 Monterey County residents will be age 60 - 2020"
(that's tomorrow)
"1 in 4 Monterey County residents will be age 60 - 2030"
"Planning & needed services has NOT kept pace with demographics."

Dear Supervisor,

You are aware of a proposal for Senior Housing making its way (slowly) through the Mty Co. Planning Commission. This is the Riverview at Las Palmas project for cottages, Assisted Living and Dementia Care Unit.

There is a group, a well organized group who oppose this project. They stay in touch with each other regularly via email. And they contact you and your staff in order to "soften you up." (their term).

I however, support senior housing, thus support this project. I do not think you need constant prodding. I believe you are aware that people live longer, that Monterey County is a favorite spot for retirees, that as people age, probability of need for senior housing increases. I count on your independent knowledge and judgement.

I spent time going to various parts (of Mty Co) talking to people about senior housing, folks in your district know the problem. I collected signatures to a letter of support from over 500 people; various ages and income levels.

I feel that issues that can be mitigated, should be mitigated (lights at night) (sight into Las Palmas subdivisions) (limitation to easement ingress/egress)

I feel that issues that cannot be mitigated, be accepted. (East #68 traffic) (River Road traffic)

I do not have a private attorney (like Pamela from Carmel Valley) nor money to fight this. I depend upon you.

Sincerely,

Nancy Iversen

Enclosed-a list of resources, including your own agency, with facts and figures on senior housing.

Information i.e. Riverview

Senior Magazine. (Best of Monterey County) 2019-2020
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"1 in 5 Monterey County residents will be age 60 - 2020"
(that's tomorrow)
"1 in 4 Monterey County residents will be age 60 - 2030"
"Planning & needed services has NOT kept pace with demographics."

MONTEREY COUNTY REGIONAL FIRE DISTRICT

19900 Portola Drive Salinas, California 93908
(831) 455-1828 Fax (831) 455-0646
www.mcrfd.org

January 29, 2020

Joe Sidor, Associate Planner
Monterey County RMA – Planning
1441 Schilling Place
Salinas, CA 93901

Planning File No. PLN150372
Applicant: River View at Las Palmas, LLC
Request: Senior Assisted Living Facility

APN: 139-211-035
Address: Las Palmas Ranch 1
Subject: **Fire Access, Evacuation & Wildfire Risk**

Dear Mr. Sidor

Pursuant to your request, this letter is sent to discuss the fire access, site evacuation and wildfire risk at the site for the proposed senior assisted living facility, River View at Las Palmas, LLC in Las Palmas Ranch 1.

The proposed facility does not present an increased hazard for fire access to the site. The fire district's emergency vehicles will be able to access the site using the existing roads from River Road through Las Palmas to the facility with the two-way private road that will be built for two-way traffic in accordance with California Fire Code design specifications. Also, with any response to locations in a residential subdivision, the fire district's responding personnel will not have to use their sirens once they leave River Road.

In the event of an emergency that would require evacuation, the private roadway on the site, along with the existing roads leading to River Road will provide sufficient means of egress for vehicles evacuating the site during an emergency. The lengths of the roads will provide a safe queue of traffic making their way onto River Road. All vehicles in Las Palmas will have the opportunity to use both the Las Palmas Road and Riverview Court located at the north and south ends of Las Palmas 1, respectively.

Finally, the construction of the proposed River View at Las Palmas facility will not create a significant increase in the wildfire hazard either to the site itself or to the Las Palmas 1 neighborhood. Both California Building Code and the California Residential Code have incorporated building standards designed to help the building "*resist intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses*." Together with the required automatic fire sprinkler systems inside the building and vegetation management around the buildings, the facility will be designed to resist fire and reduce the spread of fire off site.

If you have any questions about this information, please let me know.

Sincerely,

DOROTHY PRIOLO
Deputy Fire Marshal

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

February 19, 2020

Our File No: 4813.001

Wendy S. Strimling
Senior Deputy County Counsel
County of Monterey
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

RE: River View at Las Palmas Proof of Access

Dear Wendy:

During the Planning Commission's February 12 public hearing on the River View project it was stated that the applicant was required to have a private road agreement or road maintenance agreement in place to meet the requirements of the County's regulations for the use of private roads. I have reviewed the relevant County Code sections and do not believe we need an agreement. While the regulations may have been moved to Title 16, it is my understanding the regulations have not changed in a significant manner and we can rely on the regulations currently shown in County Code Section 21.64.320.

Section 21.64.320 F(1) provides that "If the appropriate authority finds, based on substantial evidence in the record, that a *substantive dispute exists regarding the use of a private road* for a project, said authority may approve the project but shall require as a condition of project approval that the applicant provide the County with proof of access demonstrating that the dispute has been satisfactorily resolved…"

In this case, there is no dispute over the right to use of the right of way. The grant deed (County Recorder's document 2013046807, a copy of which is attached) for the property clearly shows the applicant has a non-exclusive easement for "ingress, egress, road and utilities" over a prescribed route from River Road to the property. There is no limitation on the use of that road. That right of access has been confirmed by the County staff and in Christine Kemp's October 9, 2019, letter to the County (a copy of which is attached).

Section 21.64.320 F (2) provides that " if a substantive *dispute exists regarding the costs of repairing or maintaining a private road* as it relates to a project, said authority may approve the project but shall require as a condition of project approval that the applicant provide the County with adequate documentation demonstrating that the dispute has been satisfactorily

resolved." There is not now or has there ever been a dispute over costs of repairs and maintenance of the existing road. The owners of River View have been billed and paid all road maintenance assessments they have received from the HOA. The County Code states "Maintenance of any private road will be subject to a private road maintenance agreement, or if no such agreement exists, then County recognizes that parties may have recourse pursuant to California Civil Code Section 845…" would be applicable. As I explained at the hearing, the provisions of Section 845 will apply in this instance.

There is no dispute over the right to use the easement. There is no dispute over costs of maintenance and repair. The applicant has acknowledged repeatedly they know they have a responsibility to repair any damage done to the roads by the construction activity. They also have acknowledged their responsibility to pay their proportionate share of the road's maintenance costs. The conditions of approval of River View at Las Palmas should not include a requirement that an access or road maintenance agreement be obtained from the HOA.

Sincerely,

Anthony L. Lombardo
ALL/de
Enclosures

cc: Carl Holm
Brandon Swanson
Dale Ellis
Client

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Filer

CRSUSY
7/24/2013
14:57:48

DOCUMENT: **2013046807**

Titles: 1/ Pages: 4

Fees....	21.00
Taxes...	154.00
Other...	2.00
AMT PAID	$177.00

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Garrett Shingu
607 Charles Avenue, Suite C
Seaside, CA 93955

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):
Documentary Transfer Tax is$ 154.00.
(X) computed on full value of property conveyed, or
( ) computed on full value less value of liens and encumbrances remaining at time of sale.
(X) Unincorporated area: County of Monterey

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Garrett Shingu, a married man as his sole and separate property as to an undivided 1/3 interest; and
Derek Etow, a married man as his sole and separate property as to an undivided 1/3 interest; and
Mark Vucina, a married man as his sole and separate property as to an undivided 1/3 interest

hereby GRANTS to

River View at Las Palmas, LLC, a California limited liability company

All of their right, title and interest in the following described real property in the
County of Monterey, State of California:

See Exhibit A attached hereto and incorporated herein by this reference.

Garrett Shingu, a married man as his sole and separate property as to an undivided 1/3 interest

Dated: 7/11/13

Derek Etow, a married man as his sole and separate property as to an undivided 1/3 interest

Dated: 7/10/13

Mark Vucina, a married man as his sole and separate property as to an undivided 1/3 interest

Dated: 7/10/13

State of California)
) ss.
County of Monterey)

On July 11, 2013 before me, Karen Bunker, Notary Public, personally appeared Garrett Shingu, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

KAREN BUNKER
Commission # 1922361
Notary Public - California
Monterey County
My Comm. Expires Jan 17, 2015

Signature Karen Bunker, Notary Public

State of California)
) ss.
County of Monterey)

On July 10, 2013 before me, Irene Jones, Notary Public, personally appeared Derek Etow, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

IRENE JONES
COMM. # 1893057
Notary Public-California
County of Monterey
My Comm. Exp. June 18, 2014

Signature

State of California)
) ss.
County of Monterey)

On July 10, 2013 before me, Irene Jones, Notary Public, personally appeared Mark Vucina, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

VRS2 IRENE JONES
COMM. # 1893057
Notary Public-California
County of Monterey
My Comm. Exp. June 18, 2014 VRS2

Escrow No.: 11-52113497-JM
Locate No.: CACTI7727-7727-4521-0052113497
Title No.: 11-52113497-JF

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SALINAS, COUNTY OF Monterey, STATE OF California AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

Parcel Q, as said Parcel is shown on that certain map entitled "Amended Map of Las Palmas Ranch Corey House Area/Unit 1" filed June 15, 1989 in the Office of the Recorder of Monterey County, California in Volume 16, of "Cities and Towns", Page 70.

EXCEPT THEREFROM all underground water rights as described in the Deed to California Water Service Company, a California corporation recorded October 25, 1989 in Reel 2427, Page 476, Official Records.

PARCEL II:

A non-exclusive easement for ingress, egress, road and utilities over that portion of River Run Road and Woodridge Court being a portion of Common Area Parcel C and Las Palmas Road being Common Area Parcel A as shown and designated on that Map entitled Amended Map of Las Palmas Ranch Corey House Area/Unit 1 Tract 1086A filed June 15, 1989, in Volume 16 of Cities and Towns at Page 70 in the Office of the County Recorder of Monterey County, California. Said easement shall be appurtenant to Parcel Q as shown and designated on the above referred to Map of Tract 1086A.

APN: 139-211-035

END OF DOCUMENT

NOLAND
HAMERLY
ETIENNE
& HOSS

Attorneys at Law | A PROFESSIONAL CORPORATION

WWW.NHEH.COM
E-MAIL CKEMP@NHEH.COM
831-424-1414 EXT. 271
OUR FILE NO. 18764.010

October 9, 2019

Re: Parcel Q and Las Palmas Ranch Master Association No. 1

To Whom it May Concern:

Our firm has represented the Las Palmas Ranch Master Association No. 1 for the past 15 years. Parcel Q is not member of the Las Palmas Ranch Master Association No. 1 ("HOA").

Parcel Q was part of the original Las Palmas Subdivision map entitled - "Amended Map of Las Palmas Ranch Corey House Area/Unit 1 Tract No. 1086A, filed June 15, 1989, in Volume 16 of Cities and Towns at Page 70, in the Office of the County Recorder of Monterey County, California".

Although Parcel Q is shown on the subdivision map, it is not governed by the "Master Declaration of Covenants, Conditions and Restrictions" recorded on June 16, 1989, in Reel 2377, Page 261, Official Records of Monterey County, ("Declaration" or "CC&Rs"), which govern the Las Palmas HOA.

The CC&Rs' Recital B references most of the Las Palmas lots in the various Las Palmas Area 1 maps, but does not include Parcel Q.

The HOA Articles of Incorporation (Articles IV & VI) and the Bylaws (Section 2.10) apply to the "Lots" required by the Declaration to be a Member of the Association. A Member (Section 2.11) is defined as a person entitled to Membership, as provided in the Declaration.

Parcel Q is not a member of the HOA. The HOA members currently pay a month dues of $155.00/mos. Parcel Q has never paid HOA monthly dues, annual, or special assessments (Article IV) required under the CC&Rs, nor does Parcel Q have voting rights in the HOA (Article III) under the CC&Rs, nor has the Parcel Q owner submitted their Project plans to the HOA Architectural Committee for approval (Article VI) as required by the CC&Rs.

Moreover, Parcel Q has no deeded right to access any of the Common Area owned and managed by the HOA, except for limited access granted to Parcel Q in the Parcel Q deed, recorded at Document 2013046807, July 24, 2013, Official Records of Monterey County.

The Parcel Q deed provides for a non-exclusive easement expressly for, and limited to, ingress, egress, road and utilities over that portion of River Run Road and Woodridge Court, being a portion of Common Area Parcel C and Las Palmas Road being Common Area Parcel A as shown on Las Palmas Tract Map1086A.

Unlike the rights granted to the HOA members in their deeds, the Parcel Q deed does not grant the Parcel Q owner any other rights to the HOA "Common Areas" described in the CC&Rs.

The Las Palmas subdivision roads are private roads owned and maintained by HOA. Parcel Q has only limited defined access over only a small portion of the private HOA roads.

The Parcel Q owners pay the HOA a nominal fee of $40/mos. for road maintenance costs, but there is no written road agreement between the HOA and the Parcel Q owner.

Other than as expressly granted in the Parcel Q deed, the Parcel Q owner has no right to use any of the other HOA Common Area, private HOA roads, other HOA private property, or other owner's private property, within the Las Palmas Ranch Master Association No. 1 area.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine G. Kemp

CGK:aac

HOA Board of Directors

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

March 3, 2020

Our File No.: 4813.001

Mr. Joe Sidor, Associate Planner
Monterey County RMA
1441 Schilling Place
Salinas, CA 93901

Re: River View at Las Palmas

Dear Joe:

We have reviewed the findings and evidence that were presented to the Planning Commission. We do have some amendments we believe should be carried forward to the Board of Supervisors. Most critical of these are the findings and evidence concerning the installation of grass pavers at the Country Park Road and Woodridge Court and the requirement for a road maintenance agreement.

Grass Pavers: The evidence presented in the report which is based on your conversations with Chief Fulcher (?) and the letter from Monterey Regional Fire Protection District are clear that no additional access is required. The mitigation upon which the grass paver requirement is based were prepared before that information was known. Additionally, we have to question the effectiveness of such a measure given the area in questions and other sections of Country Park Road have been blocked by bollards placed by the HOA.

Road Maintenance Agreement: MCC Section 21.64.320 F (2) provides that " if a *substantive dispute exists regarding the costs of repairing or maintaining a private road* as it relates to a project, said authority may approve the project but shall require as a condition of project approval that the applicant provide the County with adequate documentation demonstrating that the dispute has been satisfactorily resolved." There is not now or has there ever been a dispute over costs of repairs and maintenance of the existing road. The owners of River View have been billed and paid all road maintenance assessments they have received from the HOA. The applicant has acknowledged repeatedly they know they have a responsibility to repair any damage done to the roads by the construction activity. They also have acknowledged their responsibility to pay their proportionate share of the road's maintenance costs.

The County Code states "Maintenance of any private road will be subject to a private road maintenance agreement, or if no such agreement exists, then County recognizes that parties may have recourse pursuant to California Civil Code Section 845…" would be applicable. As I

explained at the Planning Commission hearing, the provisions of Civil Code Section 845 will apply in this instance.

There is no dispute over the right to use the easement. There is no dispute over costs of maintenance and repair. The conditions of approval of River View at Las Palmas should not include a requirement that an access or road maintenance agreement be obtained from the HOA.

We request that these changes be included in the RMA's recommendation to the Board of Supervisors.

Sincerely,

Anthony L. Lombardo
ALL/DE/rp

cc: Brandon Swanson
Craig Spencer
Clients

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

March 4, 2020

Our File No: 4813.001

Mr. Joe Sidor, Associate Planner
Monterey County RMA
1441 Schilling Place
Salinas, CA 93901

RE: River View at Las Palmas Below Market Rate Program

Dear Joe:

During the course of the Planning Commission's hearing February 12th several Commissioners referred to the cost of living at River View at Las Palmas (RVLP) and the possibility of Below Market Rate (BMR) program. At the conclusion of the Planning Commission hearing, although under no obligation to do so, we said we would voluntarily commit a portion of the River View project to be BMR.

River View is not considered to be residential development and is not subject to the inclusionary housing requirements and programs required by the County's Inclusionary Housing Ordinance (MCC Chapter 18.40). Because the BMR program is not required by the Ordinance and it has not been required of similar projects, we had no template to follow so we were forced to be thoughtful and creative in developing our proposed program.

RVLP is pleased to offer BMR on select units as an integral part of its community. The BMR program is detailed in the attached program description. The program is designed to make units more accessible to resident candidates who qualify as "lower income" per HUD standards. RVLP will provide 15 beds at a price 15% below market rate for the rental package. This program would allow qualified residents the use of the facility's amenities, food, cleaning, shuttle and other services similarly included for its market rate offerings.

We look forward to discussing this proposal with you.

Sincerely,

Anthony L. Lombardo
ALL/de
Enclosure

RIVER VIEW AT LAS PALMAS BELOW MARKET RATE PROGRAM

Considerations

In developing this program, a number of factors were considered:

- The focus of the community is CARE...to provide one source for the aging to be looked after in both good times and importantly, in challenging times.
- Aging in place is often the choice of seniors, but the practicality of so doing is both a challenge for family members and oftentimes debilitating to themselves;
- The AL Suites and AL Memory Care units are designed for moderately priced income levels, not higher incomes;
- Providing a below market rate program at River View at Las Palmas is fully voluntary and is not required by County policy or ordinance nor has it been required of similar projects in the County.
- The costs are generally higher to run a home (mortgage, property taxes, utilities, repairs and maintenance, food, transportation, service providers, etc.), without the benefit of 24-hour security, organized recreation, amenities, and readily available support provided in a well-run and equipped facility. All of those costs, plus the social benefits are included in the rent package we propose.

The Below Market Rate Program

At RVLP, BMR units will not be distinguishable from market rate units. RVLP was designed to address the following aspects that are believed to enhance all residents' well-being. RVLP will provide:

- Safe and easily-accessible accommodations that are welcoming but not extravagant;
- Adequately-sized bedrooms to provide comfort and clean conditions for rest;
- Well designed and staffed common areas for safety, security, socialization, companionship, group-activity participation, and general daily interaction of their choice;
- Peaceful enjoyment of the natural beauty of the RVLP site and surroundings that engenders a calm and relaxed security.
- A Community for residents of differing means and needs and sheltering them from the loss of necessary care they so badly need as the aging process accelerates.

The foregoing principles are embedded in the physical design of the 15.7 acres, the focus on "care", with an average of approximately 1 caregiver to 6 residents, and the concept of achieving daily engagement at a time when isolation and loneliness could easily set in.

The BMR program will include:

- A total of 15 beds to be dedicated to the BMR program. Those beds will be primarily in the Assisted Living (AL) Suites. The balance of beds offered will be from Assisted Living Memory Care. *(See Exhibit 1, attached).*
- The rent package will be priced 15% below the market rate for similar units.
- The rent package will provide the same basic services provided all residents, including:
    - Three meals and snacks daily
    - Weekly housekeeping
    - Linen change
    - Laundry
    - On-site security
    - Shuttle use for daily needs and activities
    - Use of all on-site amenities and;
    - Recreation and off-site excursions provided to market rate residents.[1]
- The BMR program will provide 13 beds in the Assisted Living Facility. Twelve beds will be in the Shared Companion units (527 to 587 SF) and 1 bed will be in the One Bedroom AL Suites category (360-395 SF).
    - The Companion Units are particularly well-suited as residents will benefit from the friendship and comradery that emanates from such association while also benefiting from appropriate privacy by architectural design. Companion units also provide an opportunity for partners to continue to live together.
    - The one-bedroom AL Suite provides an option for candidate residents preferring some privacy and are able to afford that option.
- The BMR program will provide 2 beds in the Shared AL Companion (435 SF) Memory Care category for applicants in the later stages of life or are in a condition that requires the higher degree provided in the MC facility.

Below Market Rate Program Administration

The BMR program will be administered generally along the following parameters:

1. All RVLP applicants, regardless of income level, are required to provide a financial statement setting forth the individual(s)' net-worth, and annual income. The financial statement will be accompanied by supporting information substantiating the assets and income sources to facilitate the evaluation. The applicants will also be asked to supply the last two years' Federal and State Tax Returns.

---

[1] RVLP will also offer to all residents excursions to events which may be outside the normal service area and may include event admissions. All residents, regardless of income level, will be required to pay for those excursions.

2. The applicant's income level will be compared to the Low-Income Limits as published annually by the Department of Housing and Urban Development (HUD).
3. Should the applicant's income fall at or below the maximum of HUD's index *(See Exhibit 2, attached)*, the candidate(s) will qualify for a BMR unit and, if accepted under other entrance criteria similar to those for market rate applicants, will be eligible for a BMR unit based on availability at the time of qualification.
4. Once a resident of RVLP, no further annual qualification is necessary until the resident moves or passes away. From time-to-time, when a rent package rate increase is necessary, residents will need to provide evidence of changed annual income.
5. Annual rent increases for BMR units will be limited to the annually adjusted HUD low income limit.
6. BMR beds will be provided to candidate and existing residents, as applications are submitted, qualifications are met, and appropriate beds are available, with priority given to existing RVLP residents needing to move up to a higher care category. A waiting list will be maintained and serviced accordingly.

River View at Las Palmas Below Market Rate Program Offer 15 Beds/15% Contribution					
Facility	Number of Units/Beds	Unit Type	Size Sq. Ft	Average Contribution Per Month (Year) Per Bed	Distibution of BMR Beds
Assisted Living Casitas	10	1-bd 1 ba	893		
	12	2-bd, 2 ba, 1-car garage	1138		
	4	2-bd 2.5 ba, + study +	1307		
		2-car garage			
	26/42			-	-
Assisted Living Suites	12/(24beds)	Shared (Companion)	527-587		12
	9	Small Private	360-395		1
	19	Large Private	413		-
	40/52				
Assisted Living Memory	9/(18 beds)	Shared (Companion)	453		2
Care Suites	30	Studio Private	316-368		
	39/48				
Total Units/Beds	105/142			$675/$8,100	15
Average Annual Contribution, Year One ($8,100 x12= $121,500)				$121,500	

FY 2019 Income Limits Documentation System

FY 2019 Low-Income Income Limits Calculation

In general, most 4-person low-income limits are the higher of 80 percent of the area median family income or 80 percent of the State non-metropolitan median family level. However, calculating low-income limits as 80 percent of the area median family income may produce anomalies inconsistent with statutory intent because the very low-income limits are not always based on 50 percent of the median(e.g., very-low income limits could be higher than low-income limits).

The calculation normally used, therefore, is to set the 4-person low-income limit at 1.6 (i.e. 80%/50%) times the relevant 4-person very low income limit. The only exception is that the resulting income limit may not exceed the U.S. median family income level ($75,500 for FY 2019) except when justified by high housing costs. Use of very low-income limits as a starting point for calculating other income limits tied to Section (3)(b)(2) of the U.S. Housing Act of 1937 has the effect of adjusting low-income limits in areas where the very low-income limits have been adjusted because of unusually high or low housing-cost-to-income relationships.

1. The first step of calculating low-income limits is to establish the preliminary 4-person income limit. This is derived by multiplying the 4-person very low-income limit by 1.6 (80%/50%) and rounding the product to the nearest 50.

Area	4-Person Very Low-Income Limit	Preliminary 4-Person Low-Income Limit
Salinas, CA MSA	$44,900	$71,850

2. Next, a comparison is made to ensure that the preliminary 4-Person low-income limit is not greater than the U.S. median family income level:

Area	US Median Family Income	Comparison	Result
Salinas, CA MSA	$75,500	Is $71,850 > $75,500? **No**	No Adjustment 4 Person LIL = **$71,850**

3. Next, a check is made to see if the area qualifies as a high housing cost area. This is similar to the high housing cost adjustment made for very low-income limits. An area's income limit is adjusted due to high housing costs if 85% of the area's annual 2 bedroom FMR is greater than 35% of the US median income. As we are deriving the low-income limit, the 85% of the annual 2-BR FMR is augmented by 1.6:

Area	2BR FMR	Annual 2BR FMR	Annual 2BR FMR* 1.6*85%	35% of US Median Income	Comparison	Result
Salinas, CA MSA	$1,540	$18,480	$25,133	$26,425	Is $25,133 > $26,425? **No**	No Adjustment 4-Person LIL = **$71,850**

4. Subsequent to the comparisons above, low-income limits are calculated for each person size family between 1 and 8 persons. As is done with the very low-income limits, the 1-person limit is calculated by multiplying the 4-person limit by 70%, the 2-person is obtained by multiplying the 4-person limit by 80%, the 3-person by multiplying the 4-person by 90%, the 5-person by multiplying the 4-person by 108%, the 6-person by multiplying the 4-person limit by 116%, the 7-person by multiplying the 4-person limit by 124%, and the 8-person by multiplying the 4-person limit by 132%. The low-income limits for these family size are then rounded up to the nearest $50.

Salinas, CA MSA								
Income Limit	1-person	2-person	3-person	4-person	5-person	6-person	7-person	8-person
FY2019 Low-Income Limits	$50,300	$57,500	$64,700	$71,850	$77,600	$83,350	$89,100	$94,850

Low-Income Limit Calculation For Families With More Than 8 People

Select family size

Calculate

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OUR FILE NO. 18643.010

May 18, 2020

BY E-MAIL DELIVERY

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Salinas, CA 93901

sidorj@co.monterey.ca.us
Joseph Sidor, Associate Planner
Monterey County Resource Agency – Planning
1441 Schilling Place, 2nd Floor
Salinas, CA 93901

Re: RiverView at Las Palmas – PLN 150372
Access over Las Palmas Private Roads

Dear Ms. Strimling and Mr. Sidor:

I am writing on behalf of the Las Palmas Ranch Master Association No. 1 ("Association") to address Mr. Lombardo's letters dated February 19, 2020 and March 3, 2020, submitted on behalf of the RiverView at Las Palmas developer.

The Association does not agree with Mr. Lombardo's claim that:

1. There is no dispute over developer's rights to use the private Association roads for the RiverView at Las Palmas project ("Project"); and

2. Therefore there is no need for a condition of approval requiring a Road and Maintenance Agreement with the Association.

While the Association has acknowledged that Parcel Q has limited rights of access over a portion of the Association's private roads, there is remains disagreement regarding:

1. The historic level of the use permitted; and

2. The implications of both the significant use, and financial, impacts to the Association.

Parcel Q has only limited access rights over the Association's private Las Palmas Road (the main entry gate to Las Palmas No. 1) and portions of River Run Road and Woodridge Court within Las Palmas Ranch No. 1, in the areas shown with a red-line on the attached Aerial Map.

The proposed Project will, admittedly, concentrate at least 383 additional daily trips on these three private Association roads (Applicant's traffic report).

The Association's traffic consultant, TJKM, has opined that the stated traffic counts are low and do not consider the wide range of vehicles and full spectrum of traffic that will actually be generated by the proposed Project[1] (see TJKM letter, attached).

The Association has consistently maintained that the proposed Project will create significant traffic impacts to the Association's private roads.

At the time the original access easement to Parcel Q was created in 2000, no one anticipated a major commercial operation on the Parcel Q area, with the commensurate increase in traffic involving a steady stream of emergency vehicles (fire trucks and ambulances), large delivery trucks required for medical supplies, food service/dining room, laundry, etc., as well as, employees, guests, and residents required with such a facility.

The Association has also stated the Project is inconsistent with the rural residential nature of the Las Palmas subdivision and the overall Las Palmas Ranch

---

[1] **Trip Generation**
We question the applicability of trip rates used for this project, particularly for the casitas where the residents can have their own cars, and commercial operations at the facility. There is concern that the rates used for the casitas units may not accurately reflect traffic from employed residents, visitor travel, caregiver trips and even medical visits. Can the applicant demonstrate that the ITE rates utilized apply to this project? The facility will also have a host of other commercial operations, including full food service and other resident services. Traffic to the facility will not be just cars and shuttle vehicles, but larger delivery trucks for the commercial needs, along with medical response vehicles. The impact of these vehicles does not appear to be addressed.

Specific Plan for the Las Palmas area, and that introducing a large senior residential care facility was never contemplated in the Las Palmas Specific Plan.

It has been well-established in California law that the extent of servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired. (California Civil Code §806). When an easement is granted for a specific use, there may not be an increase in the burden of the easement (California Civil Code §807), and the servient tenement owners have the right to insist that so long as the easement is enjoyed, it shall remain substantially the same as it was at the time the right accrued.

The question then becomes:

1. What was the anticipated use of the Parcel Q access easement at the time the Parcel Q access easement was first created; and

2. Is a commercial Assisted Living Facility use of Parcel Q a surcharge on the access easement?

Under the 1983 Las Palmas Ranch Specific Plan (LPRSP), the Parcel Q area is shown as part of Area A designated as "Medium Density Residential" on the Las Palmas Ranch Specific Plan Map (see LPRSP Figure E, attached), with the total LPRSP "Residential Units" capped at 1031, as shown on Las Palmas Ranch Specific Plan Land Use Table (see LPRSP Figure D, attached).

Other areas of the Las Palmas Ranch Specific Plan area were designated for Commercial/Recreational, School/Church sites, etc., and in particular, the commercial area for Las Palmas Ranch No. I is shown as Area B in the Specific Plan (see LPRSP Figures D and E, attached).

Likewise, the Parcel Q area is shown as "Medium Density Residential" in the 1983 Toro Area Plan, which also specifically states "1031 Max. Units" for the Las Palmas Ranch Specific Plan area, along with the designated commercial use areas (see 1983 Toro Area Land Use Plan, attached).

Six years after the Las Palmas Ranch Specific Plan and Toro Area Plan were adopted by the County Board of Supervisors in 1983, Parcel Q was created by subdivision map recorded at Volume 26 Cities and Towns page 70, June 15, 1989 (map signed by Michael Fletcher Sr. on behalf of Las Palmas Ranch Development Company, Inc.).

At the same time, the Las Palmas Ranch developer recorded Covenants, Conditions, and Restrictions (CC&Rs) for the Las Palmas Ranch Planned Unit Development (Recorded at Document 33378, June 16, 1989).

The CC&Rs state that the development will consist of approximately 1,031 residential units however phasing could be changed, and acknowledges that Las Palmas Ranch Phase I Lots D, E, and F are designated for commercial uses. Parcel Q is not one of the commercially designated lots. Lot D is the Corey House. The Association subsequently purchased Lots E and F.

The access easement over the Association's private property to Parcel Q was first created in 2000 by deed from Las Palmas Ranch Development Company, Inc. (signed by Michael Fletcher, Jr.) to James Fletcher and Lisa Fletcher on September 29, 2000.

Over the 11 year period between when Parcel Q was created (1989), to the time of the grant of the access easement (2000), all of the Las Palmas Ranch Phase I and Las Palmas Ranch Phase II subdivision maps had been recorded, except for Las Palmas Ranch II - Unit 11 which was recorded on December 15, 2000, establishing the maximum buildout for the Las Palmas Ranch development, substantially consistent with the Las Palmas Ranch Specific Plan, Toro Area Plan, and recorded CC&Rs.

Had Parcel Q been used for residential uses, consistent with its residential designation under the 1983 Las Palmas Ranch Specific Plan and 1983 Toro Area Plan, within the cap of residential units allowed, use of the access easement to serve a limited number of homes on Parcel Q would have been a consistent use. The developer, however, chose to shift the residential density off Parcel Q, and develop the 1031 residential units elsewhere in the development.

At the time the Parcel Q access easement was created in September 2000, the Las Palmas Ranch project was essentially completed with the residential units and commercial uses distributed throughout the Las Palmas Ranch Plan area, in substantial conformance with the overall residential density and commercial land uses set forth in the 1983 Las Palmas Ranch Specific Plan and 1983 Toro Area Plan, and, to date, 1029 residential units of the 1031 residential unit cap, have been built out.

Moreover, in 2000, when the access easement was granted, it was not contemplated in either the Las Palmas Ranch Specific Plan or Toro Area Plan that Parcel Q would be a commercial use, and certainly not anticipated that it would be used for a commercial Assisted Living Facility.

Accordingly, use of the access easement over the Association's private roads to serve the proposed Assisted Living Facility commercial use, is a substantial increased burden, and surcharge on, the access easement, well beyond the scope of the allowed property uses contemplated when the access easement was created in 2000.

On December 18, 2019 the Association Board adopted Resolution 2019-01 (copy attached) confirming that the Association will insist that the scope of Parcel Q's limited use of the Association's private roads remains substantially the same as they were at the time the right to use the private road easement accrued.

The Project Applicant admits he needs a Specific Plan Amendment to move forward with the Project. This is a marked departure from the established land use plan for this rural residential community set forth for the Las Palmas Ranch Specific Plan, particularly, where the entire Las Palmas Ranch development has since been built out in substantial compliance with the Plan and properties subsequently purchased by the Las Palmas residents.

The Association believes use of the Parcel Q access easement for a commercial Assisted Living Facility, with all of the associated commercial services, is a surcharge and burden on the access easement, in excess of, and inconsistent with, the anticipated rural residential use of the access easement.

Additionally, if the proposed project does go forward, there will be substantial damage caused to the Association's private roads, as detailed in the TJKM report[2] (see TJKM report attached), requiring written responsibility for reimbursement, repairs, and payments.

---

[2] **Private Street Pavement Impacts by Construction Trucks**
The EIR describes a two-year construction period and an import requirement of 34,500 cubic yards of fill in addition to the normal heavy construction traffic. For this amount of fill, this would generate nearly 3,000 loaded 12-yard pickup trucks driving on River Road, Las Palmas Road, River Run Road and Woodridge Road, and an equal number of returning empty dump trucks. The construction truck traffic is likely to cause damage to these private streets which have not been designed to accommodate this type and volume of construction traffic. The damage would include heavy wear and tear on the asphalt concrete pavement. In addition, three intersections along the route to the new development have hand-placed concrete brick pavement, which typically rests on a sand base. Regardless of the base, the brick pavement is unlikely to withstand the impacts of 3,000 fully loaded dump trucks. Typical damage is broken or displaced bricks.

Accordingly, there is clearly a dispute regarding use of the access easement over the Association's private roads for this Project.

As set forth in County Code sections 21.64.320 (1) and (2), a Road and Maintenance Agreement between the developer and the Association is required as a condition of approval of the Project, should it be approved, because there is a dispute regarding use of the access easement and the associated costs related thereto.

To date there has been minimal use of the access easement, as Parcel Q is a vacant lot. The nominal $40/month being paid on a "handshake" agreement with the Association is not indicative of a full Road and Maintenance Agreement between the parties for use of and maintenance of the Association's private roads which will be substantially impacted if this Project goes forward.

Moreover, simply allowing the developer to rely on Civil Code Section 845 to address the road easement issues and associated road maintenance costs, as suggested by the developer, sets the Association up for litigation, requiring the Association to file a lawsuit to have a court determine the amounts owed.

The County adopted its proof of access requirements to avoid these types of situations. The rules apply here and should not be removed.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine Kemp

Christine Kemp

cc: Las Palmas Ranch Master Association No. 1 Board of Directors

Attachments:

Las Palmas Ranch No. 1 Aerial Map
TJKM Traffic Consultant letter dated April 23, 2018
Las Palmas Ranch Specific Plan Map - Figure E
Las Palmas Ranch Specific Plan Land Use Table - Figure D
1983 Toro Area Land Use Plan
December 18, 2019 Association Board Resolution 2019-01

LAS PALMAS RANCH NO. 1

AERIAL MAP


River Rd
G17
Woodridge Ct
Woodridge Ct
Old Sawmill Rd
Winding Creek Rd
River Run Rd
Country Park Rd
Sugarmill Rd
Old Ranch Ct
Parcel Q
© 2017 Google
Google Earth
1998
Imagery Date: 10/19/2016 35°37'13.04" N 121°40'19.94" W elev 70 ft eye alt 1739 ft

TJKM TRAFFIC CONSULTANT

LETTER DATED APRIL 23, 2018

TJKM

April 23, 2018

Joseph (Joe) Sidor, Associate Planner
Monterey County
Resource Management Agency – Planning
1441 Schilling Place, 2ND Floor
Salinas, CA 93901

Re: Comments on DSEIR River View at Las Palmas Assisted Living Senior Facility

Dear Mr. Sidor:

TJKM Transportation Consultants appreciates this opportunity to provide our comments on the subject document. We are providing these comments on behalf of the Las Palmas Homeowners Association No 1. Our comments are as follows:

Traffic on SR 68

Portions of State Route 68 operate at LOS F. It appears that various large projects have been approved recently by the County with significant environmental impacts being dealt with by establishing overriding considerations. The County and other agencies could keep adding in the traffic impacts of these projects, each of which further worsens the existing peak hour congestion. Roundabouts have been discussed for installation at various locations; however, there is no indication that these roundabouts will actually be constructed nor that they will actually reduce daily congestion and delays along the SR 68 corridor.

Trip Generation

We question the applicability of trip rates used for this project, particularly for the casitas where the residents can have their own cars, and commercial operations at the facility. There is concern that the rates used for the casitas units may not accurately reflect traffic from employed residents, visitor travel, caregiver trips and even medical visits. Can the applicant demonstrate that the ITE rates utilized apply to this project? The facility will also have a host of other commercial operations, including full food service and other resident services. Traffic to the facility will not be just cars and shuttle vehicles, but larger delivery trucks for the commercial needs, along with medical response vehicles. The impact of these vehicles does not appear to be addressed.

River Road Access Details

The EIR provides no significant review of existing Las Palmas entry "gate" operations and conditions and how these may be affected by the project. In order to provide enhanced security, the home owners have placed a guard house on Las Palmas Road (the main entrance to the subdivision) immediately west of River Road, at the entrance to the subdivision and have retained security personnel to monitor and regulate incoming traffic. But even under current conditions the volume of inbound traffic during peak periods has caused the process to be relaxed (no guard check of entering vehicles) in these peaks to minimize congestion at the entrance and to avoid backups into the River Road signalized intersection. The residents have been able to live with this approach since most of the inbound traffic during busy periods are homeowners and this is the most practical solution to maintain security.

However, with the new development there will be a clear need to screen all incoming traffic. To accomplish this Las Palmas Road would need to be two long entrance lanes, one for those to be checked by the guard (visitors, delivery vehicles, etc.) and one for residents/employees with badges or vehicle stickers/placards. Entry gates would probably need to be added. The logistics of this are very awkward because of space limitations at the entrance. The entrance lanes would likely need to extend all the way to River Run Road to accommodate the volume of traffic. This would effectively cut off the existing left turn lane and movement into Winding Creek Road, which is very close to the entrance. This would create circulation issues for those residents who live along Winding Creek Road, who under the revision described above would not be able to make a left turn into their street.

The overall solution requires an additional westbound entrance lane on Las Palmas Road between River Road and River Run Road, a distance of about 400 feet. In addition, an entrance gate and entry system would need to be installed along with likely increased security personnel hours at the entrance.

This is a major concern to the residents. The EIR should investigate this issue in detail and provide a plan to provide full security and safety to existing residents and to occupants of the new development.

Woodridge Court

There are no details on the Woodridge Court access to the new project, other than it will probably be 28 feet wide. How steep is it? Since this is the only entrance to the new development, design details are important. We were unable to locate a site plan within the EIR that contains planned details of the Woodridge Court access.

Single Access Point

It is noted that there is only a single access to the site, using the aforementioned Woodridge Court. It appears that due to the property ownerships involved, there are no possibilities of a second access point or even an emergency access point. A secondary or emergency access point is a standard requirement in all developments. In a fire, or any other emergency, all 142 residents of the site (42 in casitas, 52 in assisted living and 48 in memory care) (See pages 4-5 and 4-6) would have to be evacuated out one route funneled through the Las Palmas subdivision. Any emergency vehicles would need to use the same route. The 142 residents include ambulatory, non-ambulatory, and some with diminished mental capacity making their evacuation even more challenging. Evacuating staff members would use the same route. This is a significant issue which has not been addressed.

Emergency Calls to Site

Emergency calls to the site have not been addressed. The EIR should disclose how emergency calls to the site, which could provide disturbances to existing residents, perhaps frequently, will be handled. Even without sirens, these vehicles are loud Potential day time and night time emergency vehicle visits, should be addressed.

Private Street Pavement Impacts by Construction Trucks

The EIR describes a two-year construction period and an import requirement of 34,500 cubic yards of fill in addition to the normal heavy construction traffic. For this amount of fill, this would generate nearly 3,000 loaded 12-yard pickup trucks driving on River Road, Las Palmas Road, River Run Road and Woodridge Road, and an equal number of returning empty dump trucks. The construction truck traffic is likely to cause damage to these private streets which have not been designed to accommodate this type and volume of construction traffic. The damage would include heavy wear and tear on the asphalt concrete pavement. In addition, three intersections along the route to the new development have hand-placed concrete brick pavement, which typically rests on a sand base. Regardless of the base, the brick pavement is unlikely to withstand the impacts of 3,000 fully loaded dump trucks. Typical damage is broken or displaced bricks.

The replacement or repair of damaged asphalt concrete and brick pavement sections needs to be addressed in the DEIR.

Mitigation Measures

Figure 9-4 on DEIR page 9-19 shows level of service results for three study intersections for three scenarios. This table shows that under cumulative plus project conditions the Highway 68 EB and WB ramp conditions at Reservation Road/River Road are at LOS D, exceeding the Monterey County standards. However, there is no DEIR text dealing with

cumulative traffic impacts and mitigation requirements. In the project traffic impact study included as Appendix D of the DEIR, the impacts at these two intersections are described along with mitigation measures. The DEIR text indicates that the project would be required to pay regional impact fees, although such a payment is not included as a mitigation requirement. In addition to no description of cumulative impacts in the DEIR text, it is not clear which impacts the payment of regional fees is intended to mitigate. A description of cumulative impacts and more details on resolution of these impacts should be added to the DEIR.

Applicant Mitigation Measures

The applicant proposes off-peak employee shifts and the use of shuttle buses for both residents and for employees. The downside of these activities are an increased amount of early morning or late night travel through the Las Palmas neighborhood, and frequent shuttle bus travel through the same neighborhoods. The DEIR should address the impacts of these mitigation measures on the Las Palmas neighborhood.

Please contact me if there are questions on these matters.

Very truly yours,

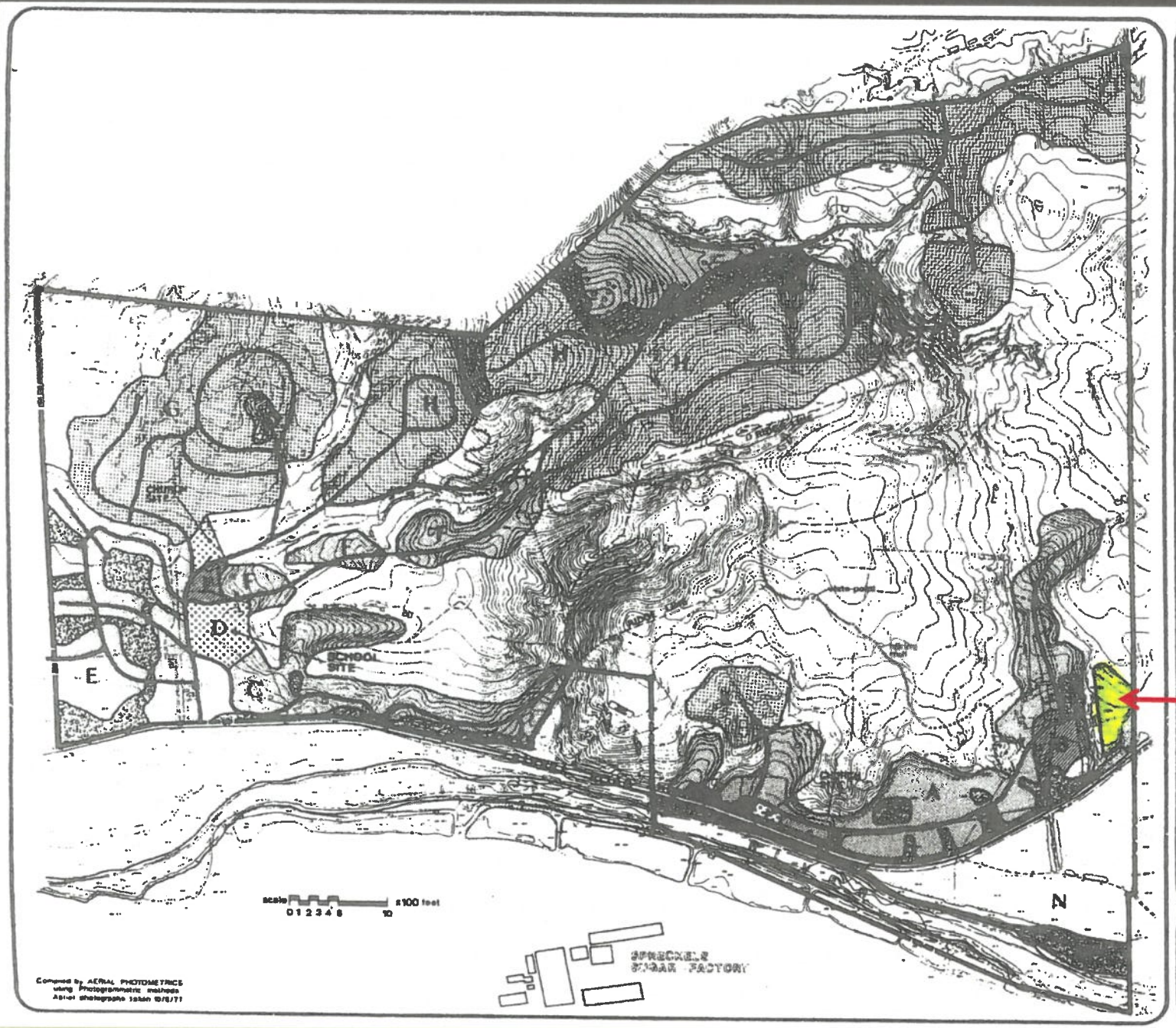
Chris D. Kinzel

Chris D. Kinzel, P.E.
Vice President

Cc: Christine G. Kemp

LAS PALMAS RANCH SPECIFIC PLAN MAP

FIGURE E



Las Palmas Ranch

FIGURE E

SPECIFIC PLAN

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- QUASI-PUBLIC
- RECREATIONAL COMMERCIAL
- PARKS / RIPARIAN

Parcel Q

Monterey County Planning Department

LAS PALMAS RANCH SPECIFIC PLAN

LAND USE TABLE – FIGURE D

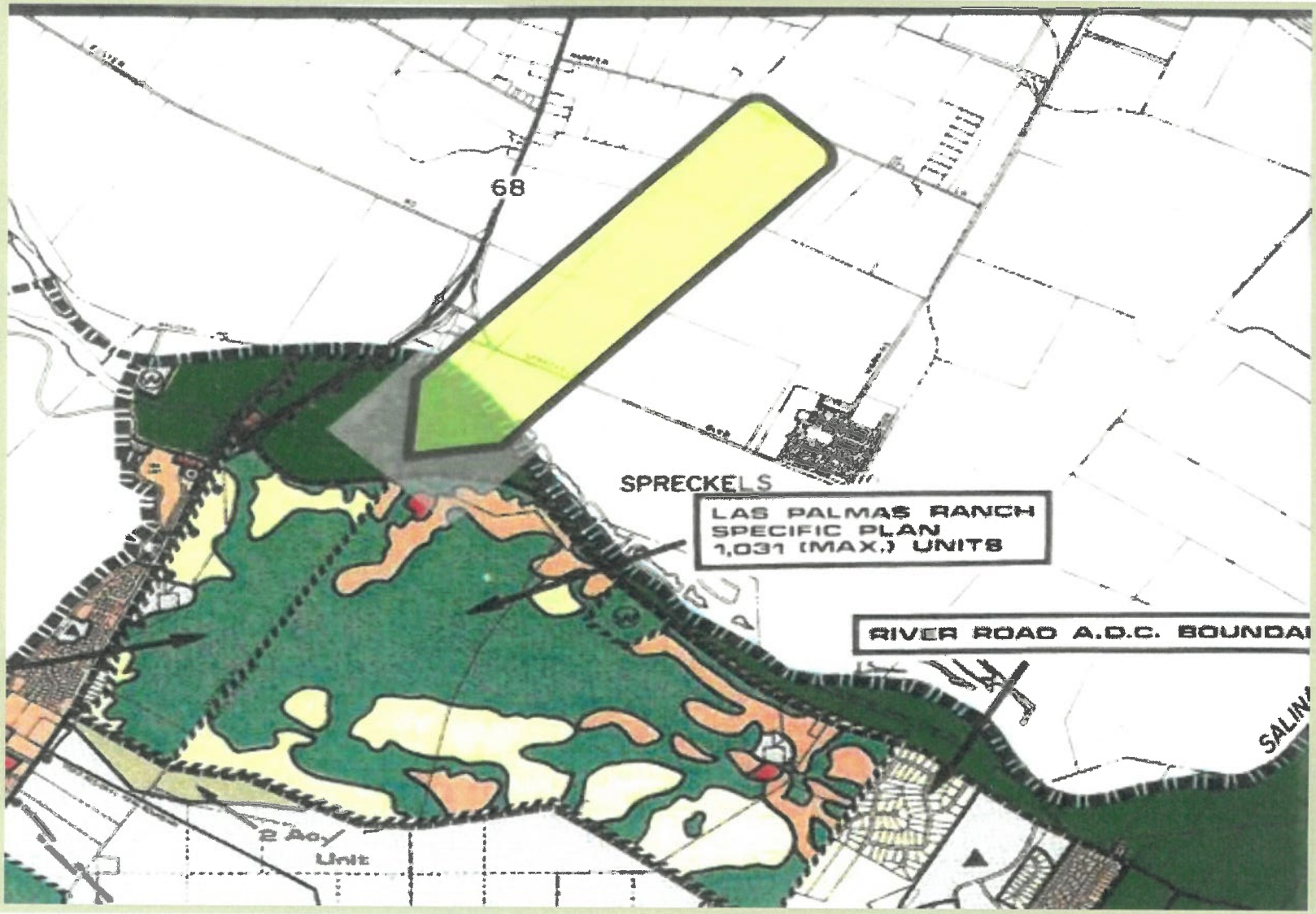
FIGURE D: LAS PALMAS RANCH SPECIFIC PLAN LAND USE TABLE

ADC Policy Plan Areas	Residential Units Multi	Residential Units Single	Total Units	Other Land Uses	Other Acreage	Total Acres	Density Units/AC
A	312	0	312			104	3.00
B	-	-	-	COMMERCIAL/RECREATIONAL	6	6	N/A
C	131	0	131			62	2.11
D	-	-	-	SCHOOL/CHURCH SITES	15	15	N/A
E	0	168	168			76	2.21
F	104	0	104			32	3.25
G	0	80	80			95	.84
H	0	142	142			152	.93
I	0	46	46			28	1.64
J	0	43	43			90	.48
K	0	5	5			11	.45
L	-	-	-	COMMERCIAL	6	6	N/A
				OPEN SPACE:			
M				RIPARIAN CORRIDOR	13		
N				AGRICULTURAL LAND	56		
O				NEIGHBORHOOD/INFORMAL OPEN SPACES	65		
				CENTRAL OPEN SPACE & FRONTAL SLOPES	767		
				TOTAL OPEN SPACE		901	N/A
TOTAL	547	484	1031			1579	.65 AV.

NOTE: ACREAGES BOUNDARIES OF THE PLAN AREA AND NUMBER OF UNITS WITHIN EACH PLAN AREA ARE APPROXIMATE. SPECIFIC BOUNDARIES, AND NUMBER AND MIX OF UNITS WILL BE DETERMINED AT THE TIME OF FINAL ENGINEERING, PROVIDED THAT THE TOTAL NUMBER OF RESIDENTIAL UNITS SHALL NOT EXCEED 1,031. DEVELOPMENT MAY NOT OCCUR IN THE APLHABETICAL ORDER IN WHICH THE PLAN AREAS ARE LETTERED ON THE PLAN.

1983 TORO AREA LAND USE PLAN

1983 Toro Plan Map



DECEMBER 18, 2019

ASSOCIATION BOARD RESOLUTION 2019-01

RESOLUTION NO. 2019-01

LAS PALMAS RANCH MASTER ASSOCIATION

AFFIRMING ASSOCIATION PRIVATE PROPERTY RIGHTS AND OBLIGATIONS WITH REGARD TO PARCEL Q

WHEREAS, Las Palmas Ranch Master Association (also known as the Las Palmas Ranch Master Association No. 1) is a duly formed Nonprofit Mutual Benefit Corporation providing for the management, administration, maintenance, preservation, and architectural control of the initial phase of the Las Palmas Planned Unit Development Subdivision ("Association");

WHEREAS, the initial phase of the Las Palmas Planned Unit Development Subdivision includes five unit areas, consisting of residential lots and common area lots, shown on recorded Tract Maps as Corey House Area Unit 1 (Tract Map 1086A), Corey House Area Unit 2, (Tract Map 1087A), Corey House Area Unit 3 (Tract Map 1088A), Corey House Area Unit 4 (Tract Map 1089A), and Corey House Area Unit 5 (Tract Map 1090A) (collectively "Las Palmas Ranch Phase 1"). The Tract Maps listed in the preceding sentence are collectively referred to as "Corey House Area Unit Maps";

WHEREAS, the Association governs Las Palmas Ranch Phase 1, including ownership of the Las Palmas Phase 1 common areas and Las Palmas Ranch Phase 1 private roads shown on the Las Palmas Ranch Phase 1 Corey House Area Unit Maps;

WHEREAS, the private road system developed as part of Las Palmas Ranch Phase 1 shown on the Corey House Area Unit Maps, is for the common use of the Las Palmas Ranch Phase 1 members, is owned by the Association, and the maintenance and repair of the private road system is paid by the Association through Association membership dues;

WHEREAS, on or about May 27, 1998, the Association purchased Parcels E and F, as shown on the Corey House Area Unit 1 Map, located between Woodridge Court and County Park Road, from the developer, Las Palmas Ranch Development Company, Inc., for the benefit of the use of the Association's members for open space and recreational purposes.

WHEREAS, at the time of the purchase of Parcels E & F, the Association and its membership, contemplated no development was to occur on Parcels E & F, including no road development, other than minor development incidental to recreational use;

WHEREAS, the Las Palmas Ranch 1 developer also dedicated, for private use, drainage easements to permit the construction, maintenance and operation of drainage facilities on, over and under certain strips of land within the Las Palmas Ranch 1 area for the purpose of conveying drainage from the natural drainage tributary to each easement, which drainage facilities are owned and maintained by the Association. The developer also dedicated storm drainage easements to County Service Area #72;

WHEREAS, the existing storm drainage system for Las Palmas Ranch 1 is believed to be only adequately sized for the number of residences built as part of Las Palmas Ranch Phase 1;

WHEREAS, Parcel Q is shown on Tract Map 1086A, but it is not part of the five Corey House Area Unit residential lots, easements, and common areas, making up Las Palmas Ranch Phase 1;

WHEREAS, Parcel Q remains undeveloped and is now owned by River View at Las Palmas, LLC;

WHEREAS, Parcel Q is not a member of the Association, has not paid membership dues to the Association, has no ownership interest in any of the Association's common areas, private easements, private roads (including Country Park Road), or private property, other than having only limited access rights over a portion of the Association's private roads (portions of River Run, Woodridge Court, and Las Palmas Road) pursuant to the Grant Deed recorded at Document 2013046807, July 23, 2013, Official Records of Monterey County, California ("Parcel Q Deed");

WHEREAS, it has been well-established in California law that the extent of a servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired. (California Civil Code §806). When an easement is granted for a specific use, there may not be an increase in the burden of the easement (California Civil Code §807), and the servient tenement owners have the right to insist that so long as the easement is enjoyed, it shall remain substantially the same as it was at the time the right accrued; and

WHEREAS, the Association Board of Directors seeks to protect the Association's private property, including its common areas, easements, and private roads.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Directors of Las Palmas Ranch Master Association

1. affirms that use of the Association private roads within Las Palmas Ranch Phase 1 remains limited to residential use;

2. affirms that Parcel Q has no right to use of any of the Association's private roads, but for the limited scope of use set forth in the Parcel Q Deed;

3. will insist that the scope of Parcel Q's limited use of the Association private roads remains substantially the same as they were at the time the right to use the private road easements accrued;

4. affirms that use of the Association's Parcels E & F remains consistent with the intent of the Association at the time it purchased said parcels, and consistent with the subsequent use thereon by its members, which is recreational use, and that no development, including road construction, is allowed thereon other than for recreational purposes;

5. affirms that Parcel Q has no right to use of any of the Association's common areas, including, but not limited to, community parks, sidewalks, open space areas, Parcels E & F, or the grass median at the eastern terminus of Country Park Road;

6. affirms that the use of the storm drainage system developed for Las Palmas Ranch Phase 1 subdivision remains limited to residential use by Las Palmas Ranch Phase 1, as built out; and

7. will insist upon the use of the storm drainage system easements, and facilities thereon, remaining substantially the same as they were at the time the right to the easements accrued.

PASSED AND ADOPTED by the Board of Directors of the Las Palmas Ranch Master Association at a special meeting held on the 18th day of December 2019 by the following vote:

AYES, and all in favor, thereof, Directors: Denise Benoit, Otavio Bernardo, Jennifer Lukasik, Mishalin Modena and David Tucker

NOES, Directors: None

ABSENT, Directors: Roberta Pastorino and Fred Rowland

ABSTAIN, Directors: None

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

June 3, 2020

Our File No: 4813.001

Wendy S. Strimling
Senior Deputy County Counsel
County of Monterey
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

Joe Sidor, Associate Planner
Monterey County RMA
1441 Schilling Place
Salinas, CA 93901

RE: River View at Las Palmas (RVLP)

Dear Wendy and Joe:

This letter is in response to Ms. Christine Kemp's May 18, 2020, letter regarding our client's right to access their property for the residential care facility for the elderly recently recommended for approval by the Planning Commission. The only dispute over that right is the one created by Ms. Kemp's clients in their effort to prevent the development of Parcel Q.

The intent of this letter is not to argue points of law. We have long ago established our legal right to access the property. We write to correct several of the incorrect and misleading statements in Ms. Kemp's letter.

- Our client's right to access their property is described in their deed. The deeded right of way is a nonexclusive easement and has no limits, stated or implied, to its use.
- The Final Subsequent Environmental Impact Report (FSEIR) for the project examined the assertions in the TJKM letter and concluded the 383 trips per day projected for the project, which is the trip number without mitigations of scheduling, carpooling and shuttles, was accurate. The Planning Commission in their recommendation for approval of the project found the FSEIR adequate and recommended that it be certified by the Board of Supervisors.
- The TJKM letter "questions the trip rate" used by Keith Higgins, TE in his traffic studies. If TJKM had substantive and supportable concerns over the trip rate it would have been expected they would have stated what they believed the correct rate would be. They did not.

expected they would have stated what they believed the correct rate would be. They did not.

- Ms. Kemp's assertion that no one anticipated "major commercial" traffic using the project entrance is wholly unsupported and is contrary to the history of Las Palmas Ranch. The entrance to Las Palmas Subdivision #1 was always expected to be used for access to commercial development:
    - The Las Palmas Ranch Specific Plan (LPRSP) designated the 3.3 acres of land along Las Palmas Road, River Run Road and Woodridge Court (the RVLP easement) for the construction of a shopping center. The 2010 General Plan and Toro Area Plan designate that same property Commercial. It is zoned Light Commercial.
    - The traffic study and Final Environmental Impact Report for the LPRSP estimated commercial traffic generation would be 116 trips/day/1,000SF. At 25% site coverage (the Light Commercial district allows coverage up to 50%) estimated traffic would be just under 4,200 trips per day.
    - The area on which the River View Project is proposed is and has been always designated for the construction of up to 42 homes which generate an equivalent amount of traffic except there would be greater morning and afternoon peak hour traffic trips.
- Ms. Kemp asserts there would be a "steady stream of emergency vehicles" and associated noise from emergency vehicles. Based on data provided by the Monterey County Health Department, there would be approximately 1 emergency vehicle trip every 3 days. The Monterey Regional Fire Protection representatives have stated fire truck and ambulance sirens are turned off when they exit River Road into the Subdivision.
- Ms. Kemp states that our clients have said an amendment to the LPRSP is needed for the RVLP project. That is not true. Our clients do not believe an amendment was or is necessary but acceded to the request of the RMA to include the amendment request in their application. We do not believe an amendment is needed because in our opinion the LPRSP is no longer a part of the 2010 General Plan or the Toro Area Plan.
    - The 2010 General Plan and Toro Area Plan both designate Parcel Q for Medium Density Residential use. Parcel Q is zoned Medium Density Residential. The MDR district clearly allows for the Riverview Project subject to a use permit. No amendment to the General Plan, Toro Area Plan or zoning is needed.
    - The previous General Plan and Toro Area Plan incorporated the LPRSP by reference. Although the 2010 General Plan and area plans incorporate the Carmel Valley Ranch and East Garrison specific plans by reference, they do not incorporate the LPRSP. Given the many years of scrutiny of the 2010 General Plan and that the adopting resolution clearly stated it was a comprehensive update which replaced previously existing documents, it is fair to conclude the LPRSP is no longer in effect.

- Even if an amendment were needed, the River View project is a public/quasi-public use and would not be subject to the 1031-unit cap on new homes constructed in the LPRSP.
- There is no dispute over our client's responsibility to repair any damage done to the roads if damage occurs during the course of construction. They are required to do so as a matter of law. Our clients have stated repeatedly they will repair any damage done to the road caused by construction.
- The $40 monthly fee paid to the HOA is set by the HOA. The HOA has not at any time approached our clients about increasing that contribution. At such time as the Riverview facility is constructed, my clients fully anticipate the fees paid for road maintenance to be increased accordingly.
- Ms. Kemp states that a judicial action will be needed to determine the amounts owed for road maintenance is without any basis in fact. California law defines the contributions which parties must make to road maintenance based on relative use and the owners of the Riverview Project intend to follow the law.

Please let us know if you would like to discuss any of these issues in greater detail.

Sincerely,

Anthony L. Lombardo
ALL/de

cc: Clients

June 7, 2020

Joseph Sidor, Associate Planner
Monterey County Resource
Management Agency - Planning
1441 Schilling Place, 2nd Floor
Salinas, CA 93901
(831) 755-5025

Re: Comments - Plan # PLN150372;
SCH # 2017031025

Mr. Sidor,

I am opposed to the development of 'Parcel Q' located directly above my home on at 21017 Country Park Road. My original feelings changed from develop the parcel - but whoever the developer is, they need to install their own stoplight intersection directly onto River Road and by no means cram all of their senior center road traffic through our Private Las Palmas Property.

One proposal from this developer was to plow through the Cory Park. His vision was slamming a roadway directly atop our greenbelt (this section of land had formerly been zoned commercial). The Las Palmas HOA voted to imposed an increase of the monthly dues to afford to purchase the commercial frontage land along River Road, in order to maintain our greenbelt as undeveloped.

When my wife and I purchased our home 7 years ago, this was our own retirement investment. The Monterey County Planning Department has already approved Parcel Q to be developed with a total of three (3) residential housing units on the bluff. The 'Parcel Q Easement' usage of our roadways, our guardhouse, our stoplight intersection, was approved by the Board of the Las Palmas HOA for only three (3) households - period. The County does not own any part of Las Palmas Phase One: roads, surface drainage system, sewer system. All of these parts and pieces including the greenbelt secondary watering system has been paid for by the residence of each of these homes.

I attended the public meeting regarding 'Parcel Q' along with many of my neighbors from Las Palmas Phase One. Many voices were sounded that in unity opposed this development as stated (Senior Living Facility). This is a business with a Theater.

Monterey County is currently considering amending a former County Planning Department decision that honors the original covenantal Easement that would give three residential housing units use of our stoplight intersection, our guardhouse, our roadways for these three residential housing units. Moving forward with the approval of this Senior Housing project with complete disregard to the standing Real Covenantal Easement would be a grave mistake.

This Parcel Q developer is selling a dream, by doing legwork for County approved permits, his environmental studies bypass the real voices of a real and fully populated developed PUD who all bought in to the Las Palmas vision as built with a prevision for three households on the bluff. This developer cares nothing about the residents of Las Palmas One. I sure pray and hope that you do. Do not move forward with this man's dream of a commercial business on the bluff.

Kent Tegtmeier
21017 County Park Rd.
Salinas, CA 93908

Kent Tegtmeier

Received by RMA-Planning
on July 8, 2020.

Sidor, Joe (Joseph) x5262

From: Spencer, Craig x5233
Sent: Wednesday, July 8, 2020 3:31 PM
To: Sidor, Joe (Joseph) x5262
Subject: FW: Correspondence; Letter from Russell Scwanz, FW: PLN 150372 Valley Fever

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From: ClerkoftheBoard <cob@co.monterey.ca.us>
Sent: Wednesday, July 8, 2020 3:11 PM
To: 100-BoS Everyone <100-BoSEveryone@co.monterey.ca.us>; Girard, Leslie J. x5365 <GirardLJ@co.monterey.ca.us>; McKee, Charles J <McKeeCJ@co.monterey.ca.us>
Cc: Chiulos, Nick x5145 <chiulosn@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; Harris, Lisa x4879 <harrislm@co.monterey.ca.us>; Holm, Carl P. x5103 <HolmCP@co.monterey.ca.us>; Magana, Sophia x5305 <MaganaS@co.monterey.ca.us>; McDougal, Melissa x5146 <McDougalM@co.monterey.ca.us>; Ruiz-Ignacio, Maegan x5508 <Ruiz-IgnacioM@co.monterey.ca.us>; Silveira, Felicia M. x4878 <SilveiraFM@co.monterey.ca.us>; Spencer, Craig x5233 <SpencerC@co.monterey.ca.us>; Strimling, Wendy x5430 <strimlingw@co.monterey.ca.us>; Swanson, Brandon xx5334 <SwansonB@co.monterey.ca.us>
Subject: Correspondence; Letter from Russell Scwanz, FW: PLN 150372 Valley Fever

Good Morning, All-

Please see below e-mail from the desk of Russell Scwanz, FW: PLN 150372 Valley Fever

Joel G. Pablo
Board Clerk
Monterey County Clerk of the Board
County of Monterey
168 W. Alisal St., 1st Floor, Salinas, CA 93901
Phone: (831) 755 - 5066 | Fax: (831) 755-5888

From: Russell Schwanz <russellschwanz@att.net>
Sent: Wednesday, July 8, 2020 1:54 PM
To: ClerkoftheBoard <cob@co.monterey.ca.us>; ROY GOBETS <roygobets@aol.com>
Subject: PLN 150372 Valley Fever

Russ Schwanz
21045 Country Park Rd
Salinas, CA 93908

Ref: Riverview at Las Palmas PLN150372

To: Monterey County Supervisors

My name is Russ Schwanz, I am a retired Meteorologist and live on Country Park Road. My house lies less than 600 feet from the proposed development on Parcel Q and like many of the homes on my street, the top of my roof is below the level of the ground that will be reworked as part of this proposed development.

I have become deeply concerned about Valley Fever and the potential impact of it on my neighbors due to this proposed development. So I have done some research on the Web to learn more.

Background on Valley Fever

Valley Fever is a disease. It is also called coccidioidomycosis. I will continue to call it Valley Fever. It is caused by the coccidioides fungus that grows in some areas of California and other areas of the Southwest. If inhaled, this fungus can infect the lungs and cause respiratory symptoms, including cough, difficulty breathing, fever and fatigue. In some cases in can spread within the body and become severe. This is call disseminated Valley Fever. This form can make the victim ill for long periods of time or it can kill. I read of one case of a four year old boy who was hospitalized for 11 months. Each year there are about 80 Valley Fever deaths in California with another 1000 hospitalized. There is deep concern in Monterey County about the illness. In 2014 there were only 20 cases. But every year since then it has grown. In 2018 there were 240 cases. (See article entitled “Monterey County becomes major epicenter for Valley Fever with tenfold uptick” in the Salinas Californian dated May 16, 2019.)

Many people do not get Valley Fever after being exposed to the fungus. But anyone can get it. Some people are at higher risk. These would include people in areas where the soil is disturbed like construction, landscaping, field work or the military. Close contact with dirt or dust is problematic. Also people who are pregnant, above 60 years

old, have diabetes, cancer or an organ transplant are very vulnerable. The disease is not contagious. But dogs can also get it.

Details of the Fungus

The fungus has microscopic spores. It grows in soil which has low rainfall and mild winter temperatures. Its minute size is problematic. Currently there are no tests that can tell if the soil contains the fungus. When soil is disturbed it can be released into to wind. This typically happens with dust. People get the disease by breathing in the spores. As a result, when outdoors in a dusty area, it is recommended that people wear a properly fitted N95 face mask. (Reference to County of Monterey Health Department web pages on preventing Valley Fever.) And if their clothes have dust on them they should wash the clothes without shaking off the dust. When driving a car in a dusty area it is advised to close all windows and set the air flow to recycled air rather than fresh air.

Scientific Method

Many talented and well meaning people have worked very hard to understand this beast. And there are many speculations or theories about this fungus. Where it grows and how to develop procedures to manage it. But without effective ways of testing the soil and the air for the spores, these theories are lacking full validation. The state has budgeted a few million dollars to study it. But, I am concerned that current approaches for disturbing the soil and managing the dust generated may be flawed. This concern is based upon the simple fact that cases of Valley Fever have jumped from 20 to 240 in the last few years in Monterey County. If the best procedures are being used it appears that something isn’t right. Current procedures may be flawed. This perspective is relevant to the development of Parcel Q.

Parcel Q

With this background, I turn my focus to the Parcel Q proposed development. Consider the following points.

There is more than Las Palmas 1 involved in this issue. Other adjacent neighborhoods will also be impacted. And keeping in mind that I am a retired Meteorologist, the winds can blow any dust from the Parcel Q development for miles. It is a reasonable question to ask if King City may be impacted. And Toro Park and areas of Marina may also be impacted.

During the presentations to the Planning Commission the representative for Parcel Q proposed development said that (this in not a direct quote) all the Las Palmas residents would have to do is stay indoors, close their windows and turn on their air conditioners.

But the vast majority of the Las Palmas homes do not have air conditioners. My guess in that over 95% do not have them. We rely on opening our windows to cool our houses. Opening our windows would be an open invitation to the fungus.

Many of our houses in Las Palmas 1, on Country Park road, are easily within 500 feet of the area to be bulldozed. And the tops of our roofs are below the level of the ground being bulldozed. Frequently the winds blow from the ocean down the Salinas Valley. As a result, this wind would blow dust (and along with it any Valley Fever Fungus) right onto the tops of our houses.

And since the onset of the COVID-19, N95 face masks are not easily available. Without N95 masks we would not be able to protect ourselves. And even if we could obtain N95 masks, these masks are not recommended for children. The current masks that we wear for COVID-19 would not deter the microscopic Valley Fever spores.

Most of the time in Monterey County, when the soil in disturbed, it is on agricultural land. Under those circumstances, much of the dust created falls on open

fields. That would not be the case with this development. The dust generated will mostly fall on residences.

It is also unclear how long the threat from the Valley Fever Fungus would last. We would have to limit our activities as soon as the trees on Parcel Q are cut. But how will we know when it will be safe to resume our normal lives? Is it 6 weeks after the last dust flies or is it 6 months later? How would we know? Again, tests to detect the Valley Fever spores are not available.

So any of the following activities could expose us to Valley Fever and be problematic to our health:

Taking a walk
Walking a dog
Any child playing outside
The mailman delivering our mail
Any form of yard work
Cleaning the rain gutters
Running or any outdoor sports
Taking a child for a walk in a stroller
Washing a car
Cooling our house by opening the windows
Any home improvement on the outside of our house

All of the above items are common events in our neighborhood.

And people driving in this area on Highway 68 or River Road will have to close their car windows and recycle the air in their cars. And how can they be warned? And what about motorcycles in the area? How can they be safe?

Can disturbing the soil next to a residential neighborhood really be safe? It is our health and lives on the line and it appears that current procedures to control the spores may be flawed.

Our Rights

I believe that we have a basic right to Life, Liberty and the Pursuit of Happiness. The Valley Fever Fungus is a definite threat to all three. I have the right to live. And to live without some prolonged disease that is poured upon my house from above. I have the right to take a simple walk in my neighborhood without getting some deadly disease. I have to right to be confident in my home.

At this time the developer of Parcel Q nor Monterey County is able to ensure my rights to Life, Liberty and the Pursuit of Happiness.

Concerns and Recommendations

I am concerned that if Parcel Q is approved and built that many people will become very ill from Valley Fever and some may die. This would likely end in extensive litigation against the developer and Monterey County. I do not want to see my neighbors or I get a serious or fatal disease because of the approval of Parcel Q. I do not want to see Monterey County loose a significant litigation as a result. When all is considered, I ask, plead and beg the Monterey County Supervisors to reject this proposal. Although the county certainly has the need for senior assisted living, Parcel Q simply isn’t in the right location.

RS
07/08/2020

September 8, 2020

Via Electronic Mail

Monterey County Board of Supervisors
Via COB@co.monterey.ca.us

Monterey County Regional Fire District
Board of Directors
Via chiefurquides@hotmail.com
& dpriolo@mcrfd.org

Joe Sidor Associate Planner
Monterey County RMA-Planning
Via SidorJ@co.monterey.ca.us

RE: COMMENTS ON SEIR FOR RIVER VIEW AT LAS PALMAS I ASSISTED LIVING SENIOR CENTER FACILITY (PLN150372; SCH 2017031025)

Honorable Boards:

This letter comments on the Subsequent Environmental Impact Report ("SEIR") for the River View at Las Palmas I Assisted Living Senior Facilities ("Project"). The comments herein make clear there would be significant direct, indirect and cumulatively considerable impacts as a result of the Project which were not adequately analyzed, nor mitigated, in the SEIR. For those and other reasons as detailed herein, the SEIR is inadequate and violates the California Environmental Quality Act ("CEQA").

A. Monterey County and Monterey County Regional Fire District Will Be Held Liable for Approving the Project's Dangerous Condition

Given that the River Fire is still burning in the area of the Project site and the recent evacuation of Las Palmas I, fire safety must be considered in a manner to best protect the residents of existing development and future development. The SEIR's conclusion that the Project would not result in inadequate ingress/egress/emergency access is without substantial evidence in the record as further discussed in Section B of this letter.

The Government Code does not provide immunity for putting residents in jeopardy by approving a project with insufficient ingress/egress/emergency access in order to excise impact fees. In fact, Government Code section 835 states, "a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred." The court in *Osborn v. City of Whittier* (1951) 103 Cal.App.2d 609 explains that "if the officers or employees of the municipality had actual or imputed knowledge or notice of the dangerous condition and neglected to remedy it within a reasonable time after knowledge or notice, or neglected for a reasonable time after acquiring such knowledge or receiving such notice to take such action as might be reasonably necessary to protect the public against such dangerous condition, liability ensued."

The court in *Quelvog v. City of Long Beach* (1970) 6 Cal. App. 3d 584, 591 made clear:

> Section 818.2 of the Government Code excuses the City for failure to enforce laws that are being violated by others but it does not excuse the City for violating its duty, to avoid the creation of conditions that are dangerous to its citizens or the public generally. The City enjoys no immunity for its alleged affirmative actions and must be held responsible for the consequences of the same.

This letter is a notice to Monterey County and Monterey County Regional Fire District that the Project will result in dangerous conditions for Las Palmas I residents and Project occupants due to insufficient ingress/egress/emergency access. If the Project is approved, Monterey County and the Monterey County Regional Fire District will be held liable and responsible should there be harm from the dangerous conditions caused by the Project.

B. SEIR's Inadequate Wildfire Analysis in Violation of CEQA

"Wildfire" was added as a CEQA section effective January 1, 2019. Analysis under the following four criteria must be completed for projects located in or near State Responsibility Areas (SRA) or lands classified as very high fire hazard severity zones:

- A project's potential to substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, a project's potential to exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- Require the installation or maintenance of associated project infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and/or
- A project's potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The Project site is located within the State Responsibility Area ("SRA"). Chapter 18.56 of the Monterey County Code sets forth the requirements of any project within the SRA area. This is particularly important since there is only one nearby evacuation point to River Road for the Las Palmas I residents as well as for the sensitive occupants of the proposed large commercial senior complex. As further detailed below, there is inadequate ingress/egress/emergency access for the Project and as a result, the Project would expose people and structures to significant risk. Additionally, the Project occupants, most of them sensitive receptors, would be exposed to high pollutant concentrations from a wildfire as clearly demonstrated during the River Fire. And if fire were to occur on the Project site, as nearly did during the River Fire, not only would evacuation be a problem, but subsequent landslides, flooding, mudflows, slope instability, etc. would certainly be a problem, none of which were analyzed in the SEIR.

The Project is in violation of the Monterey County Code. **Monterey County section 18.56.060.5 requires the following: "The grade for <u>all</u> roads, streets, private lanes and driveways shall not exceed fifteen percent." The SEIR states, "A portion of the upper loop road and portions of four casitas are on slopes over 25 percent," which is consistent with this Monterey County Code section yet, the SEIR does not address the direct conflict with the code provision which is intended to protect lives and structures.**

The SEIR claims, the Project "would involve extending Woodridge Court at a grade of approximately 15 percent to provide primary vehicular access to the project site" without substantial evidence in the record. Conclusory statements unsupported by factual information will not suffice. (14 CCR § 15088(c).)

There is no engineered road design in the administrative record, and switchbacks would be required to meet the slope requirement, which would not only require additional grading (which was not analyzed in the SEIR), but also may not meet the roadway radius requirements set forth in Monterey County Code section 18.56.060.6. The impacts associated with the Project road construction were not analyzed in the SEIR and evaluated for consistency with Chapter 18.56 of the Monterey County Code because the Applicant failed to provide an engineered road design.

Additionally, the SEIR proposes an infeasible mitigation measure. "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. The mitigation measure not only requires the Project's emergency access to be located on property (between County Park Road and Woodridge Court) that does not belong to the Applicant, but it also requires that the Applicant install grass grid pavers in this area (not owned by him) in order to provide an all-weather surface for secondary/emergency access. The mitigation measure is infeasible because the Las Palmas I HOA, which owns the grass area, made clear that it will not agree to have the area used by the Project for emergency access. Yet, the SEIR relies on an infeasible measure to demonstrate the availability of emergency access for the Project.

Finally, the Project proposes to use one narrow and steep road connected to internal Las Palmas I streets leading into and out of the Project facility to River Road. Not considering the fact that the Project has no access rights to these internal streets owned by the Las Palmas I HOA, the Project's sensitive occupants, employees, and visitors will evacuate down a long and winding road onto Woodridge Court[1] and somehow merge with many of the existing 329 homeowners & families scrambling to leave at the Las Palmas I Road intersection in the event of a fire, flood or earthquake. This will clearly cause a traffic jam and increase safety risk at Las Palmas I internal narrow streets, Las Palmas Road and River Road.

[1] Woodridge Court connects to River Run Road, which connects to Las Palmas I Road and provides access to and from River Road. Woodridge Court and River Run Court are internal Las Palmas I private roads.

The health and safety of the Las Palmas I residents would be significantly impacted by the physical change resulting from the Project[2] which impacts were not addressed in the SEIR. This is a fatal flaw of the SEIR.

C. Improper Form of Environmental Review In Violation of CEQA

The SEIR's use of the EIR for the Las Palmas I Specific Plan ("Specific Plan") is improper and in violation of CEQA. The Specific Plan did not contemplate the use of Parcel Q for the Project, as clearly demonstrated by the Planning Commission's decision to include an amendment to the Specific Plan.

The court in *Save Our Neighborhood v Lishman* (2006) 140 CA4th 1288, held that application of CEQA's subsequent review provisions turned on the legal question whether a proposal amounted to a "new project" rather than a modification to a previously approved project. The Project is clearly a new project not contemplated in the Specific Plan.

The *Save Our Neighborhood* court concluded that the city violated CEQA in relying on the addendum rather than conducting an independent environmental because the current project was not a modified version of the earlier project and therefore Public Resources Code § 21166 was inapplicable. Similarly here, a large commercial complex was never contemplated in the Specific Plan; Parcel Q was specifically set aside for residential units. Due to the significant diversion from the Specific Plan, Monterey County should have prepared a separate EIR, because relying on an outdated EIR for the Specific Plan is not consistent with CEQA.

D. Improper Environmental Baseline and Standards of Significance in Violation of CEQA

Because of the improper reliance on the EIR for the Specific Plan, the SEIR provided fails to adequately define the environmental baseline and standards of significance. The CEQA Guidelines call for the environmental baseline to reflect conditions as they exist early in the CEQA process. They specify that the physical environmental conditions at the time the notice of preparation is published or, if there is no notice of preparation, at the time environmental review begins "will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (14 Cal Code Regs §15125(a).) The Guidelines also provide that in assessing a project's impacts on the environment, the lead agency should "normally limit its examination to the existing physical conditions in the affected area" at the same stage of the CEQA process." (14 Cal Code Regs §15126.2.)

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[2] A similar situation just occurred in West Chester, Pennsylvania on November 17, 2017 with a facility of approximately the same size as contemplated for RVLP. "At least 27 people were known to have been injured in a massive fire at the Barclay Friends Senior Living Community. Firefighters alone were unable to evacuate residents, many with mobility impairments". (http://6abc.com/2659822/)

The SEIR inadequately describes the physical conditions of the current Project area. Instead, it relies on an outdated EIR for the Specific Plan prepared in 1982. The physical conditions have changed over the past 38 years, yet the SEIR fails to recognize the same.

Of the most glaring example of an improper environmental baseline and standard of significance is the water supply analysis which relies upon the Las Palmas I Ranch Specific Plan's proposed water consumption. A new EIR would have considered the environmental baseline of Project site to be a vacant land with zero water consumption. The standard of significance would have been any additional increase in water drawn from the highly over drafted basin plagued with sea-water intrusion for which the Monterey County Board of Supervisors is currently considering prohibiting all new wells.

The reliance on an outdated EIR is a fatal flaw of the SEIR.

E. SEIR's Failure to Analyze Archeological and Cultural Resources Impacts

CEQA includes detailed standards governing an EIR's analysis of archaeological resources. (See Pub Res C §21083.2; 14 Cal Code Regs §15064.5(c)–(f).) Under the terms of AB 52 (Stats 2014, ch 532), analysis of tribal cultural resources as a category apart from historical and archeological resources is required in EIRs. AB 52 requires lead agencies to give written notice to California Native American tribes that have requested such notice and that are traditionally and culturally affiliated with the geographic area of a proposed project. (Pub Res C §21080.3.1(d).) If a tribe responds to the notice and requests consultation, that required consultation process may identify significant impacts to tribal cultural resources, mitigation measures, or project alternatives. (Pub Res C §21080.3.2.)

Identified archaeological sites CA-MNT-3, CA-MNT-4/267, CA-MNT-661, and CA-MNT-954 are located in proximity to the Project site. Investigations of the general area of the Project site concludes that the midden deposits represent significant archaeological information, with resources dating to A.D. 1000 to 1525 which remain unaffected by ranching practices. These sites have yielded evidence of human remains and past burials.

Yet, there has been no subsurface investigation of the Project site to assess the archaeological and tribal cultural resources potentially therein. Instead, Monterey County relies on an outdated report, which was prepared prior to the additional requirements for tribal cultural resource consideration. The presence of human remains adds to the significance of a cultural site, particularly under federal guidelines. Under those standards, a determination of eligibility for inclusion on the National Register of Historic Places is made using the criteria set forth in Title 36, Part 60-National Register of Historic Places.

Implementation of the proposed Project could result in the potential destruction or damage to previously undiscovered or unknown prehistoric sites, paleontological deposits, historic sites, and human remains during construction activities. This potentially significant impacts were not discussed and analyzed in the SEIR, and local tribes have not been consulted in violation of CEQA.

F. Project's Direct and Cumulatively Considerable Impact to Scenic Resources

CEQA's policy goals include providing for the enjoyment of aesthetic qualities, and the term "environment" is defined in the statute to include objects of aesthetic significance. (Pub Res C §§21001(b), 21065.) It is clear that the significant direct, indirect and cumulatively considerable visual impacts of the Project were not adequately analyzed, nor adequately mitigated to less than significant. The Project proposes to remove 80 mature Eucalyptus trees and scar the hillside by removing 60,000 cubic yards of soil for the Project. The view impacts are further exacerbated by the highly visible roads that would need to be constructed to provide access to and serve the large commercial complex, which impacts were not analyzed in the SEIR. The exposed and scarred hillside would site two large, highly visible structures, one at 27,000 square foot and 28 feet in height, and another. 21,600 square feet at approximately 30 feet in height. These would be prominently viewed from protected scenic highways and roadways. The Project structures clearly constitute ridgeline development.

State Highway 68 from State Highway 1 in Monterey to the Salinas River and River Road and Spreckels Boulevard are protected County Scenic roadways. All three roads are designated as Tourism Access Highways. The Project would be clearly visible and clash with the pastoral view and will indelibly scar the scenic beauty from the protected public views inconsistent with the following relevant General Plan policies:

> Policy T-3.1 Within areas designated as "visually sensitive" on the Toro Scenic Highway Corridors and Visual Sensitivity Map (Figure 16), landscaping or new development may be permitted if the development is located and designed (building design, exterior lighting, and siting) in such a manner that will enhance the scenic value of the area. Architectural design consistent with the rural nature of the Plan area shall be encouraged.
>
> Policy T-3.2 Land use, architectural, and landscaping controls shall be applied, and sensitive site design encouraged, to preserve Toro's visually sensitive areas and scenic entrances: a. River Road/Highway 68 intersection; and b. Laureles Grade scenic vista overlooking the Planning Area (Figure 16).
>
> Policy T-3.6 Large acreages in higher elevations and on steeper slopes shall be preserved and enhanced for grazing, where grazing is found to be a viable use.
>
> Policy T-1.6 Existing legal lots of record located in the critical viewshed may transfer density from the acreage within the critical viewshed to other contiguous portions of land under the same ownership, provided the resulting development meets all other Toro Area and General Plan policies.

There is really no practical and effective mitigation measure to mask this scarring of the hillside. The assertion by the Applicant that planting new vegetation can effectively compensate for removing 80 mature Eucalyptus trees and mask the long winding access road and large looming structures is simply not based in reality. To put it another way, this ridgeline development cannot realistically be hidden from public view by shrubbery or tree landscaping. The removal of the

Eucalyptus groves, coupled with the prominent location of multiple story facilities on an exposed elevated knoll, long winding access road, and paved roads to serve the large commercial complex would be clearly be visible both during the day and at night. Light nuisance for this 24-hour care facility will clearly be a significant impact. Accordingly, the sole resolution is to allow the Project site in the critical viewshed to transfer density in order to preserve the protected scenic views.

G. Project's Direct, Indirect and Cumulatively Considerable Impacts to Air Quality Inadequately Analyzed and Mitigated

The SEIR inadequately analyzes the air quality impacts associated with the Project. It fails to provide critically important information about the frequency, duration, and extent of the impact. (See, e.g., *City of Long Beach v City of Los Angeles* (2018) 19 CA5th 465, 482.) The SEIR also fails to correlate adverse air pollution effects with indirect health effects. In *Sierra Club v County of Fresno* (2018) 6 C5th 502, the California Supreme Court held that an EIR's discussion of the public health impacts from air pollution the project would generate was legally inadequate because it did not explain the likely nature and magnitude of those impacts or indicate why such information could not be provided.

Monterey County, particularly due to agriculture operations, is high in particulates. The area of the Project site is quite windy and excessive particulate matter from the Project construction, particularly the significant amount of grading (60,000 cubic yards of cut and 34,500 cubic yards of fill *and likely significantly more due to road construction*) in addition to the removal of 80 mature Eucalyptus trees would result in direct, indirect and cumulatively considerable particulate emission impacts as a result of the Project. Trucking significant amount of soil offsite (depending on truck capacity of 10 to 14 cubic yards) will require ~ 7,000 to 9,000 truck round trips and would substantially add to exhaust fumes that would directly and adversely impact air quality.

Finally, the extensive disturbance of the Parcel Q will result in significant exposure to virus Coccidioidomycosis. Monterey County is a Valley Fever endemic area. The Parcel Q site is undisturbed land, and as such, has a higher loading of this virus than cultivated farming soils. Disturbing almost 16 acres of soil for construction will inevitably pose great risk of spreading this virus (Coccidioidomycosis) to Las Palmas I residential community and beyond. In a study conducted in the nearby San Louis Obispo area, a solar farm construction site on virgin grazing land, produced 44 cases of VF among the workers at an approx.1.2% rate. (Emerg Infect Dis. 2015 Nov; 21(11) 1997-2005.) A significantly higher number of C. Immintis cases has been observed in Monterey County over the last 3 years, 77 in 2016 vs. 240 in 2019. (Monterey County Health Advisory, Edward Moreno, Health Officer,1-22-20) The SEIR fails to analyze the direct, indirect and cumulatively considerable air quality impacts, which would result in significant harm to Las Palmas I residents.

H. Project's Liquefaction, Landsliding, Erosion and Sedimentation Impacts Not Adequately Analyzed, Nor Sufficiently Mitigated

The Project site is located in the Coast Ranges Geomorphic Province, which is a discontinuous series of mountain ranges, ridges, and intervening valleys characterized by complex folding and faulting. The geologic structures within the Coast Ranges Geomorphic Province are greatly influenced by the San Andreas fault system.

Soil liquefaction occurs where saturated, cohesionless, or granular soils undergo a substantial loss in strength due to excess build-up of water pressure within the pores during cyclic loading such as earthquakes. Due to the loss of strength, soils gain mobility that can result in significant deformation, including both horizontal and vertical movement where the liquefied soil is not confined. Intensity and duration of seismic shaking, soil characteristics, overburden pressure, and depth to water are all primary factors affecting the occurrence of liquefaction. Soils most susceptible to liquefaction are saturated, loose, clean, uniformly graded, Holocene age, and fine-grained sand deposits. Silts and silty sands have also been proven to be susceptible to liquefaction or partial liquefaction.

Regional studies have identified the alluvial soils at the Project site as having a high potential for liquefaction. Lateral Spreading, Dynamic Compaction, and Seismic Settlement Lateral spreading are potential hazards commonly associated with liquefaction where extensional ground cracking and settlement occur as a response to lateral migration of liquefied subsurface materials beneath a slope, or even beneath level ground, particularly since, for this Project, an open topographic face is nearby.

Placement of new structures at the Project site upon extensive grading could result in structural damage and associated human safety hazards resulting from seismic ground shaking caused by earthquakes on nearby active and potentially active faults. The Project also proposes to significantly cut into the hillside and remove 80 mature Eucalyptus trees and thus would increase the likelihood of slope failure, landsliding and liquefaction hazard. This would be considered a potentially significant impact.

The SEIR failed to adequately analyze direct, indirect and cumulative considerable liquefaction, landsliding and erosion impacts as a result of the Project. These are real and known impacts in the Project area. For example, Las Palmas I historically experienced serious mudslides on its perimeter slopes below the Project site. As recently as February 2017, there was a severe mudslide near Country Park Road in the 20100 to 21056 area. This mudslide blocked drainage of a Las Palmas I storm drain nearby. Several adjacent homes were nearly flooded and only emergency efforts by neighbors and Salinas Fire Department personnel narrowly averted serious home damage.

I. Project Prohibited from Proceeding Under General Plan Policy T-4.1

The Project proposes to cover 190,000 square feet (4.36 acres) of highly permeable surfaces with impermeable surfaces (pavement, roads and buildings). Stormwater from the Project site would flow downhill into Las Palmas I drainage system. The Applicant has made (without

approval from the Las Palmas I HOA Board) an 8" pipe connection from a Parcel Q hillside location to the Las Palmas I HOA storm water drainage system. This LPI system is more than 30 years old and at capacity to meet its own needs and thus incapable of absorbing additional loading. Available information for the "Conceptual Storm Drain System" provided by the Applicant does not provide specifications and calculations to demonstrate that the existing system can adequately handle the stormwater load on site or to demonstrate capacity to discharge its own stormwater loading through evaporation and or percolation.

General Plan policy OS-3.3 requires that the County of Monterey establish criteria for studies of such hazard and other hazards posed by the Project as follows:

> OS-3.3 Criteria for studies to evaluate and address, through appropriate designs and BMPs, geologic and hydrologic constraints and hazards conditions, such as slope and soil instability, moderate and high erosion hazards, and drainage, water quality, and stream stability problems created by increased stormwater runoff, shall be established for new development and changes in land use designations.

It is clear that the implementation of the proposed Project would result in an increase in long-term surface runoff that may contain urban contaminants that would have an adverse impact on surface water quality. Implementation of the proposed Project would convert highly permeable undeveloped land area to an impermeable large commercial complex that would generate increased quantities of localized stormwater runoff. This would be considered significant direct and cumulative impacts.

Implementation of the proposed Project would result in an increase in long-term surface runoff that may contain urban contaminants that would have an adverse impact on surface water quality. The captured stormwater would eventually release into the river and stream system and the waterbody systems must be protected as set forth General Plan Policy OS-4.3:

> OS-4.3 Estuaries, salt and fresh water marshes, tide pools, wetlands, sloughs, river and stream mouth areas, plus all waterways that drain and have impact on State Monterey County General Plan Conservation/Open Space Element October 26, 2010 Page C/OS-9 designated Areas of Special Biological Significance (ASBS) shall be protected, maintained, and preserved in accordance with state and federal water quality regulations.

As currently proposed and mitigated in the SEIR, the Project is prohibited from development as set forth in General Plan Policy T-4.1 which states as follows:

> Land uses and practices that may contribute to significant increases of siltation, erosion, and flooding in the Toro area ***shall*** be prohibited.

Any inconsistency with the general plan must first need to be cured before the Project can be approved. The inconsistency is also evidence that the inconsistent Project feature will result in a significant environmental effect. An inconsistency indicates a likelihood of environmental harm

and thus requires a careful review of any potential impacts. An inconsistency also supports the conclusion that the underlying physical impact is significant.

J. Project's Direct and Cumulatively Considerable Impacts to Groundwater Resources and No Long-Term Water Supply Available for the Project

The Project site lies within the Salinas Valley Groundwater Basin. Over the years, the Salinas Valley Groundwater Basin has experienced overdraft, a condition where more water is pumped out of an aquifer than is recharged on an average yearly basis. This overdraft condition causes a decline in the water level, which allows seawater intrusion to occur or streams and rivers to go dry.

The proposed Project would be served by California Water Service Company ("CWSC"). Water for the Project is presumed to be procured from a well or wells located in the Spreckels area, along River Road in CWSC's Salinas Hills System, which pump groundwater from the 180/400-Foot Aquifer Subbasin of the Salinas Valley Groundwater Basin. The 180/400 Foot Aquifer Subbasin is subject to significant and unreasonable seawater intrusion due largely to long-term groundwater extraction in the inland portions of the Subbasin in excess of the sustainable yield. As a result, it has been identified by DWR as being in a critical condition of overdraft, and the Monterey County Board of Supervisors is currently deliberating on whether to disallow any new well in the Subbasin.

Over the years, many wells have gone out of production or have had to be redrilled deeper due to seawater intrusion. As discussed in detail later on, the SEIR does not describe the CWSC well or wells that would serve the Project and thus, it is not known whether there is a potential for the well(s) that serves the Project to go out of production. Seawater intrusion is the migration of ocean water inland into the freshwater aquifers. This condition is induced by pumping groundwater from the basin faster than the aquifers can be recharged. Seawater intrusion has been accelerated in the Salinas Valley Groundwater Basin due to decreased groundwater recharge and increased groundwater pumping.

Implementation of the proposed Project would result in the extraction of groundwater from the 180/400-Foot Aquifer Subbasin of the Salinas Valley Groundwater Basin, within which arsenic, total dissolved solids, and nitrates are of particular concern. Implementation of the proposed Project would result in a gross increase in groundwater pumping which would result in an increased long-term water demand on the Salinas Valley Groundwater Basin.

Because the SEIR failure to disclose the CWSC well(s) supplying water to the Project, the analysis of the water supply is incomplete, inadequate and fails to meet the requirements of CEQA The court in *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 822 ruled an EIR inadequate because the EIR failed to provide a description of the facilities that would have to be constructed to deliver water to the mining operation. Similar to the SEIR for the Project, the EIR in Santiago County Water District was ambiguous as to the ability of the water district to

meet the water requirements of the project, and it was silent about the effect of that delivery on water service elsewhere in the district's jurisdiction.

A detailed description of the Project's water supply source is particularly important since the Monterey County Board of Supervisors is currently deliberating to prohibit any new well in the 180-400 Subbasin due to the overdraft and seawater intrusion conditions. The precise location of well(s), water quality of the well(s) and back water well source must be included in the SEIR in order to adequately analyze the environmental impacts to water supply --- otherwise, "the ultimate decision of whether to approve a project requiring the preparation of an environmental impact report, be that decision right or wrong, is a nullity if based on an environmental impact report that does not provide the decision makers and the public with the information about the project that is required by the California Environmental Quality Act." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 822.)

The Applicant also failed to prove long-term, sustainable water supply exists for the Project as required under the following relevant sections of the General Plan policies:

> PS-3.1 Except as specifically set forth below, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development....
>
> PS-3.2 Specific criteria for proof of a Long-Term Sustainable Water Supply and an Adequate Water Supply System for new development requiring a discretionary permit, including but not limited to residential or commercial subdivisions, shall be developed by ordinance with the advice of the General Manager of the Water Resources Agency and the Director of the Environmental Health Bureau. A determination of a Long-Term Sustainable Water Supply shall be made upon the advice of the General Manager of the Water Resources Agency.
>
> PS-3.5 The Monterey County Health Department shall not allow construction of any new wells in known areas of saltwater intrusion as identified by Monterey County Water Resources Agency or other applicable water management agencies: a. Until such time as a program has been approved and funded that will minimize or avoid expansion of salt water intrusion into useable groundwater supplies in that area; or b. Unless approved by the applicable water resource agency. This policy shall not apply to deepening or replacement of existing wells, or wells used in conjunction with a desalination project.

Monterey County Water Resources Agency, the agency responsible for securing water supply for Monterey County, made the same comment to the Draft SEIR for the Project, which were inadequately addressed in the Final SEIR.

K. Direct, Indirect and Cumulatively Considerable Noise Impacts Insufficient Analyzed and Mitigated

The goal of providing Californians with "freedom from excessive noise" is included among CEQA's basic policies. (Pub Res C §21001(b).) Under the definition of the term "environment" in Public Resources Code §21060.5, noise is included as a physical condition that may be affected by a proposed project. The Guidelines definition clarifies this reference by using the term "ambient noise" to describe the physical condition that could be changed by a project. (14 Cal Code Regs §15360.)

Due to the elevation of the proposed Project site, commercial vehicles arriving and leaving 24/7 will gear down with attendant increased mechanical noise. The topography of the hills coupled with the canyon below would amplify this objectionable road noise. First responder units would arrive to the proposed senior care facility on an expected basis of 2-3 times per week as is typical for this type of facility. While the applicant claims, without any basis, that such emergency calls will not trigger operation of sirens, actual experience demonstrates that the drivers of emergency vehicles can and do operate these sirens. Again, such calls may occur at any time in a 24-hour period, the adjacent neighborhood will be subjected to such jarring noise when people are sleeping at night, and also, for those Las Palmas I shift workers, during their daytime rest periods. During operation, the large number of installed alarm and security devices required by the California Fire Code represent another major source of noise. The elimination of 80 Eucalyptus trees and brush as part of the Project would reduce the natural buffers from noise for the Las Palmas I residential community. None of the above factors were considered in the SEIR.

The Project would clearly generate noise to an unacceptable level inconsistent with the following General Plan policies:

> S-7.3 Development may occur in areas identified as "normally unacceptable" provided effective measures to reduce both the indoor and outdoor noise levels to acceptable levels are taken.
>
> S-7.4 New noise generators may be allowed in areas where projected noise levels (Figure 10) are "conditionally acceptable" only after a detailed analysis of the noise reduction requirements is made and needed noise mitigation features are included in project design.
>
> S-7.5 New noise generators shall be discouraged in areas identified as "normally unacceptable." Where such new noise generators are permitted, mitigation to reduce both the indoor and outdoor noise levels will be required.

Any inconsistency with the general plan must first need to be cured before the Project can be approved. The inconsistency is also evidence that the inconsistent Project feature will result in a significant environmental effect. An inconsistency indicates a likelihood of environmental harm and thus requires a careful review of any potential impacts. An inconsistency also supports the conclusion that the underlying physical impact is significant.

The court in *Berkeley Keep Jets Over the Bay Comm. v Board of Port Comm'rs* (2001) 91 CA4th 1344 rejected the EIR's exclusive reliance on a cumulative noise descriptor (the Community Noise Equivalent Level) as the sole indicator of the noise impacts of expanding cargo flight operations at an airport. The court found the impact assessment did not provide a meaningful analysis of the increase in the number of nighttime flights resulting from the project, the changes to noise levels in quiet residential areas that would result, and the community reaction to those changes in the nighttime noise environment. (*Berkeley Keep Jets, supra,* 91 CA4th at 1381.)

The same conclusion could be reached here. Currently, Las Palmas I I is a peaceful and tranquil neighborhood. Noise introduced by the Project would permanently disrupt the Las Palmas I quiet and peaceful residential neighborhood, which significant direct, indirect and cumulative impacts were inadequately analyzed and mitigated in the SEIR.

L. Project's Direct, Indirect and Cumulatively Considerable Impacts to Biological Resources

Under the mandatory standards of significance in 14 Cal Code Regs §15065(a)(1), when a lead agency is determining whether to prepare a negative declaration or an EIR for a project, it must find that the project will have a significant effect on the environment, and require that an EIR be prepared, the lead agency must analyze whether the project has the potential to reduce substantially the number or restrict the range of an endangered, rare, or threatened species. When an EIR is prepared, these standards are used to identify the potentially significant effects to be analyzed in depth in the EIR. (14 Cal Code Regs §15065(c)(1).)

Wildlife corridors refer to established migration routes commonly used by resident and migratory species for passage from one geographic location to another. Corridors are present in a variety of habitats and link otherwise fragmented acres of undisturbed area. Maintaining the continuity of established wildlife corridors is important to sustain species with specific foraging requirements, preserve a species' distribution potential, and retain diversity among many wildlife populations. A wide range of terrestrial wildlife species are known to occur in the immediate vicinity of the Project site, including American badger, mountain lion, bobcat (Lynx rufus), black-tailed deer (Odocoileus hemionus), and coyote (Canis latrans). Moreover, Tiger Salamander has been observed in the area of the Project property. The Project would have direct, indirect and cumulatively considerable impacts to biological resources which has not been adequately analyzed in the SEIR.

The Project is also clearly inconsistent with the General Plan policies specific to protecting biological resources, including:

> OS-5.24 The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat.

Any inconsistency with the general plan must first need to be cured before the Project can be approved. The inconsistency is also evidence that the inconsistent Project feature will result in a

significant environmental effect. An inconsistency indicates a likelihood of environmental harm and thus requires a careful review of any potential impacts. An inconsistency also supports the conclusion that the underlying physical impact is significant.

Thank you for this opportunity to comment on the SEIR.

Sincerely,
Las Palmas I Residents & Homeowners

Name: Amy Cavender Signature: Amy Cavender	Name: Mihoko Dreyer Signature: Mihoko Dreyer
Name: Rolf Gobets Signature:	Name: Christian Dreyer Signature: Christian Dreyer
Name: RAFAEL SANCHEZ Signature:	Name: DAVID FRYE Signature:
Name: Anne Sanchez Signature: Anne Sanchez	Name: Julie Sutliff Signature: Julie Sutliff
Name: ROBERT TANGONAN Signature:	Name: Patricia Berlin Signature: Patricia Berlin
Name: Debbie Tangonan Signature: Tangonan	Name: Cindy Fry Signature: Cindy Fry
Name: Tom Mercurio Signature:	Name: Antonette Gorach Signature: Antonette Gorach

Name: Andrzej Gorach Signature: Andrzej Gorach	Name: Erika Tumminelli Signature: Erika Tumminelli
Name: Marilyn Adams Signature: Marilyn Adams	Name: TETYANA MARGOLINA Signature: TMae
Name: Frederick Adams Jr. Signature: Frederick Adams, Jr.	Name: KENT TEGTMEIER Signature: Kent Tegtmeier
Name: MARC Rosen Signature: Marc Rosen	Name: Lisa Tegtmeier Signature: Lisa Tegtmeier
Name: Irene Rosen Signature: Irene Rosen	Name: Brian Tumminelli Signature: Brian Tumminelli
Name: JOSEPH L. OCCHIGRO Signature: Joseph L. Occhigro	Name: Amelia Freshwater Signature: Amelia Freshwater
Name: Patricia M. Bailey Signature: Patricia M. Bailey	Name: Mary Kereakes Signature: Mary Kereakes
Name: Nancy Montana Signature: Nancy Montana	Name: Greg Lanier Signature: Greg Lanier

Name: Jayne Carolan Signature: Jayne Carolan	Name: Celine Dalby Signature: C. M. Dalby
Name: Eveline Clark Signature:	Name: Veronica Ramirez Signature:
Name: AIAN Anthony Signature: Alan S. Anthony	Name: LUIS RAMIREZ Signature:
Name: Myra Barahona - Anthony Signature: Myra Barahona - Anthony	Name: Jeannie Warzycki Signature: Jeannie Warzycki
Name: M. J. Kulow Signature: M. J. Kulow	Name: Francoise Requeiro Signature: Francoise Requeiro
Name: Diane Kulow Signature: Diane Kulow	Name: LYNN DITTRICH Signature: Lynn A Dittrich
Name: Joshua Freshwater Signature:	Name: Rendell Requeiro Signature: R. Requeiro
Name: David G. Dalby Signature: David G. Dalby	Name: Jacqueline Forsythe Signature: Jacqueline Forsythe

Name: THOMAS K. FORSYTHE Signature: Thomas K Forsythe	Name: Avery Pura Signature:
Name: STEPHEN F. HURST Signature:	Name: Brad Caraccioli Signature:
Name: SUSAN M. HURST Signature: Susan M. Hurst	Name: Michael Rodriguez Signature:
Name: JOHN PARKS Signature:	Name: KERRY UYEDA Signature: Kerry Uyeda
Name: Amanda Puck Signature: Amanda Puck	Name: TOMOKO OGAKI Signature:
Name: Chris Puck Signature:	Name: Albert R Smith Signature:
Name: GREGORY CHEE Signature:	Name: LAURA D SMITH Signature:
Name: NASIR UDDIN Signature:	Name: Russell D. Schwarz Signature:

Name: Roberta Sonniksen Signature: Roberta Sonniksen	Name: Denise Donati Signature: Denise Donati
Name: Theresa Sonniksen Signature: Theresa Sonniksen	Name: William Donati Signature: William Donati
Name: Dareg Cardinale Signature: Dareg A Cardinale	Name: JACOB OROZCO Signature:
Name: JEFFREY DITTRICH Signature:	Name: DESIREE OROZCO Signature:
Name: Robin Mathews-Johnson Signature:	Name: Sandra DePaoli Heath Signature: Sandra DePaoli Heath
Name: Mark D. Miller Signature: Mark D. Miller	Name: Myeongju Miller Signature:
Name: Kathy Antle Signature: Kathy Antle	Name: Mark Yamaguchi Signature: Mark Yamaguchi
Name: OTAVIO BERNARDO Signature:	Name: Leila Bernardo Signature: L Bernardo

Name: Gladys Allen Signature: Gladys Allen	Name: RITA MOSS Signature: Rita Moss
Name: Jim Kirby Signature: Jim Kirby	Name: MADHAV MUKUNDAN Signature:
Name: Sean Fagan Signature:	Name: ROBERT ALLEN Signature:
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Name: Kathleen Vosti Signature: Kathleen Vosti	Name: Rebecca Clifton Signature:
Name: Dayne E. NIX Signature: Dayne E. Nix	Name: MARIE A. CATER Signature: Marie A. Cater
Name: Linda K. Nix Signature: Linda K Nix	Name: Greg Cater Signature: Gregory H. Cater, M.C.

Name: Robin Welch Signature:	Name: Shelley Donati Signature:
Name: Cory Welch Signature:	Name: Jimina Ratliff Signature:
Name: Julia Yamaguchi Signature:	Name: Leonid Ivanov Signature:
Name: Janet Barstad Signature:	Name: Ralph Sutliff Signature:
Name: Signature:	Name: C. Denise Benoit Signature:
Name: Jocelyn Driskill Signature:	Name: Stephen L. Dodd Signature:
Name: Isabela Bernardo Signature:	Name: Adam Kirk Signature:
Name: David Ratliff Signature:	Name: Takako Sugawara-Kirk Signature:

Name: Thomas Merrill Signature:	Name: Lan Clayton Signature:
Name: Tanya Dubrul Signature:	Name: Keith Hedlund Signature:
Name: Tari Usale Signature:	Name: Avi Lewis Signature:
Name: Ted UGALE Signature:	Name: Anita Cochetti Signature:
Name: Signature:	Name: Jamie Bellew Signature:
Name: Amanda Wodverton Signature:	Name: Robert Bellew Signature:
Name: Forrest Wodverton Signature:	Name: Chad Pattullo Signature:
Name: Signature: Marcus Bodker	Name: Yvonne Pattullo Signature:

Name: Darrin Kirk Signature: Darrin Kirk	Name: Cynthia Grover Signature:
Name: Wilbur Lee Signature:	Name: Scott Cooper Signature: Scott A Cooper
Name: Cordelia Lee Signature: Cordelia	Name: Kimberly Lang Signature: Kim Lang
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Name: Roberta Pastorino Signature: Roberta Pastorino	Name: Megan Ferrari Signature:
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Name: Sheila Keiffer Signature: Sheila Keiffer	Name: Joseph Mann Signature:

Name: Chad Guaccioli Signature:	Name: MARGARET MCINTOSH Signature:
Name: ARMANDO ZENTENO Signature:	Name: JANET JONAH Signature:
Name: Melissa Fanning Signature:	Name: Wendy Waters Signature:
Name: Jennifer M. Lukacik Signature:	Name: Jeremy Barton Signature:
Name: Javier Aldape Signature:	Name: Vincent Cardinale Signature:
Name: Tara Baker Signature:	Name: Angie Cardinale Signature:
Name: TONY Baker Signature:	Name: Donald M. Warburton Signature:
Name: BOB EVANS Signature:	Name: Sam Escamilla Signature:

Name: Joe Martin Signature: Joe Martin	Name: Laurie Fibus Signature: Laurie Fibus
Name: Samantha Moser Signature: Samantha Moser	Name: Maureen Brandes Signature: Maureen Brandes
Name: Corey Alm Signature:	Name: Ed Brandes Signature: Edward Brandes
Name: Adrian Johannsen Signature: Johannsen	Name: Jennell Brockenstedt Signature:
Name: Babette J. Black Signature: Babette J. Black	Name: SUE MCFERON Signature:
Name: Mary Koch Signature: Mary Koch	Name: Becky Rodriguez Signature: B. Rodriguez
Name: Leslie LERDA Signature: Leslie Lerda	Name: Rita Ermini Signature: Rita Ermini
Name: Pamela G. Keenan Signature: Pamela G. Keenan	Name: Joe Mitchell Signature: Joe Mitchell

Name: Pankaj Patel Signature:	Name: Teofilo Ordonez Signature: TEOFILO Ordonez
Name: JACK LEVY Signature:	Name: Nelia O. Ordonez Signature: Nelia O. Ordonez
Name: Helga Dresser Signature:	Name: Lindsay Momiza Signature:
Name: Henry White Signature:	Name: Emogene Jenkins Signature: Emogene Jenkins
Name: Joe Parrish Signature:	Name: Julie Freese Signature:
Name: Marc Thornton Signature:	Name: CARL FREESE Signature:
Name: Cathy Thornton Signature:	Name: Anthony Freese Signature:
Name: RICH ORDONEZ Signature:	Name: Yukiko Yonemitsu Signature:

Name: Angela Caraccioli Signature:	Name: Kayle Todd Scranton Signature:
Name: Michelle Susman Signature:	Name: Robert Scranton Signature:
Name: Kurt Krieg Signature:	Name: Nancy Bingaman Signature:
Name: Nancy Tran Signature:	Name: Mark Bingaman Signature:
Name: Elyse Trefts Signature:	Name: Scott Porter Signature:
Name: Jane Caesteeker Signature:	Name: Mary Jane Scranton Signature:
Name: William Susman Signature:	Name: Nicole Neilson Signature:
Name: Stephanie Trost Signature:	Name: Mark Neilson Signature:

Name: Ricardo Ledesma Signature:	Name: Signature:
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Name: Signature:	Name: Signature:

References:

(Bernardo, 2020) Fire Code Requirements (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Schwanz, 2020) Fire Danger (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Ratliff, 2019) Emergency Evacuation (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Dalby, 2020) Stormwater Removal (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Crawford, 2020) Air Quality Concerns (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Gobets, 2020) Visual Impact (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

https://www.waterboards.ca.gov/rwqcb3/water_issues/programs/tmdl/docs/salinas/lower_fecal/sal_fc_tmdl_appndx_c_spillshomeless.pdf (see pp.5/11)

Dalby Report (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

RVLP DSEIR

RVLP FSEIR

Received by HCD-Planning
on June 15, 2021.

Sidor, Joe (Joseph) x5262

From: ClerkoftheBoard
Sent: Tuesday, June 15, 2021 12:02 PM
To: 100-BoS Everyone; McKee, Charles J; Girard, Leslie J. x5365; Bokanovich, Karina T. x5113
Cc: Sidor, Joe (Joseph) x5262; Spencer, Craig x5233; Dugan, John x6654; Lundquist, Erik
Subject: FW: PLN150372

Hello good afternoon,

Below is an e-mail that the Clerk of the Board received regarding: River View at Las Palmas Assisted Living Senior Facility.

Thank you,
Julian Lorenzana
Board of Supervisors Clerk
County of Monterey Clerk of the Board
Government Center, 168 West Alisal Street, Salinas Ca. 93901
(831) 796-3077 lorenzanaj@co.monterey.ca.us

-----Original Message-----
From: TOM MERCURIO <aemt5@aol.com>
Sent: Tuesday, June 15, 2021 11:14 AM
To: ClerkoftheBoard <cob@co.monterey.ca.us>
Subject: PLN150372
[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To the Board of Supervisors of Monterey County Ca.

My name is Tom Mercurio and am a resident of the Las Palmas 1 community. There is an agenda item, RVLP proposed skilled nursing facility.(PLN 150372)that will be coming before you at your next Board of Supervisors meeting that I would like to comment on.

There fare serious issues regarding the safe evacuation of this proposed facility in the event of an emergency(i.e. fire, earthquake, etc.) as it relates to the Counties Fire and Building Codes that I would like to make you aware of that has not been previously addressed by the developer of Parcel Q.

CA. FIRE CODE, SECTION 503 FIRE APPARATUS ACCESS ROADS Section 503.2.3-Surface-Fire apparatus roads of which Woodridge Ct. is a part of ,shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-whether driving capabilities. Woodridge Ct. is owned by the Las Palmas 1 H.O.A. and the developer would have to gain its approval in order to accomplish this, which to date has not been done.

.Section 503.7.7.1 Paving-All fire apparatus access roads over eight (8) percent, of which Woodridge Ct. is a part of, shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 of aggregate base. Wood ridge Ct. again is owned by the Las Palmas 1 H.O.A. In order to comply with this section of the Fire Code, the developer would have to have an approval by the Las Palmas 1 H.O.A. in order to accomplish this requirement. As of this date no such approval has been given.

.Section 503.2.8-Dead Ends. Dead end fire apparatus access roads in excess of 150 feet(45 720mm) in length shall be provided with an approved area for turning around the apparatus. Once again this dead end road, of which Woodridge

Ct. is a part of, is owned by the Las Palmas 1 H.O.A. and its approval for for this has not been given to the developer. Note-Looped roads, which is being proposed by the developer, is the same as a dead end road.

MONTEREY COUNTY ORDINANCE 5337 ADOPTION OF THE 2019 CA. BUILDING STANDARDS Section P102 Roads p.102.2 Road access(FIRE 001) Within this section it states that "the roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus(75,000) pounds). Each road shall have an approved name." NOTE-A portion of the fire access road is Woodridge Ct. and is presently a dirt surface. At this time the Las Palmas 1 H.O.A. has not giving approval for the surface of Woodridge Ct. to be paved in accordance with this section of the Monterey County 5337 adoption of the 2019 C. Building Standards.

P102.3 Roadway engineering-Within this section it states "Roadway turnarounds shall be required on dead-end roads in excess of one hundred Fifty (150) feet of surface length. The turning radius for a turnaround shall be forty(40) feet from the center line of the road. If a hammerhead T is used, the top of the "T" shall be a minimum of sixty(60) feet in length." Woodridge Ct. which is owned by the Las Palmas 1 H.O.A. would be a part of the dead end road.

NOTE-The length of the dead end road from the intersection of River Rd. and Las Palmas Rd. to the proposed facility exceeds the required 150 ft. surface length. While the proposed access road to the facility is a "looped" road, a looped road is in fact the same as a dead end road.

Lastly, it is my understanding that such issues, as stated above, need to be resolved prior to the granting of a Use Permit. Myself and my fellow homeowners have voted against allowing this proposed project to proceed and have the backing of our H.O.A. Based on this, the granting of a Use Permit should be denied. I hope that the board so addresses these concerns prior to the granting of any Use Permit.

Sincerely,

Tom Mercurio
21001 Country Park Rd.
Salinas, Ca. 93908
805 455 8468

Received by HCD-Planning
on July 6, 2021.

July 5th, 2021

To Montrey County Supervisors

My name is Tom Mercurio and am a resident of the Las Palmas 1 community. There is an agenda item, RVLP proposed Assisted Living Senior Community ,(PLN150372) that will be coming before you at your next board of supervisors meeting that I would like to comment on.

There are serious issues regarding the safe evacuation of this proposed facility in the event of an emergency i.e. fire, earthquake, etc. as it relates to the Counties Fire and Building Codes that I would like to make you aware of that has not been addressed by the developer of Parcel Q.

CA. FIRE CODE, SECTION 503. FIRE APPARATUS ACCESS ROADS

Section 503.2.3-Surface-Fire apparatus roads. of which Woodridge Ct. is part of , shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities) Woodridge Ct. is owned by the Las Palmas 1 H.O.A. and the developer would have to gain its approval in order to accomplish this, which to date has not been done.

.Section 503.2.7.1 Paving-All fire apparatus access roads over eight (8) percent, of which Woodridge Ct. is a part of, shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 of aggregate base. Woodridge Ct. again is owned by the Las Palmas 1 H.O.A. In order to comply with this section of the Fire Code, the developer would have to have an approval by the Las Palmas 1 H.O.A. in order to accomplish this. As of this date no such approval has been given.

.Section 503.2.8-Dead Ends. Dead end fire apparatus access roads in excess of 150 feet(45 720 mm) in length shall be provided with an approved area for turning around the apparatus. Once again this dead end road, of which Woodridge Ct. is a part of, is owned by the Las Palmas 1 H.O.A. and its approval for this has not been given to the developer. **NOTE**-Looped roads, which is being proposed by the developer, is the same as a dead end road.

MONTEREY COUNTY ORDINANCE 5337 ADOPTION OF THE 2019 CA. BUILDING STANDARDS

Section P102 Roads

P.102.2 Road access.(FIRE 001) Within this section is states that " the roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (75,000 pounds) Each road shall have an approved name". **Note**, A portion of the fire access road is Woodridge Ct. and is presently a dirt surface. At this time the Las Palmas 1 H.O.A. has not giving approval for the surface of Woodridge Ct. to be paved in accordance with this section of the Monterey County 5337 adoption of the 2019 Ca. Building Standards.

P102.3 Roadway engineering –Within this section it states "Roadway turnarounds shall be required on dead-end roads in excess of one hundred Fifty (150) feet of surface length. The turning radius for a

turnaround shall be forty(40) feet from the center line of the road. If a hammerhead T is use, the top of the "T" shall be a minimum of sixty(60) feet in length." Woodridge Ct. which is owned by the Las Palmas1 H.O.A. would be a part of the dead end road.

Note The length of the dead end road from the intersection of River Rd. and Las Palmas Rd. to the proposed facility exceeds the required 150 ft. surface length. While the proposed access road to the facility is a "looped" road, a looped road is in fact the same as a dead end road.

Lastly, it is my understanding that such issues, as stated above, need to be resolved prior to the granting of a Use Permit. Myself and my fellow homeowners have voted against allowing this proposed project to proceed and have the backing of our H.O.A. Based on this, the granting of a Use Permit should be denied. I hope that the board so addresses these concerns prior to the granting of a Use Permit.

Sincerely,

Tom Mercurio
21001 Country Park Rd.
Salinas, Ca. 93908
805 455 8468

Received by HCD-Planning
on July 8, 2021.

Sidor, Joe (Joseph) x5262

From: Lundquist, Erik
Sent: Wednesday, July 7, 2021 9:50 PM
To: Sidor, Joe (Joseph) x5262
Cc: Strimling, Wendy x5430
Subject: Fw: Parcel Q - at Las Palmas 1 - River Road

From: Francoise Mc Avinchey <mcavincheyf@gmail.com>
Sent: Tuesday, July 6, 2021 2:29 PM
To: ClerkoftheBoard <cob@co.monterey.ca.us>
Cc: Rendell Requiro <rendellr@gmail.com>
Subject: Parcel Q - at Las Palmas 1 - River Road
[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Attention Board of Supervisors

Re: Measure Q (Parcel Q at Las Palmas 1, River Road, Salinas

We are homeowners in Las Palmas 1 for the past 23 years. We oppose the building of a large Convalescent facility and business in the Parcel Q space. We are not against senior living but we do not think that this commercial facility for convalescent care is suitable for a quiet residential family environment.

- The area is zoned for 4 houses and we oppose the request to change the original plan for Las Palmas 1 to accommodate a large business facility.

- We do not oppose building 4 additional houses. This is what the original plan stated.

- This proposed facility is not affordable Senior housing. Affordable housing has been built in Seaside in recent years. Also, there are plans to build affordable Senior housing in nearby Fort Ord.

- This private business Facility should be built close to one of the hospitals. The plan is for 150 beds and over 100 employees.

- We live close to the entrance and our peaceful country living will be impacted by the large amount of traffic day and night; fire trucks, ambulances, vendors, employees, visitors etc

- The entrance is adjacent to our to school bus stops for pick up and drop off for our children in our neighborhood. The Impact of the traffic poses a danger to school children and pedestrians.

- We have many retired people in the neighborhood who invested here for a quiet life. We have concerns about pedestrian safety and increase in crime.

- We have a guard at the entrance and security patrol we will not be able to monitor who is coming in.

- Our streets are very narrow and will not be able to support the increase of traffic and in particular big trucks.

- The historical Cory/Corallini house is situated on route to the entrance to the parcel Q development. This is an Air Bnb and is an asset to our environment, situated on a narrow street facing the park area. This invasion of traffic will detract from our curb appeal.

- The construction of this large commercial enterprise will devalue our homes and our quiet lifestyle.

- It appears that this project is not about serving senior citizens with affordable housing but making a profit.

- There has been no consideration for the residents of Las Palmas 1 and no input requested by the developer from homeowners. Many of the homeowners are retired. There are also families with younger children who invested in this neighborhood because they wanted to live in a quiet environment close to good schools. The kids ride their bikes around and walk on the narrow quiet streets.

- We are also concerned about the impacts of water, sewage, runoff, and maintenance of our private roads. We have to pay HOA dues for the upkeep.

-We have serious concerns about evacuations due to fire, earthquake or flood.

- We experienced evacuation last year due to the fires nearby. The fire came within 1.25 miles from our homes. Our narrow streets were lined up with vehicles and the entrance was clogged up trying to get out onto River Road. This is a real concern for homeowners in Las Palmas 1.

-The location of the parcel Q development is at risk in the case of wild fire. How would an extra 150 people plus 100 employees be evacuated from this facility through our small narrow streets ? This was not discussed at the planning commission meeting.

- There are many mitigation's included in this Commercial business plan. Who is responsible for being accountable for these mitigations ? We saw that the planning commission did not consider our safety when they voted for this commercial development.

- The Parcel Q development backs up onto the Ferrini Ranch, which is not going to be developed. This area is protected and is home to an abundance of wild life and should not be commercially developed. We would liked the Board of Supervisors to consider that the surrounding area is full of wildlife; coyotes, mountain lions, bib cats, great horned owls, hawks, wild turkeys, quail, rabbits and more.

- The residents of Las Palmas 1 are hard working middle class families from diverse backgrounds, who pay taxes, have local businesses, work in AG, local schools and hospitals. We would like the Board of Supervisors to consider our concerns and not vote to change our plan and allow construction of this large commercial enterprise.

This is an invasion of our lifestyle and our property investments.

Thank you for your consideration.

Sincerely,

Françoise Mc Avinchey-Requiro
Rendell Requiro
Las Palmas 1
17563 Winding Creek Road
Salinas, CA 93808

July 2, 2021

Supervisor Mary Adams

Monterey County, District 5

Via E-mail

Dear Supervisor Adams:

I am asking for your kind consideration of our concerns prior to voting on whether to disregard the original plan at issue in Mr. Shingu's request to exceed the original housing limits so he can build an assisted care facility on the bluff above Las Palmas 1 and use Las Palmas 1 as the entry and exit for this facility, called Riverview at Las Palmas.

I know you are aware that the plan approved by the County when the area was developed only allowed for 2-3 more homes to be built on that site, and that all of us purchased our homes in Las Palmas with this in mind. We did not anticipate the traffic and the noise that would come with placing an assisted care facility on that hillside with construction workers, residents, employees, visitors and vendors driving through our quiet subdivision or disturbing the nature surrounding our neighborhood. We have wild turkeys, deer, owls, coyotes, foxes, mountain lions and wild pigs living on the hillsides.

To me, as someone who has dealt with both parents residing in assisted care facilities on opposite coasts of our country, this placement for an assisted care facility is not a good one for a number of reasons. First and foremost, we are all aware, the risk of fire in our area is high. Prior to last year, Mr. Shingu tried to downplay that risk, even though we had already experienced several smaller fires in the area. The previous year we had a fire near the Kinship Center and were fortunate that the Fire Department was able to extinguish it relatively quickly, but it was close to many homes in Las Palmas 1 & 2.

Last year, we had a dry lightning storm that caused the River fire to come within feet of Las Palmas 2 (our sister community) houses, and caused all of us to have

to evacuate. I don't consider myself to be someone who frightens easily, but I have to say it was one of the scariest times in my life. During that week before we were under mandatory evacuation, I was unable to sleep at night until I got up each night around midnight and drove down toward Indian Springs and Las Palmas 2, to see where the fire was at that moment, fearful that it would come over the hill behind my home at any moment. Fire fighters were in our neighborhood streets, planes and helicopters were flying overhead with water and fire retardant. I have photos of the smoke rising above the hill near our home and planes and helicopters flying over. The fire was so serious that the helicopters were taking water from the Salinas River and our area ponds to try to extinguish it and firefighters feared every change in the wind. It took 19 days to extinguish with a loss of 30 structures, damage to 13 more and 48,000 acres burned.

We had packed our vehicles in anticipation of the evacuation with our most precious and irreplaceable items in the event our home was lost. When we eventually evacuated because the Sheriff's Department was going door to door, the traffic on River Road (2 lanes) was literally bumper to bumper with evacuees, law enforcement and fire personnel. Many of these people had trucks and horse trailers. All of the communities along the road had been evacuated, including Indian Springs, Las Palmas 1 and 2, Pine Canyon, and the Enos and Berry Drive area. It was not a quick process. I could not help but be thankful that the RVLP project had not been approved at that time because it would have only added to the traffic, confusion and panic. I cannot imagine how those residents would have gotten out safely and where they could safely be housed during the evacuation period, which for us was 4-5 days. Both of the assisted care facilities in which my parents resided had shuttle buses for their residents, but each of them could only transport 2-3 wheelchairs at a time. I would venture a guess that in most assisted care facilities, 50% of the residents are in wheelchairs and this would require innumerable trips back and forth to evacuate everyone and thus even more traffic on the road, if they could even get through. Law enforcement stood at the entrance to our neighborhood and refused to let people in or out after a certain period of time.

Mr. Shingu has indicated that he planned to have a memory care unit as well. Can you imagine how difficult it would be to evacuate an entire memory care unit in times of great urgency and stress? If it is any indication, the Tubbs fire

resulted in an abandonment of 62 residents by the employees. Had family members and good Samaritans not appeared, more people would have been lost to that fire as that facility burned to the ground.

I urge you to Google the KQED investigative report on the Tubbs fire and the Villa Capri evacuation problems, with locating residents, the confusion of the residents, the lack of training of staff, the inability even to find keys for the vehicles to evacuate residents, and the loss of electricity (and thus the use of elevators to get residents down from the upper floors and the ability to keep doors to the Memory Care unit locked). The Villa Capri assisted care facility was also built on a grassy hillside, like the one proposed here. I don't think the County wants to be responsible for this potential tremendous loss of life.

Mr. Shingu has taken the position that the residents will not evacuate in the event of the fire, but that they will "shelter in place". Really? Because the Sheriff's Department and the Fire Department insisted that we leave during the River Fire. They indicated that it was a safety issue for them as well as us, because they were risking their own lives if they had to come in and try to save us. Can any of us rely upon the employees to risk their own lives to stay in the facility during a raging fire to protect the residents? And, how will they keep them inside if the electricity is out as it was during the River fire? The dementia patients could be wandering around with smoke and fire all around them. After experiencing the stress of the fire myself, I cannot imagine how severely a fire would impact an elderly dementia patient.

As lovely as the setting is, I would not put my parents in RVLP if I didn't live right there because I would be afraid for their safety. I would much rather they be in town, where there is not so much raw fuel for a fire, not to mention such limited access in and out of the community by only one means.

Mr. Shingu has tried to appeal to the Planning Commission and now the Board of Supervisors, by stating that they would provide for lower cost housing for a small percentage of the residents. Having paid for assisted living costs for my parents, his agreement to reduce the cost is still not attainable by most folks. The normal cost in Florida for my mother's housing 2 years ago was over $6000 per month, having increased every year since then. The same was true for my father in Salinas, when he resided at Villa Serra. At the time he passed away 13 years ago, I was spending over $10,000 per month for his care. The slight

reduction offered by Mr. Shingu would still cost residents at least $5000 a month to live in one of his apartments if the cost was commensurate with Florida rates of 2 years ago (which I doubt since the cost of living in Florida is less than in California), not to mention what it would cost to live in a separate Casita. Mr. Shingu is relying upon the Board of Supervisors genuine wish to provide affordable housing/care for our elderly population, but this offer goes to form and not substance.

Other reasons to consider why not to approve this project are numerous:

1) We hired security many years ago to keep our neighborhood safe when we were experiencing daytime burglaries while folks were at work. Allowing a whole unregulated group of people to drive through our neighborhood without any way of ensuring travel directly to and from the facility means thieves and criminals could have easy access to our homes while we are away, despite our efforts to maintain security. There is no way to make sure vendors, employees and visitors are there for appropriate purposes.
2) The homeowners bought the green area in front of the Corey House to ensure a safe place for children to play and dogs to walk and to keep the area from being developed for commercial purposes. The streets on that side of the neighborhood are narrower and children play in them without concern that an ambulance, vendor, visitor or resident will be coming through the neighborhood at great speed, not to mention all of the vehicles and construction workers necessary to build such a facility.
3) The sound from constant traffic, including construction and repair vehicles, ambulances, shuttle buses, visitors and vendors was not considered when people bought their homes here in reliance upon the plan approved by the County.
4) The sound and light from the facility on the homes directly beneath them is not what residents of Las Palmas bargained for when they bought their homes, many of them original owners.
5) The hillside behind the homes under the proposed project has already experienced massive erosion. Flooding into the back yards of LP residents because of the erosion has occurred without quick response from Mr. Shingu. Las Palmas 1 drainage systems have been clogged with mud and debris from the hillside. There is a substantial risk of further

damage to homes on that side of LP1, not only during the rainy season, but also during construction.

In short, the project of Riverview at Las Palmas should not be approved for all of the above reasons. I thank you for your time and consideration.

Sincerely,

C. Denise Benoit

C. Denise Benoit

Received by HCD-Planning
on July 15, 2021.

July 15, 2021

Chair Askew and Members of the Monterey County Board of Supervisors
c/o Clerk to the Board
168 W. Alisal St.
Salinas, CA 93901

Subject: River View at Las Palmas PLN 150372

Dear Chair Askew and Members of the Board:

LandWatch Monterey County urges the Board to deny the proposed Specific Plan Amendment for the following reasons:

The Project is Inconsistent with the Las Palmas Ranch Specific Plan.

Parcel Q is designated for Residential not Commercial Use under the Specific Plan. Parcel Q is shown as part of ADC Policy Planning Area A, and designated as Medium Density Residential (MDR), which places Parcel Q under the 1031 residential dwelling unit cap in the Specific Plan. The current overall number of 1029 residential units built in the Las Palmas development is consistent with the 1031 Specific Plan residential cap, leaving only 2-3 residential units available to be built on Parcel Q.

SEIR's Wildfire Analysis is Inadequate and Incomplete.

The project site is located within the State Responsibility Area which identifies the following criteria that have yet to be addressed:

- A project's potential to substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, a project's potential to exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- Require the installation or maintenance of associated project infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environments; and/or
- A project's potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes.

Locating the proposed facility in an area where Las Palmas residents had to be evacuated during the 2020 wildfire is inconsistent with safety requirements for existing and proposed residents.

For the preceding reasons, we urge you to deny the proposed project.

Sincerely,

Michael D. DeLapa
Executive Director

Received by HCD-Planning
on July 19, 2021.

EXECUTIVE OFFICE

2716 OCEAN PARK BLVD., SUITE 3006
SANTA MONICA, CALIFORNIA 90405-5207
Telephone (310) 396-4514
Fax (310) 399-0062

July 15, 2021

Via USPS Mail

Honorable Wendy Root Askew, Chair
and Members of the Board of Supervisors
County of Monterey
168 West Alisal, 2nd Floor
Salinas, CA 93901

Joe Sidor, Associate Planner
Monterey County Housing and Community
Development
1411 Schilling Place – South, 2nd Floor
Salinas, CA 93901

RE: River View at Las Palmas

Dear Chair Askew and Members of the Board of Supervisors:

We are the owners of the Ferrini Ranch property, which lies immediately to the northwest of the proposed River View project. We are currently growing row crops and berries on the portion of our property that is immediately adjacent to the proposed River View development.

We always strive to be good neighbors with respect to any nearby properties. We support the proposed project with one very important caveat: We would ask that the appropriate Conditions of Approval be placed on the project to ensure that we will be able to continue to farm our immediately adjacent parcel without being subject to any new restrictions or having to make any modifications or adjustments in our farming operations as a result of the proposed River View Project.

We respectfully appreciate your consideration of our request and welcome any questions or comments.

Sincerely,

Domain Corporation

By: _____
Mark Kelton, Vice President

Cc: Joe Sidor, Associate Planner

NOLAND HAMERLY ETIENNE & HOSS
Attorneys at Law | A PROFESSIONAL CORPORATION

MEMORANDUM

TO: Monterey County Board of Supervisors

FROM: Christine Kemp on behalf of the
Las Palmas Ranch Master Association No. 1

DATE: June 28, 2021

SUBJECT: River View at Las Palmas - Parcel Q Easement Use over Las Palmas Private Roads

---

Use of the access easement over the Las Palmas Ranch Master Association No. 1's private roads to access an Assisted Living Facility on Parcel Q is a surcharge on the Association's private roads, meaning the use exceeds the legal scope of the easement granted, as the use is beyond the scope of the use anticipated at the time the access easement was granted.

Increasing the scope of the use of the easement to accommodate a commercial Assisted Living Facility places an illegal and unreasonable burden on the Association's property and should not be allowed.

Analysis: It is well-established in California law that the extent of servitude (easement) is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired. (California Civil Code §806). When an easement is granted for a specific use, there may not be an increase in the burden of the easement (California Civil Code §807), and the servient tenement owners

(Las Palmas Ranch Master Association No. 1) have the right to insist that so long as the easement is enjoyed, it shall remain substantially the same as it was at the time the right accrued.

Parcel Q Anticipated Use: Parcel Q was created by subdivision map recorded at Volume 26 Cities and Towns page 70 June 15, 1989 (See **Exhibit 1**, Final Map signed by Michael Fletcher Sr. on behalf of Las Palmas Ranch Development Company, Inc., attached).

Since 1983, under the Las Palmas Ranch Specific Plan, Parcel Q has been shown as part of Area A on the Las Palmas Specific Plan Map and designated as "Medium Density Residential" on the Las Palmas Specific Plan Map (See **Exhibit 2**, Specific Plan Figure E, attached), with the total Specific Plan "Residential Units" capped 1031, as shown on Las Palmas Ranch Specific Plan Land Use Table (See **Exhibit 2**, Specific Plan Figure D, attached).

Other areas of the Las Palmas Ranch Specific Plan were set aside for Commercial/Recreational, School/Church sites, including the area shown as Area B in the Specific Plan Figure E (See **Exhibit 2**), for the Las Palmas Unit 1 area, which commercial parcels were designated as Parcels D, E and F on the Las Palmas Unit 1 recorded map. Access to these three (3) commercial lots (D, E, & F) was confirmed in the 1989 CC&Rs (See **Exhibit 3**, CC&Rs pages, attached). Parcel Q was not given a commercial designation under the Specific Plan, nor given commercial use access under the CC&Rs, but remained part of Area A in the Specific Plan designated for medium density residential use.

Likewise, consistent with the Specific Plan, Parcel Q was shown as "Medium Density Residential" under the 1983 Toro Area Plan, and remains so designated under the 2010 updated Monterey General Plan/Toro Area (See **Exhibit 4**, Land Use Plans, attached), again consistent with the Specific Plan land use designation.

Easement Creation: The access easement to Parcel Q over the Association's private roads was first created by a deed from Las Palmas Ranch Development Company, Inc. (signed by Michael

Fletcher, Jr.) to James Fletcher and Lisa Fletcher on September 29, 2000 (James Fletcher – brother of Michael Jr. and son of Michael Sr.) (See **Exhibit 5**, Grant Deed, attached).

At the time of the easement grant in September 2000 creating access over the Association's Roads to Parcel Q, all of the Las Palmas 1 (LP1) and Las Palmas II (LP2) Final subdivision maps had been recorded, except for LP2-Unit 11 Final Map which was recorded on December 15, 2000, and would have been in final form in September 2000. (See **Exhibit 6**, Las Palmas Subdivision Assessor Parcel maps, attached).

Therefore, at the time of the creation of the Parcel Q access easement in September 2000:

1. The Las Palmas subdivision was completed, in substantial conformance with the overall residential designation and residential unit cap of 1031 residential units, along with the designated commercial areas, consistent with the Las Palmas Ranch Specific Plan, leaving only a few (2-3) residential units available for build out on the medium density residential designated Parcel Q.

2. There was no plan for, or any anticipated use of, the Parcel Q site beyond a limited number of residential units to achieve the allowed 1031 residential unit cap, and certainly no plan for a commercial Assisted Living Facility on Parcel Q, which commercial use would create a substantial increased burden, and surcharge, upon the scope of the access easement granted over the Association's private roads.

Las Palmas Ranch Master Association No 1 Resolution:

In keeping with this position, the Las Palmas Ranch Master Association No. 1 Board of Directors passed a Board Resolution on December 18, 2019 (See **Exhibit** 7, copy attached) confirming:

1. Parcel Q is not a member of the Association, has not paid membership dues to the Association, has no ownership interest in any of the Association's common areas, private easements,

private roads (including Country Park Road), or private property, other than having only limited access rights over a portion of the Association's private roads (portions of River Run, Woodridge Court, and Las Palmas Road) pursuant to the Grant Deed recorded at Document 2013046807, July 23, 2013, Official Records of Monterey County, California ("Parcel Q Deed").

2. It has been well-established in California law that the extent of servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired. (California Civil Code §806). When an easement is granted for a specific use, there may not be an increase in the burden of the easement (California Civil Code §807), and the servient tenement owners have the right to insist that so long as the easement is enjoyed, it shall remain substantially the same as it was at the time the right accrued; and

3. The Association Board of Directors seeks to protect the Association's private property, including its common areas, easements, and private roads.

AND THEREFORE, BE IT HEREBY RESOLVED that the Board of Directors of Las Palmas Ranch Master Association:

1. Affirms that use of the Association's private roads within Las Palmas Ranch Phase 1 remains limited to residential use;
2. Affirms that Parcel Q has no right to use of any of the Association's private roads, but for the limited scope of use set forth in the Parcel Q Deed; and
3. Will insist that the scope of Parcel Q's limited use of the Association private roads remains substantially the same as they were at the time the right to use the private road easements accrued.

Conclusion: Use of the access easement over the Las Palmas Ranch Master Association No. 1's private roads to access an Assisted Living Facility on Parcel Q is a surcharge on the Association's private roads, because when the access easement was granted to Parcel Q in 2002:

1. Parcel Q was shown as part of Area A on the Las Palmas Specific Plan Map and designated as “Medium Density Residential” on the Las Palmas Specific Plan Map (Figure E), with the total “Residential Units” capped at 1031, as shown on Las Palmas Ranch Specific Plan Land Use Table (Figure D), in Las Palmas Ranch Specific Plan.

2. Other areas of the Las Palmas Ranch Specific Plan were set aside for Commercial/Recreational, School/Church sites, but not Parcel Q which remained in Area A designated for residential use.

3. Parcel Q was also shown as “Medium Density Residential” under the 1983 Toro Area Plan, and remained so designated under the 2010 updated Monterey General Plan/Toro Area.

4. At the time of the creation of the Parcel Q access easement in September 2000, the Las Palmas project was completed, in substantial conformance with the overall density and uses set forth in the Las Palmas Ranch Specific Plan, with a cap of 1031 residential units, leaving only minimal (2-3) residential units available for the build out of Parcel Q.

5. At the time the access easement was created for Parcel Q in 2000, there was no plan for, or any anticipated use of, Parcel Q for a commercial Assisted Living Facility, which commercial use would create a substantial increased burden upon the scope of the easement granted to Parcel Q beyond the limited residential use anticipated for Parcel Q under the Specific Plan at the time the easement was granted for the benefit of Parcel Q in 2000.

EXHIBIT 1

Description: Monterey, CA Tract Map - Book.Page 16.70 Page: 1 of 10
Order: Ip Comment:

MAP 16 N 0479300 E 1215000 SN 20534 Vol. 16 C & T. Pg. 70

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE, AND/OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP, THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY AND THAT WE CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP AND SUBDIVISION SHOWN WITHIN THE SUBDIVISION BOUNDARY LINES

WE HEREBY DEDICATE FOR PUBLIC USE EASEMENTS FOR PUBLIC UTILITIES INCLUDING ELECTRICITY, GAS, COMMUNICATION, WATER AND THE NECESSARY APPURTENANCES, ON, OVER OR UNDER THOSE CERTAIN STRIPS OR PARCELS OF LAND DESIGNATED AS "PUBLIC UTILITY EASEMENTS (PUE)," AS SHOWN ON SAID MAP WITHIN SAID SUBDIVISION, SUCH STRIPS OF LAND AND PARCELS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS NOT SERVING THE PURPOSES OF THE EASEMENTS

WE ALSO HEREBY DEDICATE FOR PRIVATE USE, DRAINAGE EASEMENTS WHICH WILL PERMIT THE CONSTRUCTION, MAINTENANCE AND OPERATION OF DRAINAGE FACILITIES, ON, OVER AND UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "DRAINAGE EASEMENTS" AS SHOWN ON SAID MAP FOR THE PURPOSE OF CONVEYING DRAINAGE FROM THE NATURAL DRAINAGE AREA TRIBUTARY TO EACH EASEMENT, SUCH STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES WHICH INHIBIT THE USE OF THE EASEMENT FOR DRAINAGE PURPOSES

WE ALSO HEREBY DEDICATE TO COUNTY SERVICE AREA #72 (CSA #72) SANITARY SEWER EASEMENTS FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF SANITARY SEWER FACILITIES AND STORM DRAINAGE EASEMENTS FOR ALL DRAINAGE FACILITIES 54 INCH DIAMETER AND LARGER FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF SAID DRAINAGE FACILITIES, ON, OVER AND UNDER THOSE CERTAIN PARCELS OF LAND DESIGNATED AS COMMON AREA AND P U E AS SHOWN ON SAID MAP SUCH PARCELS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES WHICH INHIBIT THE USE OF THE EASEMENT FOR THE PURPOSE OF THE EASEMENT

SUBJECT TO HOWEVER THE FOLLOWING INTEREST WHICH CANNOT RIPEN INTO A FEE, THE SIGNATURES OF WHICH ARE NOT REQUIRED PURSUANT TO CURRENT SECTIONS OF THE GOVERNMENT CODE

1) MRS B J MANNS INTEREST HOLDER UNDER C C & R 'S RECORDED IN VOLUME 185-D-193
2) PACIFIC GAS AND ELECTRIC CO EASEMENT HOLDER UNDER THE FOLLOWING DEEDS VOL 724-OR-468 VOL 1420-OR-37 REEL 1316-OR-684 & REEL 1869-OR-461
3) PACIFIC BELL EASEMENT HOLDER UNDER DEEDS RECORDED VOL 1420-OR-37 & REEL 1869-OR-461

WE ALSO HEREBY DEDICATE TO CSA #72 PARCEL Y

AS OWNERS — LAS PALMAS RANCH DEVELOPMENT COMPANY, INC
A CALIFORNIA CORPORATION

BY _____
MICHAEL D FLETCHER, SR, CHAIRMAN/CEO

AS TRUSTEES — CONTINENTAL AUXILIARY COMPANY
A CALIFORNIA CORPORATION, TRUSTEE UNDER THE FOLLOWING DEEDS OF TRUST: R2271-OR-247, R2297-OR-305, R2345-OR-571, R2355-OR-892.

BY _____

BY _____
ASST. SECRETARY

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA
A CALIFORNIA CORPORATION, TRUSTEE UNDER DEED OF TRUST R2297-OR-357.

BY _____
VERN FETTERMAN, VICE PRESIDENT

BY _____
ROBERT GORTZ, ASSISTANT VICE PRESIDENT

OWNER'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA } SS
COUNTY OF MONTEREY }

ON THIS 25TH DAY OF MAY, 1989, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE _____ OF THE WITHIN INSTRUMENT, AND KNOWN TO ME TO BE THE PERSON THAT EXECUTED IT ON BEHALF OF THE CORPORATION THEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH _____ EXECUTED THE SAME

WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

TRUSTEES' ACKNOWLEDGEMENT

STATE OF CALIFORNIA } SS
COUNTY OF _____ }

ON THIS 26TH DAY OF MAY, 1989, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE _____ OF CONTINENTAL AUXILIARY COMPANY, A CALIFORNIA CORPORATION, THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT, AND KNOWN TO ME TO BE THE PERSON THAT EXECUTED IT ON BEHALF OF THE CORPORATION THEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME AS TRUSTEE

WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

OFFICIAL SEAL
MARY ELLEN ROBERTS
Notary Public-California
SAN DIEGO COUNTY
My Comm. Exp. Mar. 15, 1991

TRUSTEES' ACKNOWLEDGEMENT

STATE OF CALIFORNIA } SS
COUNTY OF MONTEREY }

ON THIS 23TH DAY OF MAY, 1989, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE _____ OF TICOR TITLE INSURANCE COMPANY OF CALIFORNIA, A CALIFORNIA CORPORATION, THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT, AND KNOWN TO ME TO BE THE PERSON THAT EXECUTED IT ON BEHALF OF THE CORPORATION THEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME AS TRUSTEE

WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

STATEMENT OF APPROVAL BY THE COUNTY SURVEYOR

I, BRUCE W McCLAIN, COUNTY SURVEYOR OF MONTEREY COUNTY, HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE REVISED TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, AS APPROVED BY THE MONTEREY COUNTY BOARD OF SUPERVISORS, JULY 22, 1986, THAT ALL THE PROVISIONS OF THE CALIFORNIA "SUBDIVISION MAP ACT", AS AMENDED, AND THE MONTEREY COUNTY CODE, TITLE 19 HAVE BEEN COMPLIED WITH, AND THAT THIS MAP IS TECHNICALLY CORRECT

_____ 5/31/89
COUNTY SURVEYOR,
MONTEREY COUNTY, CALIFORNIA

6-13-89

PLANNING COMMISSION CERTIFICATE

I, ROBERT SLIMMON, JR, SECRETARY OF THE MONTEREY COUNTY PLANNING COMMISSION, HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE REVISED TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF AS APPROVED BY THE MONTEREY COUNTY BOARD OF SUPERVISORS, ON JULY 22, 1986, THAT ALL THE PROVISIONS OF THE CALIFORNIA "SUBDIVISION MAP ACT" AND THE MONTEREY COUNTY CODE, TITLE 19 HAVE BEEN COMPLIED WITH

_____
SECRETARY, MONTEREY COUNTY PLANNING COMMISSION, COUNTY OF MONTEREY, STATE OF CALIFORNIA

CERTIFICATE OF APPROVAL OF THE CLERK OF BOARD OF SUPERVISORS

I, ERNEST K MORISHITA CLERK OF THE BOARD OF SUPERVISORS OF MONTEREY COUNTY, HEREBY CERTIFY THAT SAID BOARD APPROVED THE WITHIN MAP ON THE 15th DAY OF August, 1989, AND ACCEPTED ON BEHALF OF THE PUBLIC, ALL OFFERS OF DEDICATION FOR PUBLIC USE, IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION

Ernest K. Morishita BY Pamela Olivas
CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA — DEPUTY

SURVEYOR'S STATEMENT

I, PHILIP PEARMAN, LICENSED LAND SURVEYOR, DO HEREBY STATE THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION DURING MAY 1989, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THEY WILL BE SET IN SUCH POSITIONS ON OR BEFORE ONE YEAR AFTER THE RECORDATION OF THIS MAP BY THE MONTEREY COUNTY RECORDER THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED

_____
LICENSED LAND SURVEYOR NO 4448

LICENSE EXPIRES 9-30-91

COUNTY RECORDER'S CERTIFICATE

FILED THIS 15 DAY OF JUNE, 1989, AT 10:33 A.M. IN BOOK 16 OF CITIES AND TOWNS AT PAGE 70 AT THE REQUEST OF TICOR TITLE INSURANCE COMPANY OF CALIFORNIA

_____
ERNEST M MAGGINI
COUNTY RECORDER

BY _____
DEPUTY

SERIAL NO 32940
FEE $ 5.00

NOTES

1 ALL STRUCTURES TO BE BUILT ON THE LANDS SHOWN HEREON SHALL BE FLOOD PROOFED IN ACCORDANCE WITH COUNTY REGULATIONS

2 A GEOLOGICAL REPORT HAS BEEN PREPARED FOR THIS PROJECT BY TERRATECH, INC DATED JULY, 1986, AND IS ON FILE AT THE MONTEREY COUNTY PLANNING DEPARTMENT

3 UNDERGROUND UTILITIES ARE REQUIRED IN THIS SUBDIVISION IN ACCORDANCE WITH CHAPTER 19 10 095 (M) TITLE 19 OF THE MONTEREY COUNTY CODE

SPECIAL MINIMUM SETBACK REQUIREMENTS (R-1-D-S-D ZONING DISTRICT)

HOUSING TYPE	FRONT YARD	REAR YARD	SIDE YARD
CUSTOM SINGLE FAMILY LOT (LOTS 1 - 6)	20 FEET	15 FEET	5 FT EACH SIDE
CUSTOM SINGLE FAMILY CORNER LOT	~~20 FEET~~	~~15 FEET~~	5 FT ONE SIDE 10 FT STREET-SIDE
CLUSTER SINGLE FAMILY LOT (LOTS 7 - 23)	20 FEET	10 FEET	5 FT EACH SIDE
CLUSTER SINGLE FAMILY CORNER LOT	20 FEET	10 FEET	5 FT EACH SIDE

AMENDED MAP OF LAS PALMAS RANCH COREY HOUSE AREA/UNIT 1

TRACT NO. 1086A

A PRIVATE ROAD SUBDIVISION CONSISTING OF 10 SHEETS

BEING A PORTION OF RANCHO BUENA VISTA AND RANCHO EL TORO, MONTEREY COUNTY, CALIFORNIA

BEING A REBUBDIVISION OF PARCELS 7, 8, 9 & 15 AS SHOWN ON THE "MAP OF LAS PALMAS RANCH" FILED NOV 10, 1986 IN VOLUME 17 OF PARCEL MAP AT PAGE 140 AND ALSO BEING A PORTION OF LOT 141 AS SHOWN ON "RECORD OF SURVEY AMSTAR CORPORATION" FILED APRIL 20, 1981 IN VOLUME 12 SURVEYS AT PAGE 182, MONTEREY COUNTY RECORDS, COUNTY OF MONTEREY, STATE OF CALIFORNIA

SUBDIVIDED FOR LAS PALMAS RANCH DEV CO INC
BY AS SURVEYS INC
66 SALINAS-MONTEREY HWY
SALINAS CA 93908

SHEET 1 OF 10 APRIL 1989

MAP 16 N 0479300 E 1215000 SN 20535 Vol. 16 C.&T. Pg. 70

AMENDED MAP OF LAS PALMAS RANCH COREY HOUSE AREA/UNIT 1

TRACT NO. 1086A

A PRIVATE ROAD SUBDIVISION CONSISTING OF 10 SHEETS

BEING A PORTION OF RANCHO BUENA VISTA AND RANCHO EL TORO, MONTEREY COUNTY, CALIFORNIA.

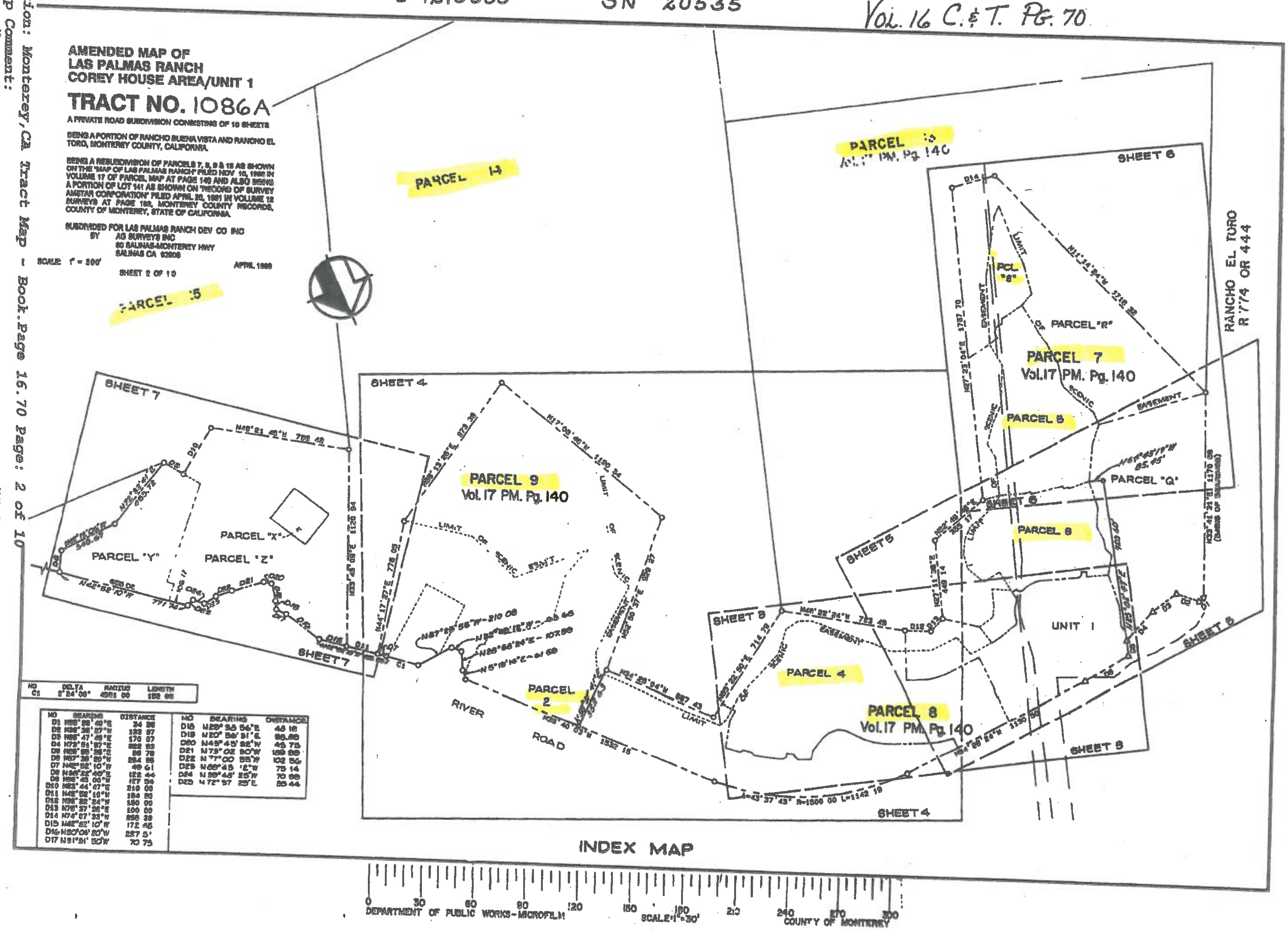
BEING A RESUBDIVISION OF PARCELS 7, 8, 9 & 15 AS SHOWN ON THE "MAP OF LAS PALMAS RANCH" FILED NOV 10, 1986 IN VOLUME 17 OF PARCEL MAP AT PAGE 140 AND ALSO BEING A PORTION OF LOT 141 AS SHOWN ON "RECORD OF SURVEY AMSTAR CORPORATION" FILED APRIL 20, 1981 IN VOLUME 12 SURVEYS AT PAGE 122, MONTEREY COUNTY RECORDS, COUNTY OF MONTEREY, STATE OF CALIFORNIA.

SUBDIVIDED FOR LAS PALMAS RANCH DEV CO INC
BY AG SURVEYS INC
60 SALINAS-MONTEREY HWY
SALINAS CA 93908

SCALE 1" = 300'

APRIL 1988

SHEET 2 OF 10



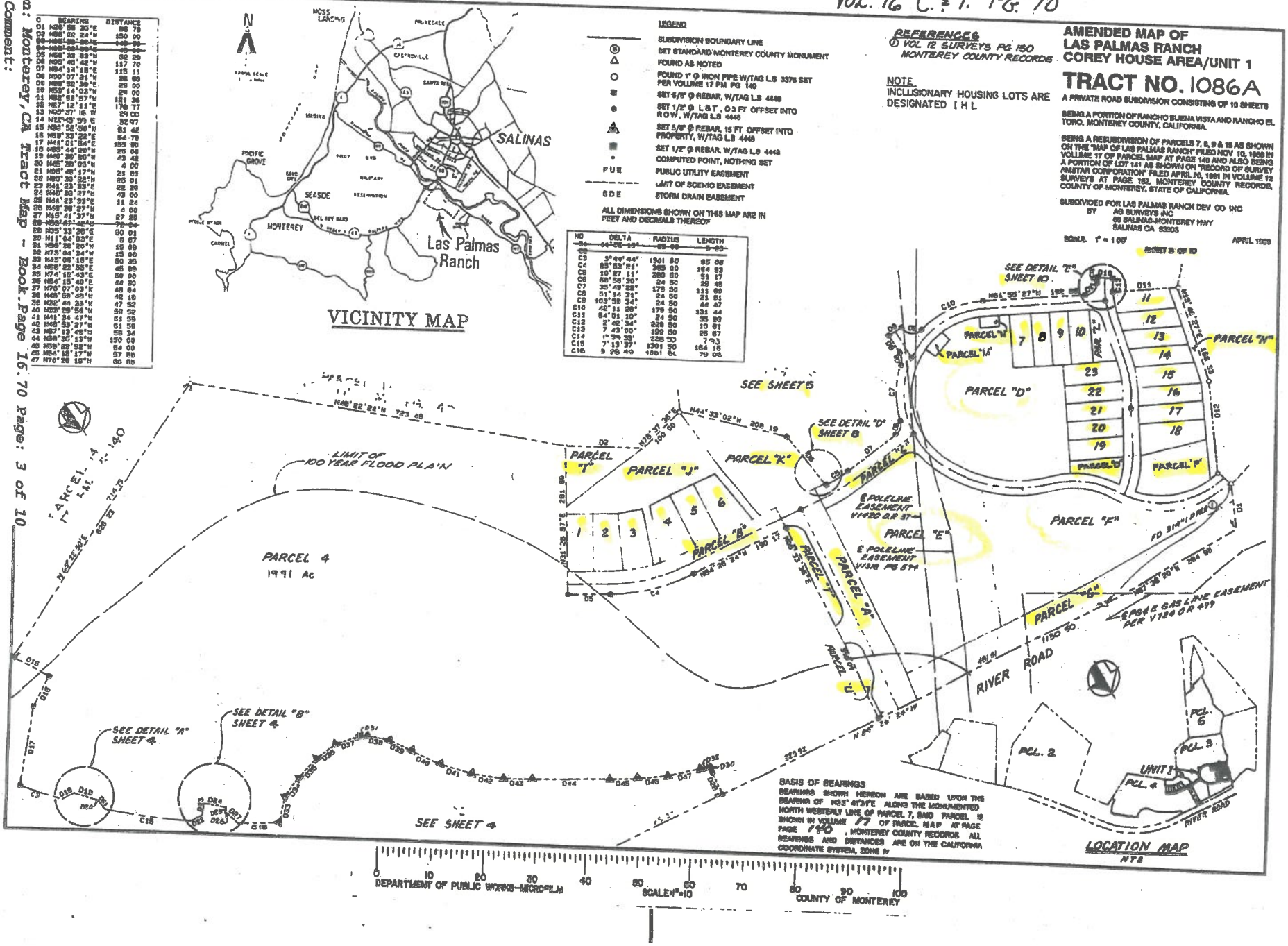
NO	DELTA	RADIUS	LENGTH
C1	2°24'08"	4561 00	192 05

NO	BEARING	DISTANCE
D1	N[illegible]° 58' 40"E	34 [illegible]
D2	N36°35' 57"W	133 57
D3	N85°47' 48"E	170 07
D4	N73°51' 57"E	222 33
D5	N[illegible]° 55' 38"E	86 78
D6	N57°38' 20"W	254 55
D7	N42°52' 10"W	49 61
D8	N36°22' 46"E	122 44
D9	N55°48' 06"W	127 34
D10	N63°44' 47"E	310 00
D11	N42°52' 10"W	184 50
D12	N36°32' 34"W	150 00
D13	N76°37' 26"E	100 00
D14	N74°07' 33"W	858 29
D15	N42°52' 10"W	172 48
D16	N80°06' 20"W	227 5'
D17	N51°51' 50"W	70 79

NO	BEARING	DISTANCE
D18	N29° 35 56"E	46 16
D19	N20° 58' 31"E	56.80
D20	N49° 45' 32"W	45 75
D21	N73° 02 30"W	159 59
D22	N 77° 00 55"W	102 56
D23	N66° 45 12"W	75 14
D24	N 39° 46' 25"W	70 90
D25	N 72° 37 25"E	55 44

Description: Monterey, CA Tract Map - Book Page 16.70 Page: 3 of 10
Order: lp Comment:

MAP 16 N 0479300 E 1215000 SN 20536 Vol. 16 C. & T. Pg. 70



Description: Monterey,CA Tract Map - Book.Page 16.70 Page: 4 of 10
Order: 1p Comment:

MAP 16 N 0479300 E 1215000 SN 20537 VOL. 16 C.&T. PG. 70

AMENDED MAP OF LAS PALMAS RANCH COREY HOUSE AREA/UNIT 1

TRACT NO. 1086A

A PRIVATE ROAD SUBDIVISION CONSISTING OF 10 SHEETS

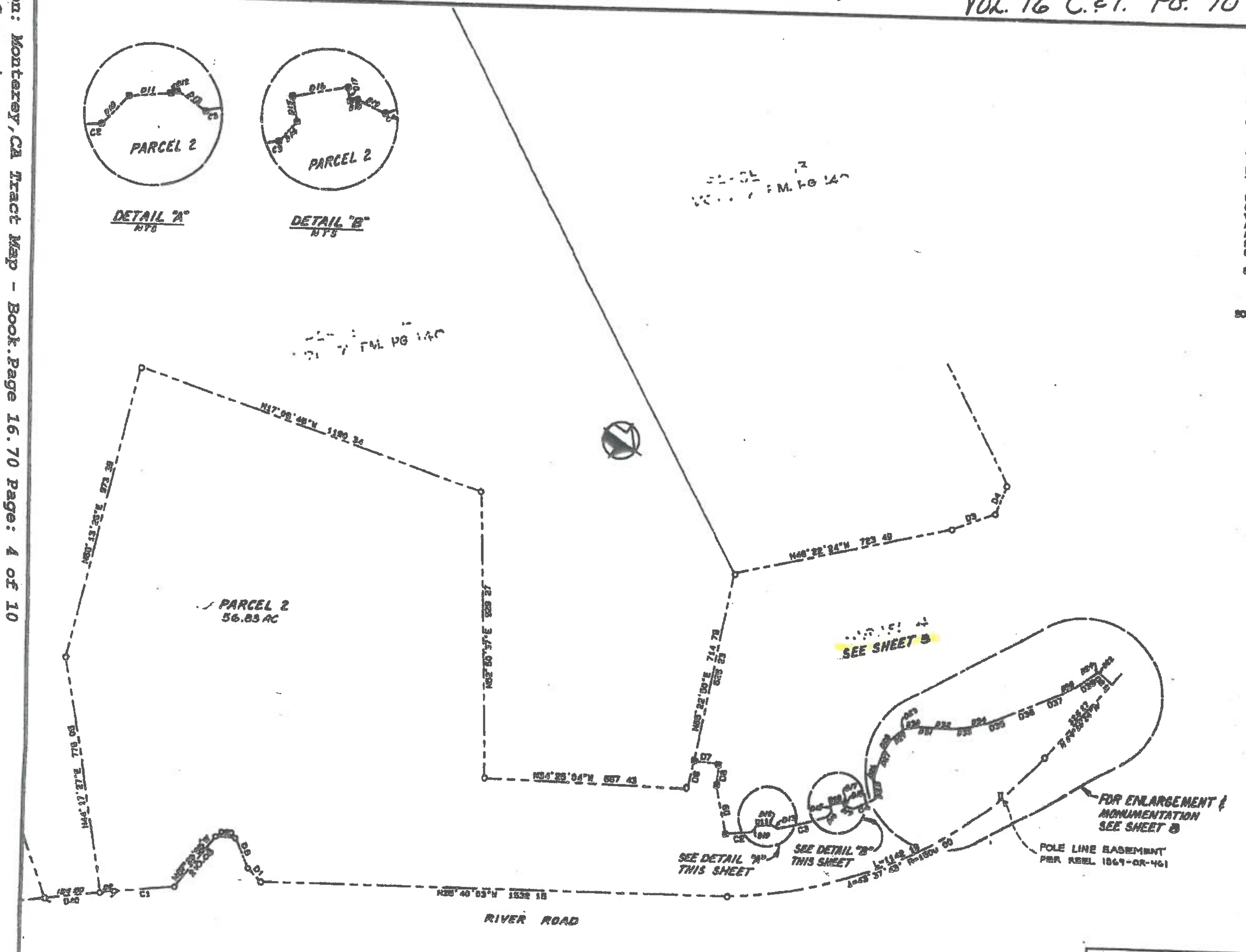
BEING A PORTION OF RANCHO BUENA VISTA AND RANCHO EL TORO, MONTEREY COUNTY, CALIFORNIA.

BEING A RESUBDIVISION OF PARCELS 7, 8, 9 & 15 AS SHOWN ON THE "MAP OF LAS PALMAS RANCH" FILED NOV 10, 1986 IN VOLUME 17 OF PARCEL MAP AT PAGE 140 AND ALSO BEING A PORTION OF LOT 141 AS SHOWN ON "RECORD OF SURVEY AMSTAR CORPORATION" FILED APRIL 30, 1981 IN VOLUME 12 SURVEYS AT PAGE 182, MONTEREY COUNTY RECORDS, COUNTY OF MONTEREY, STATE OF CALIFORNIA.

SUBDIVIDED FOR LAS PALMAS RANCH DEV CO INC
BY AG SURVEYS INC
68 SALINAS-MONTEREY HWY
SALINAS CA 93908

SCALE: 1" = 200' APRIL 1989

SHEET 4 OF 10

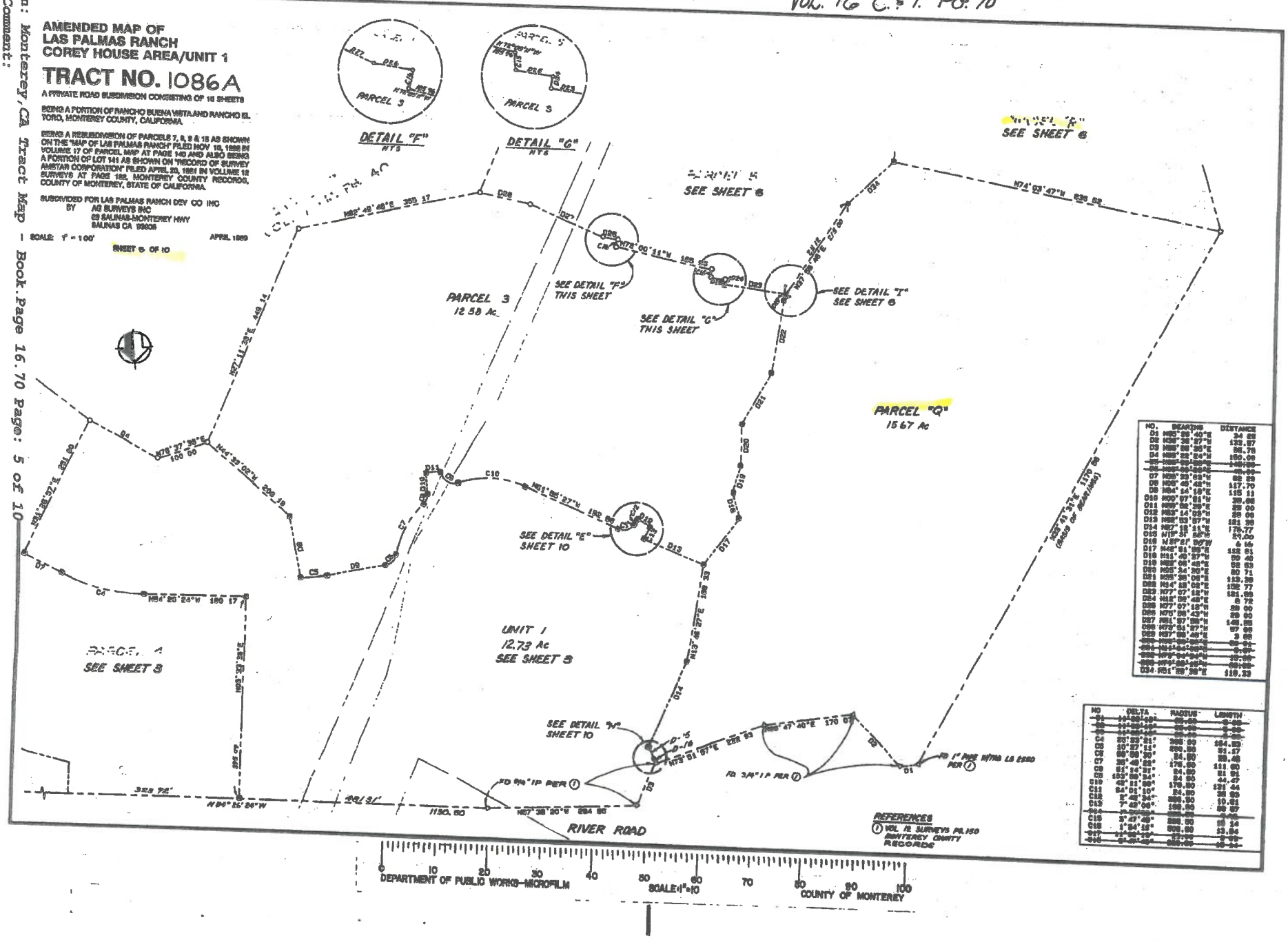


NO	DELTA	RADIUS	LENGTH
C1	8°54'08"	4881.00	182.08
C2	3°44'44"	1201.00	78.20
C3	7°13'37"	1201.00	184.15
C4	8°28'48"	1201.00	78.06

NO	BEARING	DISTANCE
D1	N 6°18'14"E	61.38
D2	N48°52'10"W	48.81
D3	N55°52'54"W	150.00
D4	N75°37'35"E	100.00
D5	N[illegible]°55'34"E	107.80
D6	N55°58'50"E	98.58
D7	N38°52'50"W	61.42
D8	N58°33'22"E	54.78
D9	N41°21'54"E	165.89
D10	N55°44'58"W	23.08
D11	N40°30'58"W	43.42
D12	N48°38'08"W	4.00
D13	N03°46'17"W	21.63
D14	N55°30'58"W	23.01
D15	N41°23'33"E	22.28
D16	N48°36'27"W	43.08
D17	N41°23'33"E	11.84
D18	N48°36'27"W	4.00
D19	N15°41'37"W	57.88
D20	N[illegible]°48'12"W	63.65
D21	N05°33'38"E	50.01
D22	N11°54'03"E	8.07
D23	N55°36'50"W	18.08
D24	N73°04'34"W	15.00
D25	N43°05'18"E	50.35
D26	N55°23'55"E	45.90
D27	N74°12'43"E	30.08
D28	N84°18'40"E	44.80
D29	N76°57'03"W	48.64
D30	N48°58'46"W	42.18
D31	N58°44'33"W	47.82
D32	N33°29'56"W	58.82
D33	N41°34'47"W	61.58
D34	N48°53'27"W	61.88
D35	N57°13'48"W	58.24
D36	N58°36'13"W	150.00
D37	N58°22'52"W	54.00
D38	N84°12'17"W	57.86
D39	N70°38'15"W	58.85
D40	N42°52'10"W	234.11

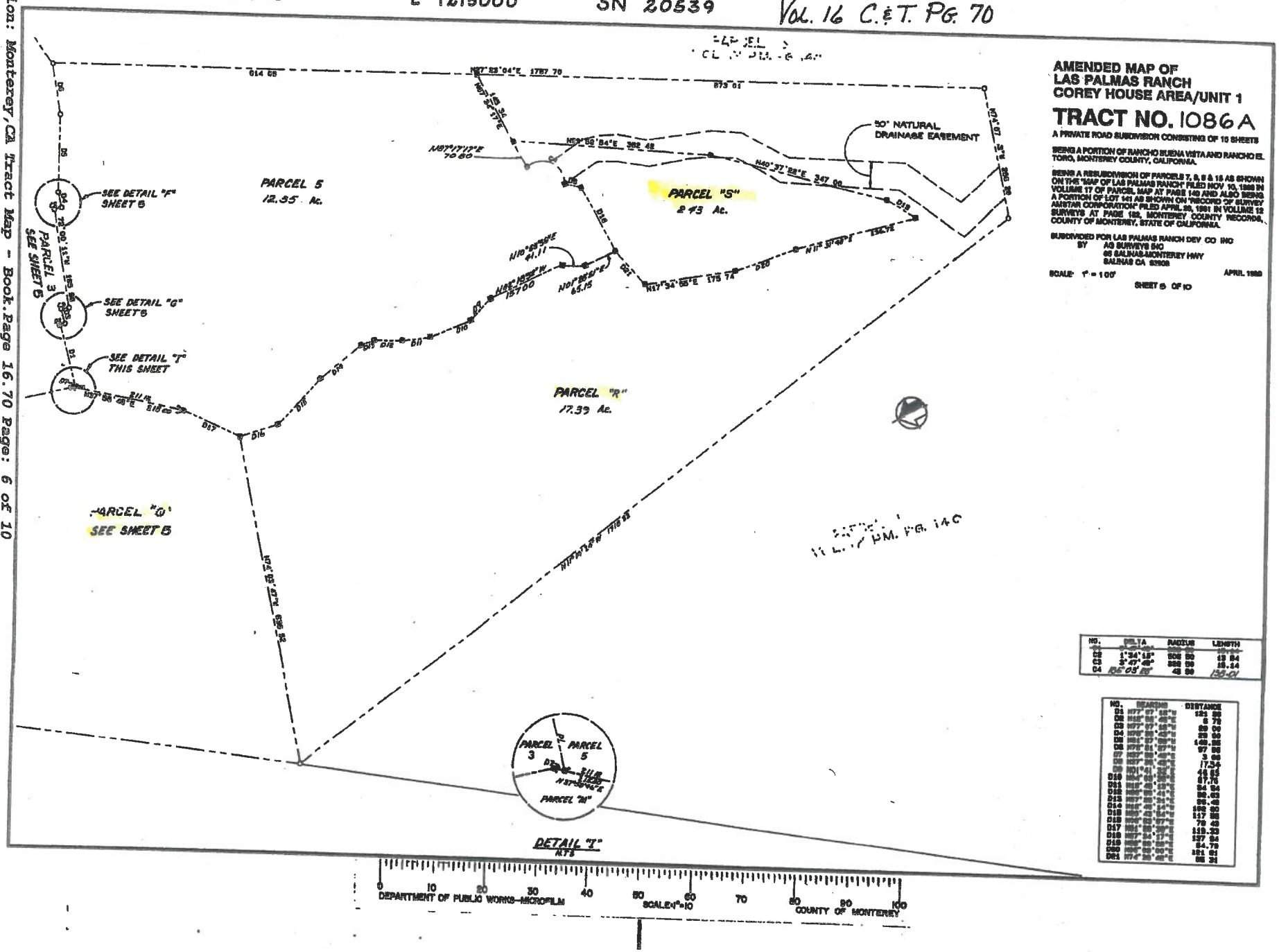
0 10 20 30 40 50 100 150 200
DEPARTMENT OF PUBLIC WORKS-MICROFILM SCALE: 1" = 20 COUNTY OF MONTEREY

MAP 16 N 0479300 E 1215000 SN 20538 VOL. 16 C.&T. PG. 70



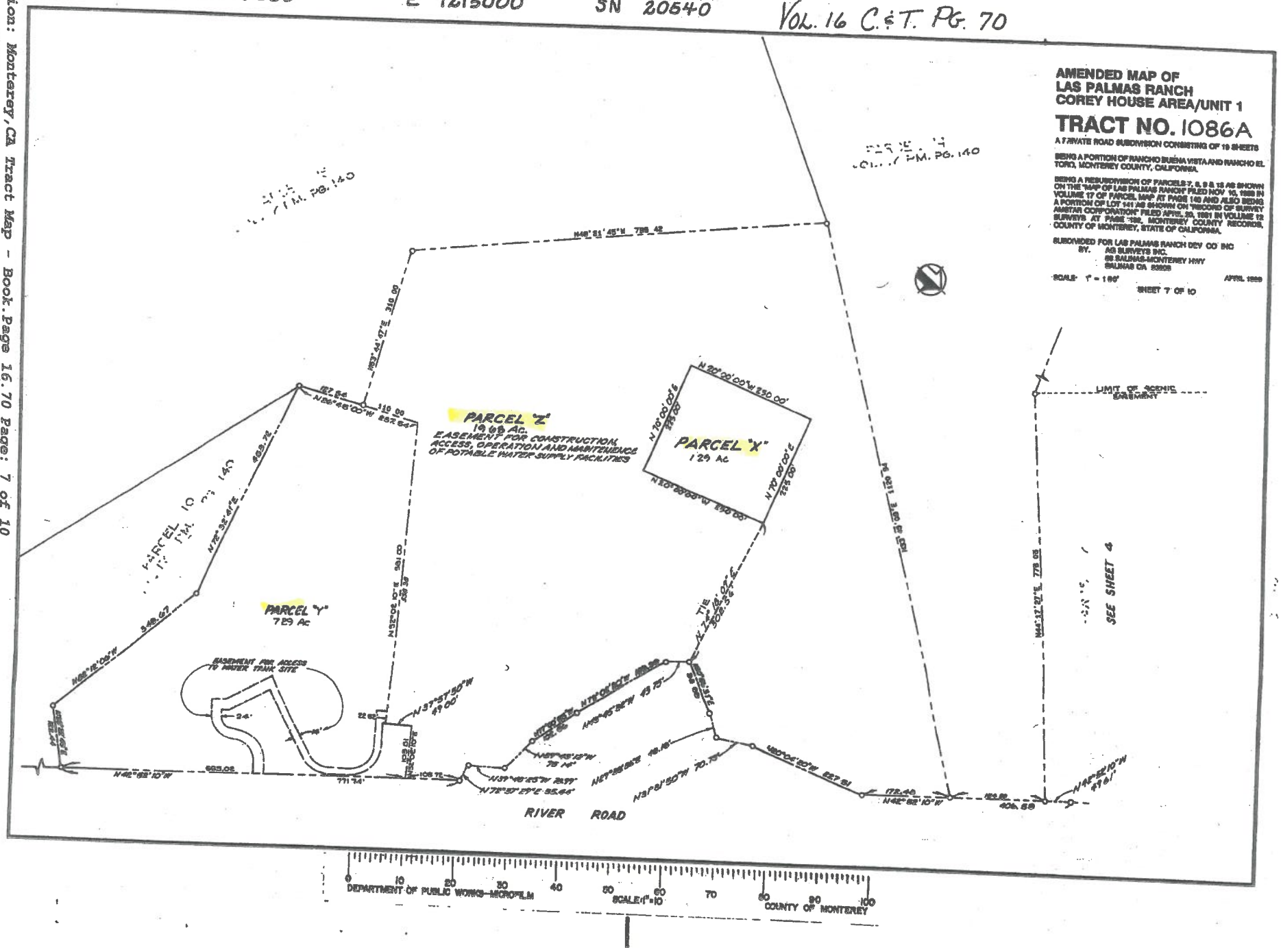
MAP 16 N 0479300 E 1215000 SN 20539 Vol. 16 C.&T. Pg. 70

Description: Monterey,CA Tract Map - Book.Page 16.70 Page: 6 of 10
Order: lp Comment:

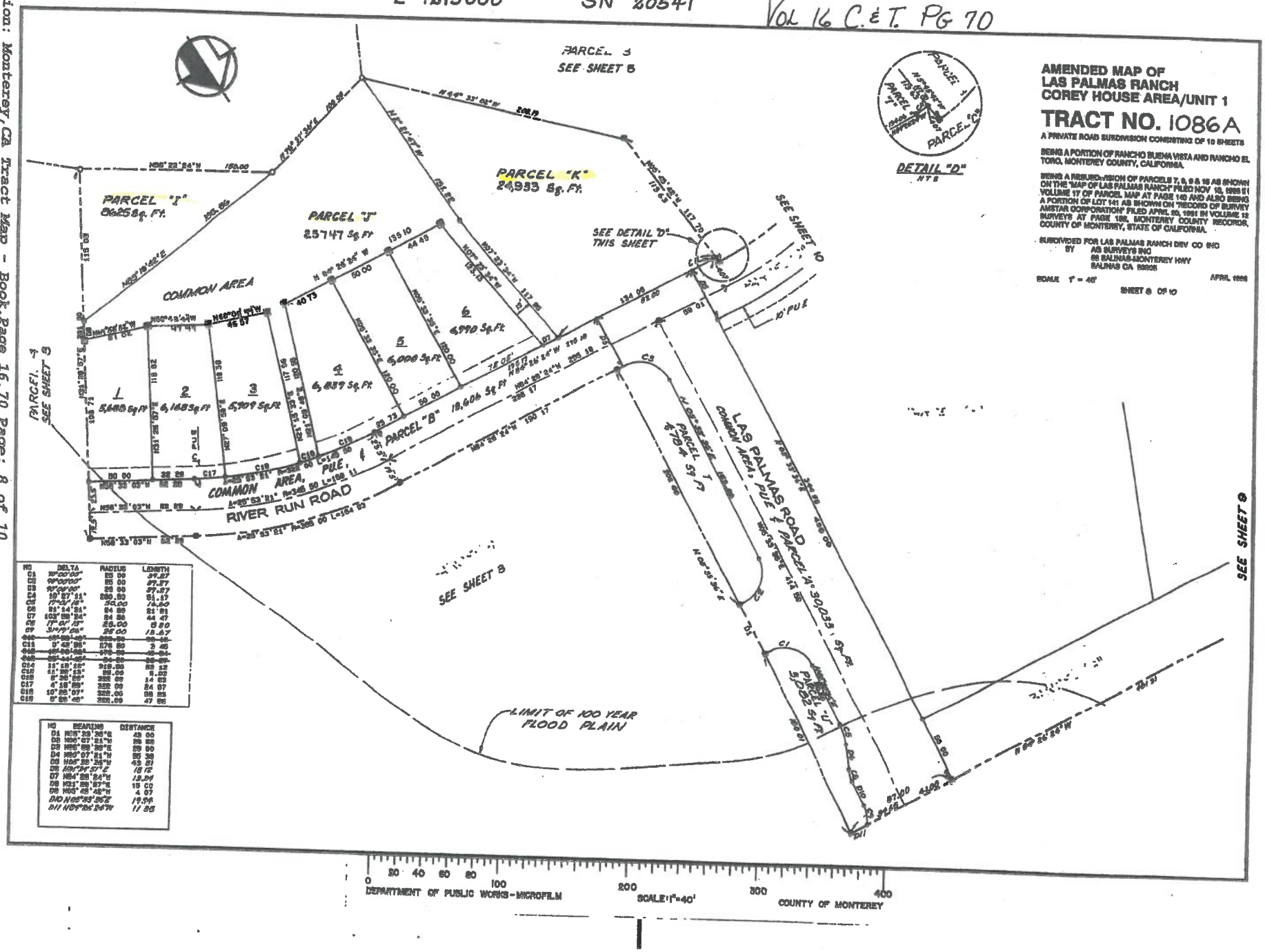


MAP 16 N 0479300 E 1215000 SN 20540 VOL. 16 C.&T. PG. 70

Description: Monterey,CA Tract Map - Book.Page 16.70 Page: 7 of 10
Order: lp Comment:

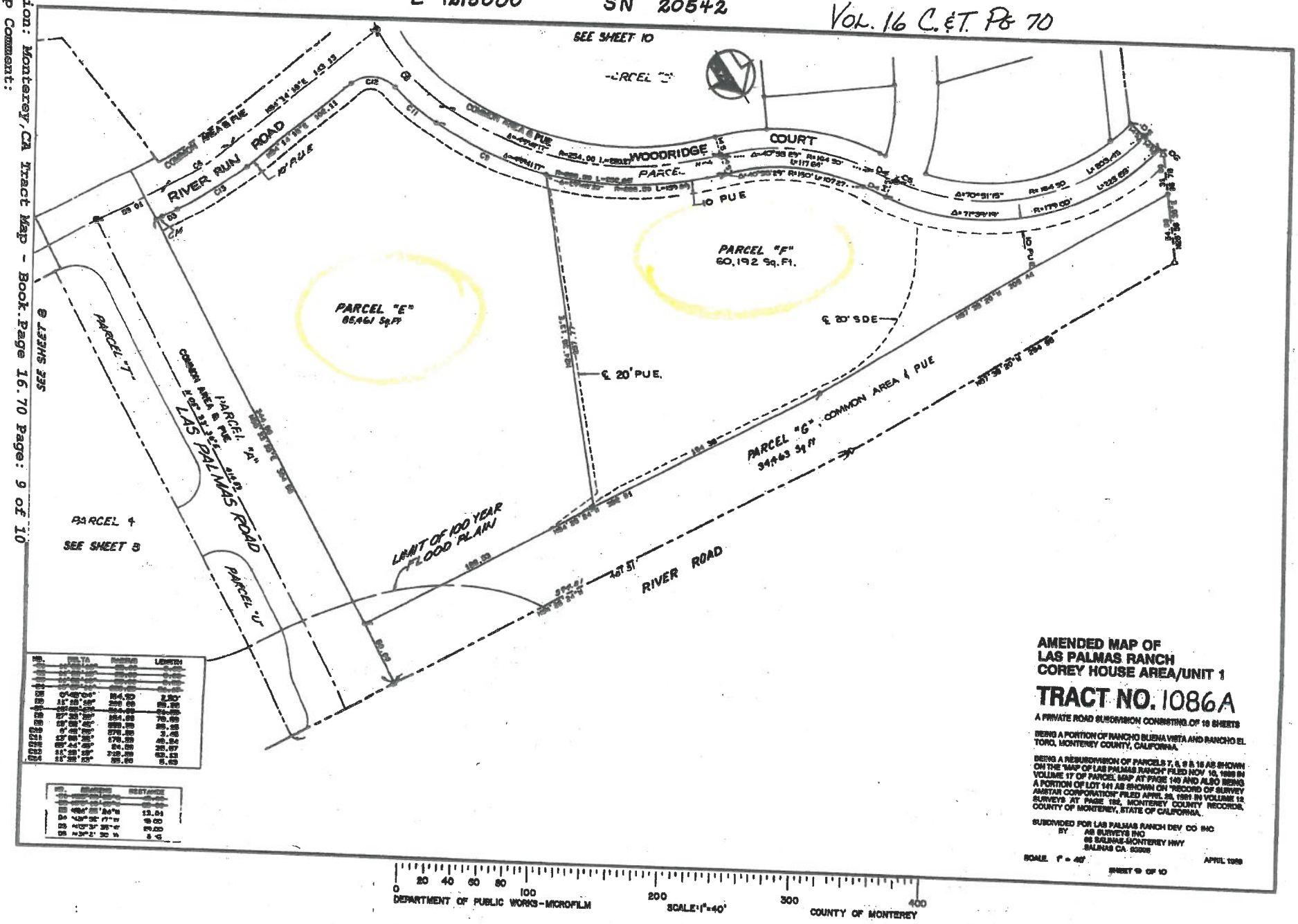


MAP 16 N 0479300 E 1215000 SN 20541 VOL 16 C.&T. PG 70



Description: Monterey,CA Tract Map - Book.Page 16.70 Page: 9 of 10
Order: lp Comment:

MAP 16 N 0479300 E 1215000 SN 20542 Vol. 16 C.&T. Pg 70



Description: Monterey, CA Tract Map - Book.Page 16.70 Page: 10 of 10
Order: lp Comment:

MAP 16 N 0479300 E 1215000 SN 20543 VOL. 16 C.&T. PG. 70

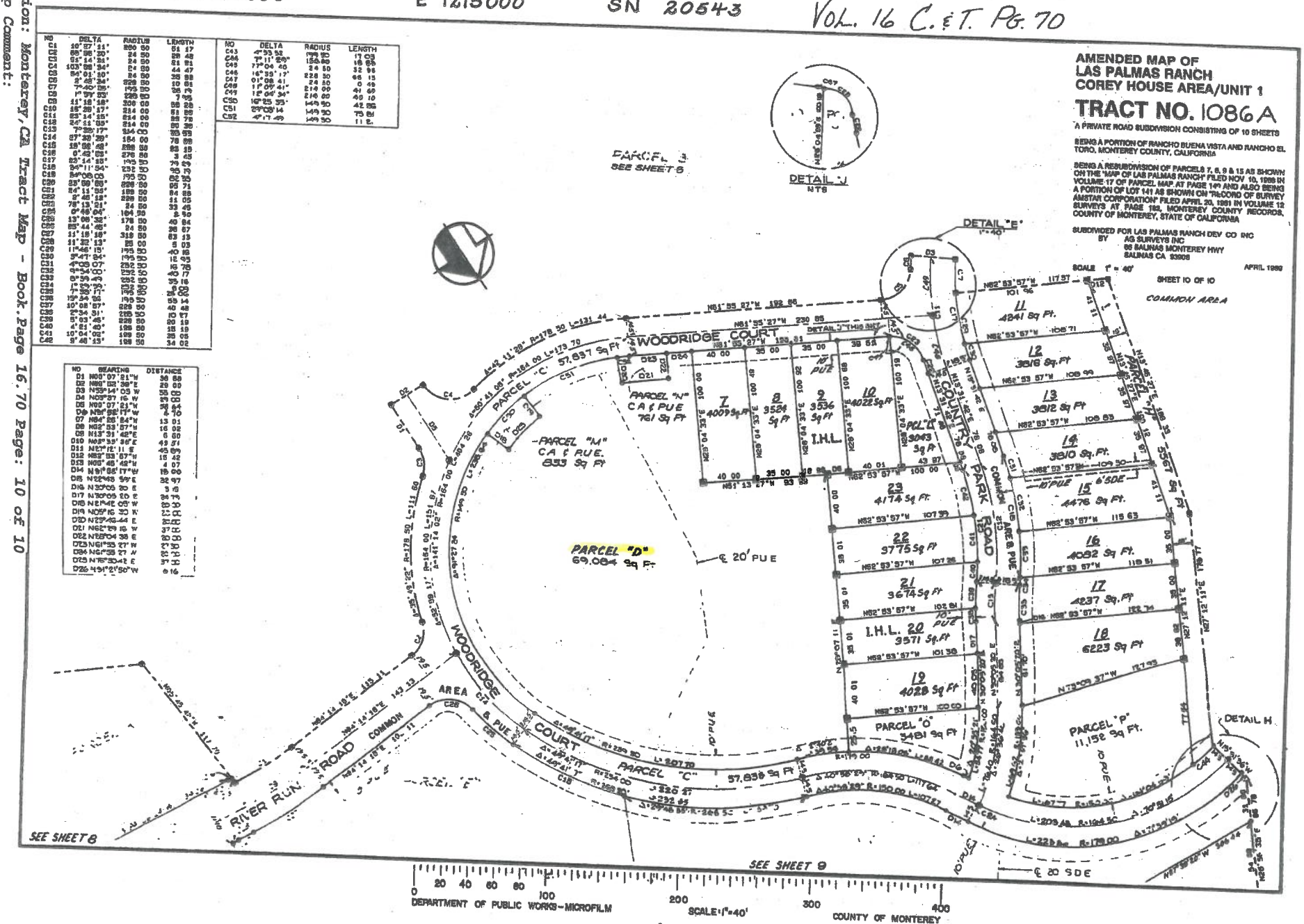
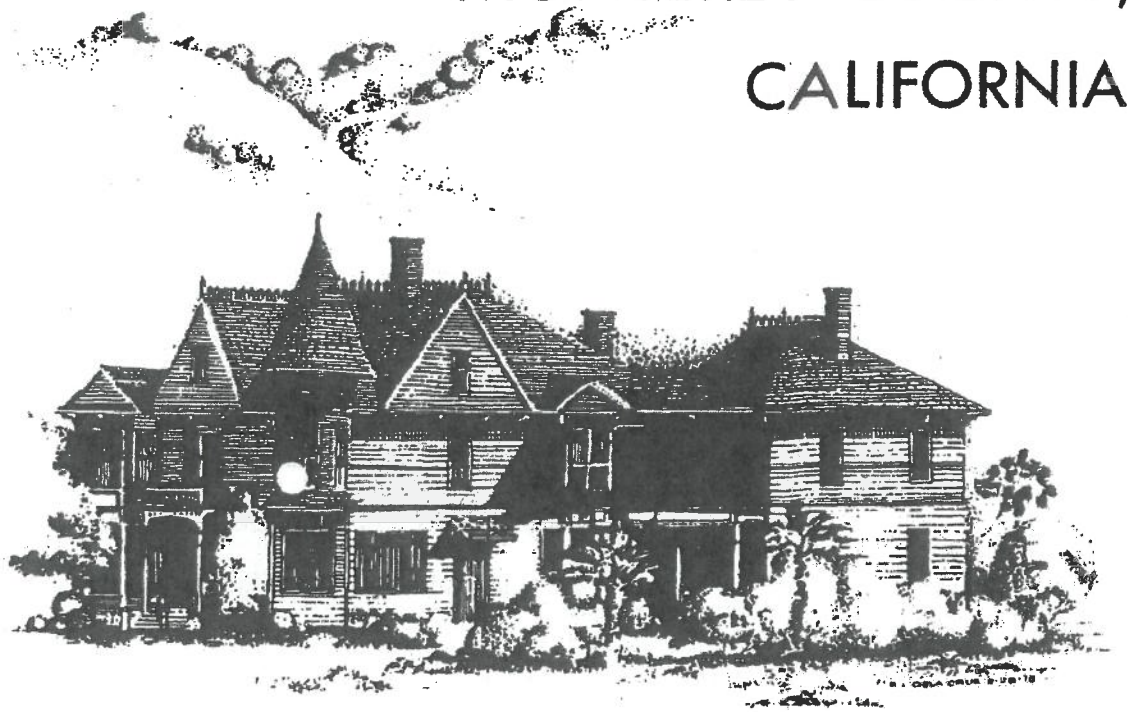


EXHIBIT 2

LAS PALMAS RANCH SPECIFIC PLAN

MONTEREY COUNTY, CALIFORNIA

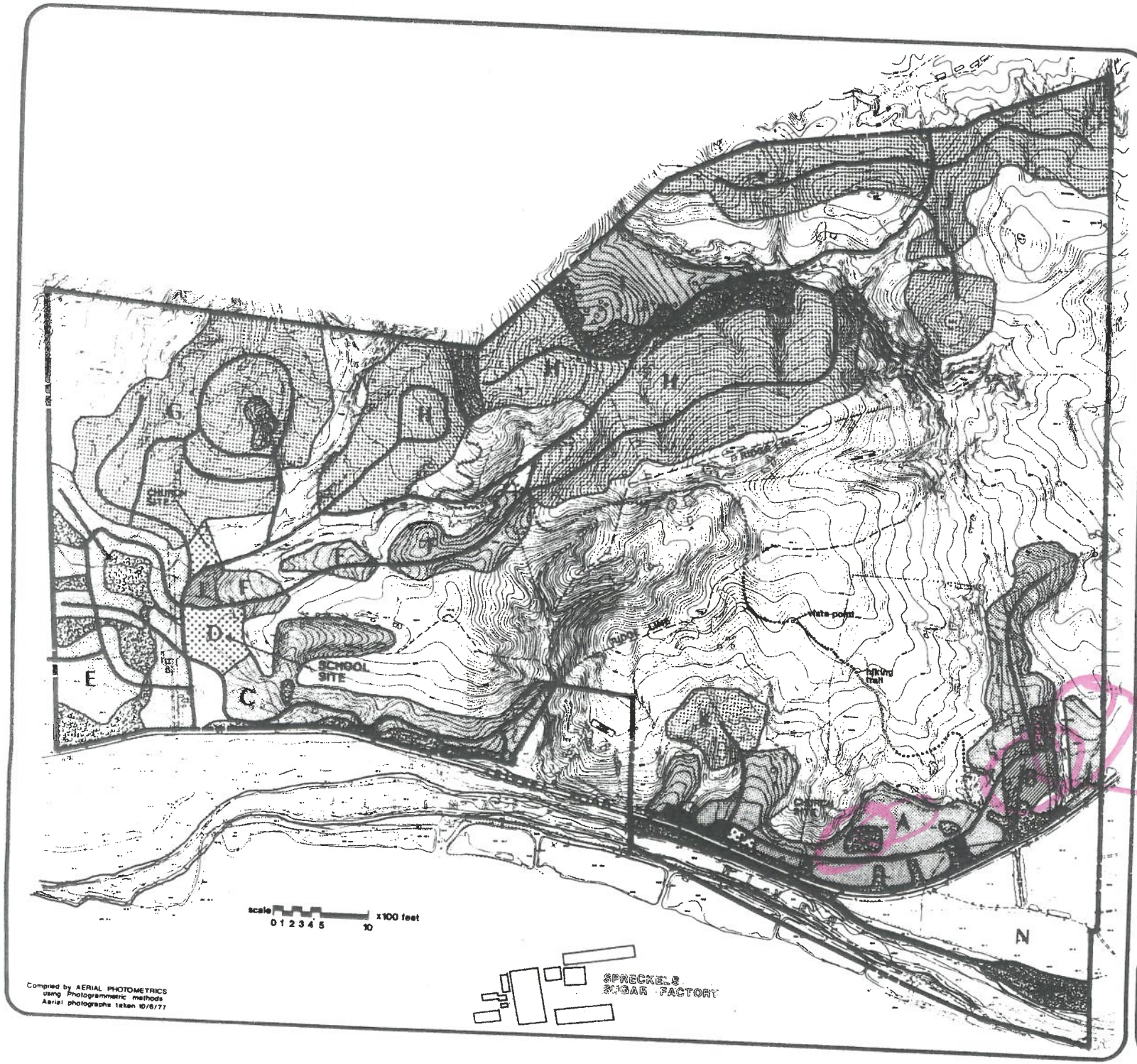


SEPTEMBER, 1983

Las Palmas Ranch

FIGURE E

SPECIFIC PLAN



- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- QUASI - PUBLIC
- RECREATIONAL COMMERCIAL
- PARKS / RIPARIAN

Monterey County Planning Department

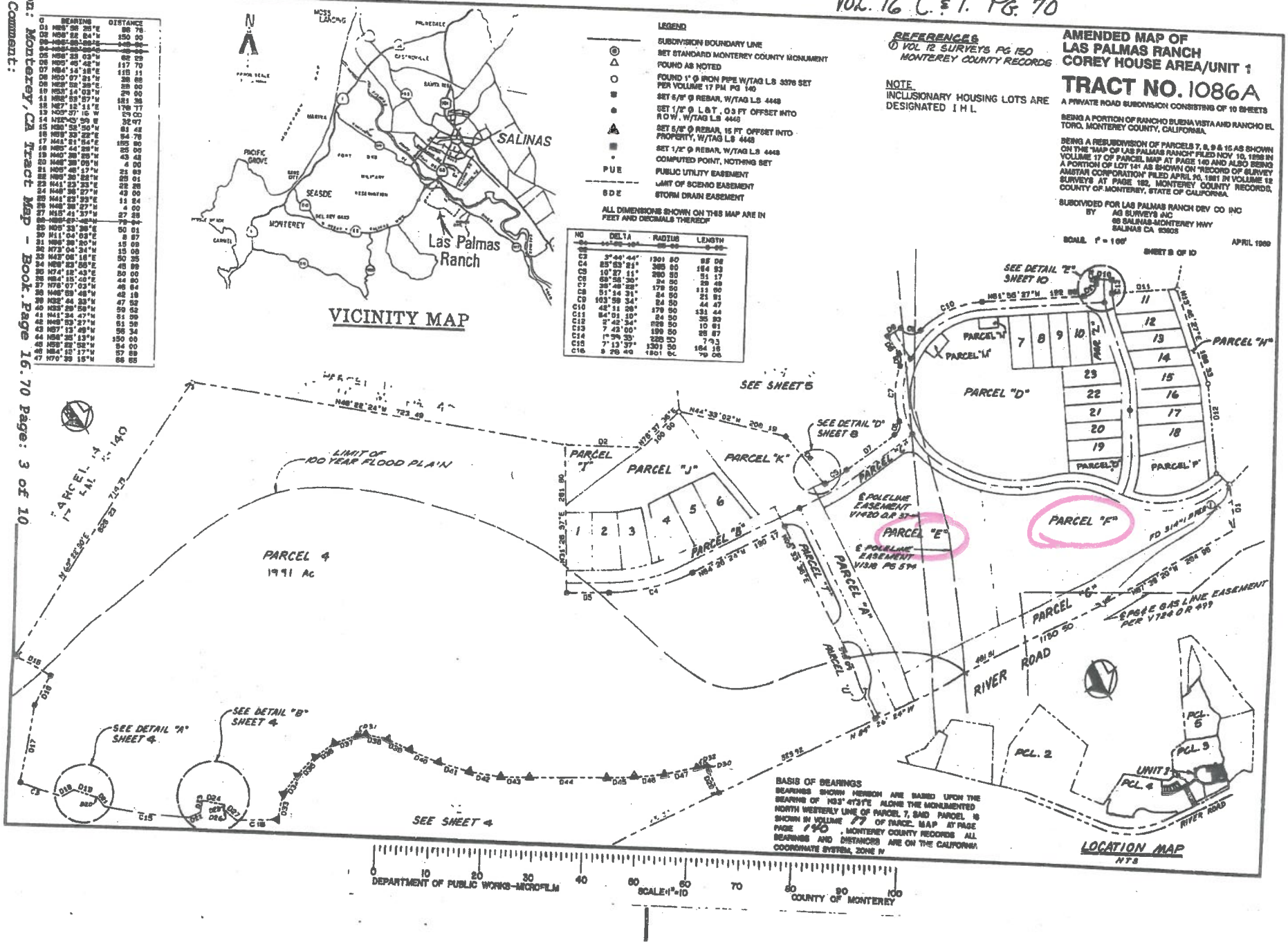
FIGURE D: LAS PALMAS RANCH SPECIFIC PLAN LAND USE TABLE

ADC Policy Plan Areas	Residential Units		Total	Other Land Uses	Other	Total	Density
	Multi	Single	Units		Acreage	Acres	Units/AC
A	312	0	312			104	3.00
B	–	–	–	COMMERCIAL/RECREATIONAL	6	6	N/A
C	131	0	131			62	2.11
D	–	–	–	SCHOOL/CHURCH SITES	15	15	N/A
E	0	168	168			76	2.21
F	104	0	104			32	3.25
G	0	80	80			95	.84
H	0	142	142			152	.93
I	0	46	46			28	1.64
J	0	43	43			90	.48
K	0	5	5			11	.45
L	–	–	–	COMMERCIAL	6	6	N/A
M				OPEN SPACE:			
N				RIPARIAN CORRIDOR	13		
O				AGRICULTURAL LAND	56		
				NEIGHBORHOOD/INFORMAL OPEN SPACES	65		
				CENTRAL OPEN SPACE & FRONTAL SLOPES	767		
				TOTAL OPEN SPACE		901	N/A
TOTAL	547	484	1031			1579	.65 AV.

NOTE: ACREAGES BOUNDARIES OF THE PLAN AREA AND NUMBER OF UNITS WITHIN EACH PLAN AREA ARE APPROXIMATE. SPECIFIC BOUNDARIES, AND NUMBER AND MIX OF UNITS WILL BE DETERMINED AT THE TIME OF FINAL ENGINEERING, PROVIDED THAT THE TOTAL NUMBER OF RESIDENTIAL UNITS SHALL NOT EXCEED 1,031. DEVELOPMENT MAY NOT OCCUR IN THE APLHABETICAL ORDER IN WHICH THE PLAN AREAS ARE LETTERED ON THE PLAN.

Description: Monterey,CA Tract Map - Book.Page 16.70 Page: 3 of 10
Order: lp Comment:

MAP 16 N 0479300 E 1215000 SN 20536 VOL. 16 C. & T. PG. 70



Description: Monterey, CA Tract Map Book Page 16.70 Page: 5 of 10
Order: lp Comment:

MAP 16 N 0479300 E 1215000 SN 20538 VOL. 16 C.&T. PG. 70

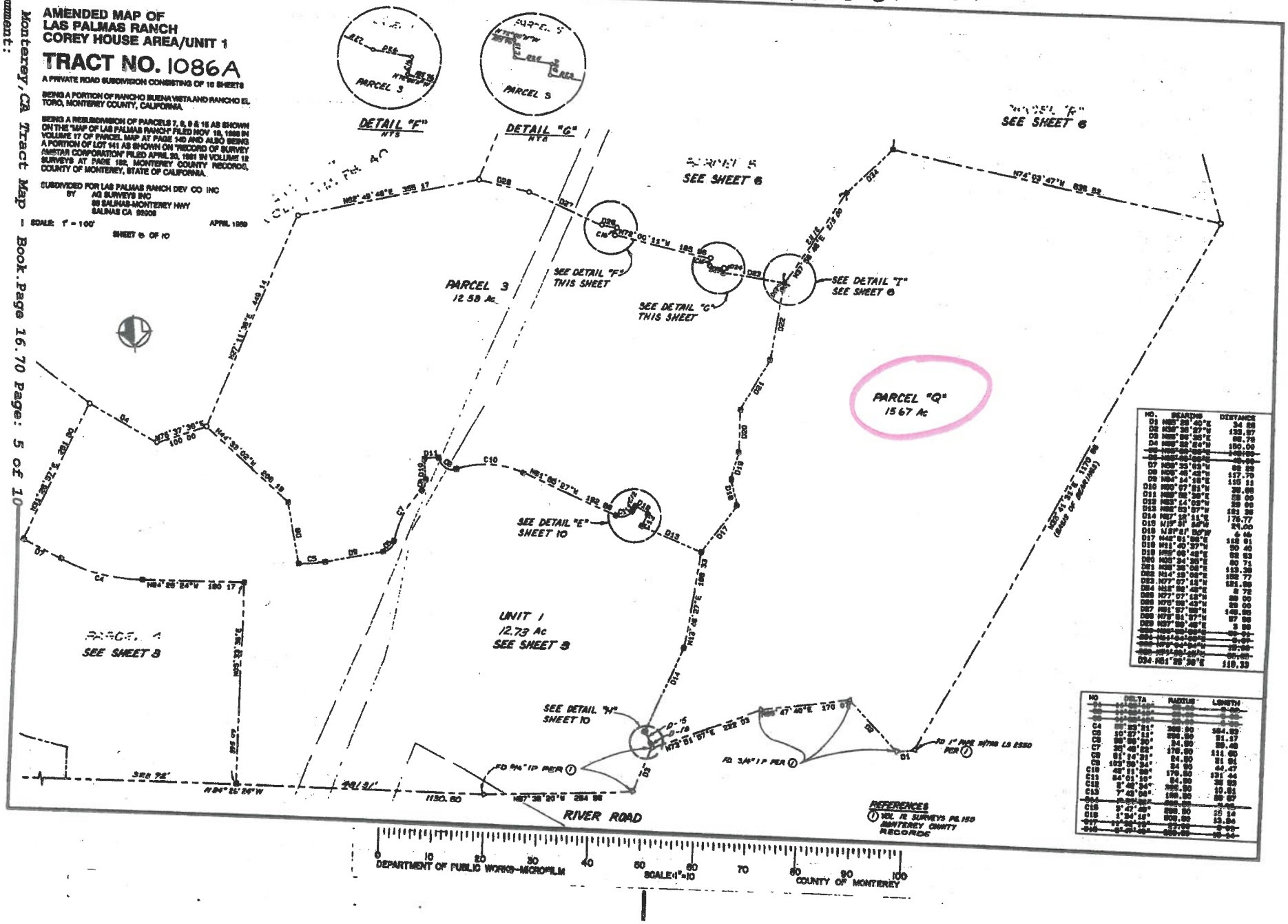


EXHIBIT 3

COPY

RECORDED AT REQUEST OF

Recording Requested By
and
When Recorded Return To:

McDONALD, HECHT & SOLBERG
Mr. Alex C. McDonald
1100 Great American Building
600 "B" Street
San Diego, California 92101

33379

Jan 18 11:50 AM '89

[illegible] RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

LAS PALMAS RANCH PLANNED UNIT DEVELOPMENT

meeting of Members shall be held not less than thirty-five (35) days nor more than forty-five (45) days following receipt of the petition. At the meeting, a vote of a majority of the voting power of Members of the Association, excluding the vote of Declarant, to take action to enforce the obligations under the bond shall be deemed to be the decision of the Association, and the Board shall thereafter implement the decision by initiating and pursuing appropriate action in the name of the Association.

Section 12.7. Litigation. In the event of litigation arising out of or in connection with the Declaration, the prevailing party shall be entitled to receive costs of suit and such sum for attorney's fees as the Court deems reasonable.

Section 12.8. Documents to be Provided to Prospective Purchaser. Each Owner, other than Declarant, shall, as soon as practicable before transfer of title to a Lot, provide to the prospective purchaser the following:

(a) A copy of the Articles, Bylaws and Declaration.

(b) A copy of the most recent financial statements of the Association.

(c) A true statement in writing from an authorized representative of the Association as to the amount of any assessments levied upon the Lot which are unpaid as of the date of the statement. The statement shall also include true information on late charges, interest and costs of collection which, as of the date of the statement, are or may be made a lien upon the Lot.

Section 12.9. Adjacent Commercial Area.

(a) Lots D, E and F of TRACT NO. 1086A are adjacent to Lots within the Properties, zoned for commercial uses and will be developed and used for commercial purposes. The owners of Lots D, E and F of TRACT NO. 1086A will not be Members of the Association. However, they and their customers, employees, guests, tenants, contractors, agents and invitees will have the right of access, ingress and egress over Common Area Lots A and C of TRACT NO. 1086A.

(b) There is hereby reserved for the benefit of the owners of Lots D, E and F of TRACT NO. 1086A a non-exclusive easement appurtenant to Lots D, E and F of TRACT NO. 1086A on, over, under and across Common Area Lots A and C of TRACT NO. 1086A for purposes of vehicular and pedestrian access, ingress and egress, and for the

access, ingress and egress, and for the installation, use, operation, maintenance, repair, removal and replacement of underground utilities.

(c) At such time as there are 113 or more Class A Members in the Association and thereafter, the owners of Lots D, E and F of TRACT NO. 1086[A] shall pay to the Association monthly an amount equal to $.01 for each square foot of occupied commercial space located on the Parcel at any time during the previous month. The payment shall be due and payable on the first day of the month for the previous month. The obligation of payment shall be subject to the provisions of Section 4.7 of the Declaration and may be enforced by lien foreclosure and/or suit.

IN WITNESS WHEREOF, the undersigned, being Declarant herein, has set its hand and seal as of the date first hereinabove written.

LAS PALMAS RANCH DEVELOPMENT COMPANY, INC., a ~~California~~ corporation

By Jennifer E. Locke V.P.

By William F. Diehl V.P.

STATE OF CALIFORNIA)
) ss.
COUNTY OF MONTEREY)

On this 13TH day of June, 1989, before me, JOAN JENISON, a Notary Public in and for said state, personally appeared William F. Diehl, personally known to me (or proved to me on the basis of satisfactory evidence) to be the Vice President, and Jennifer E. Locke, personally known to me (or proved to me on the basis of satisfactory evidence) to be the Vice President of LAS PALMAS RANCH DEVELOPMENT COMPANY, INC., the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its board of directors.

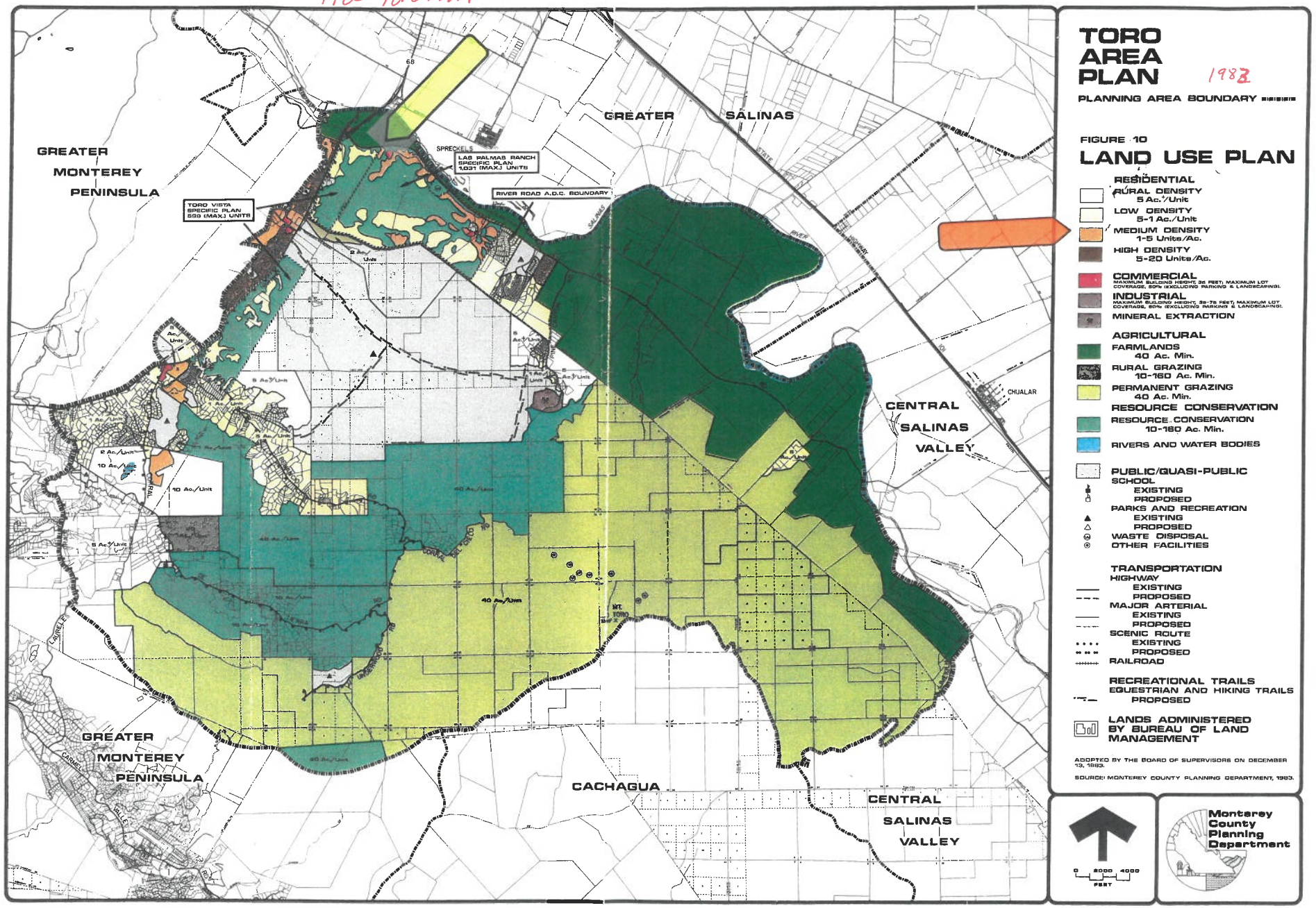
WITNESS my hand and official seal.

Joan Jenison
NOTARY PUBLIC

OFFICIAL SEAL
JOAN JENISON
NOTARY PUBLIC - CALIFORNIA
MONTEREY COUNTY
My comm. expires APR 19, 1993

EXHIBIT 4

1983 Toro Plan



2010 Toro Plan

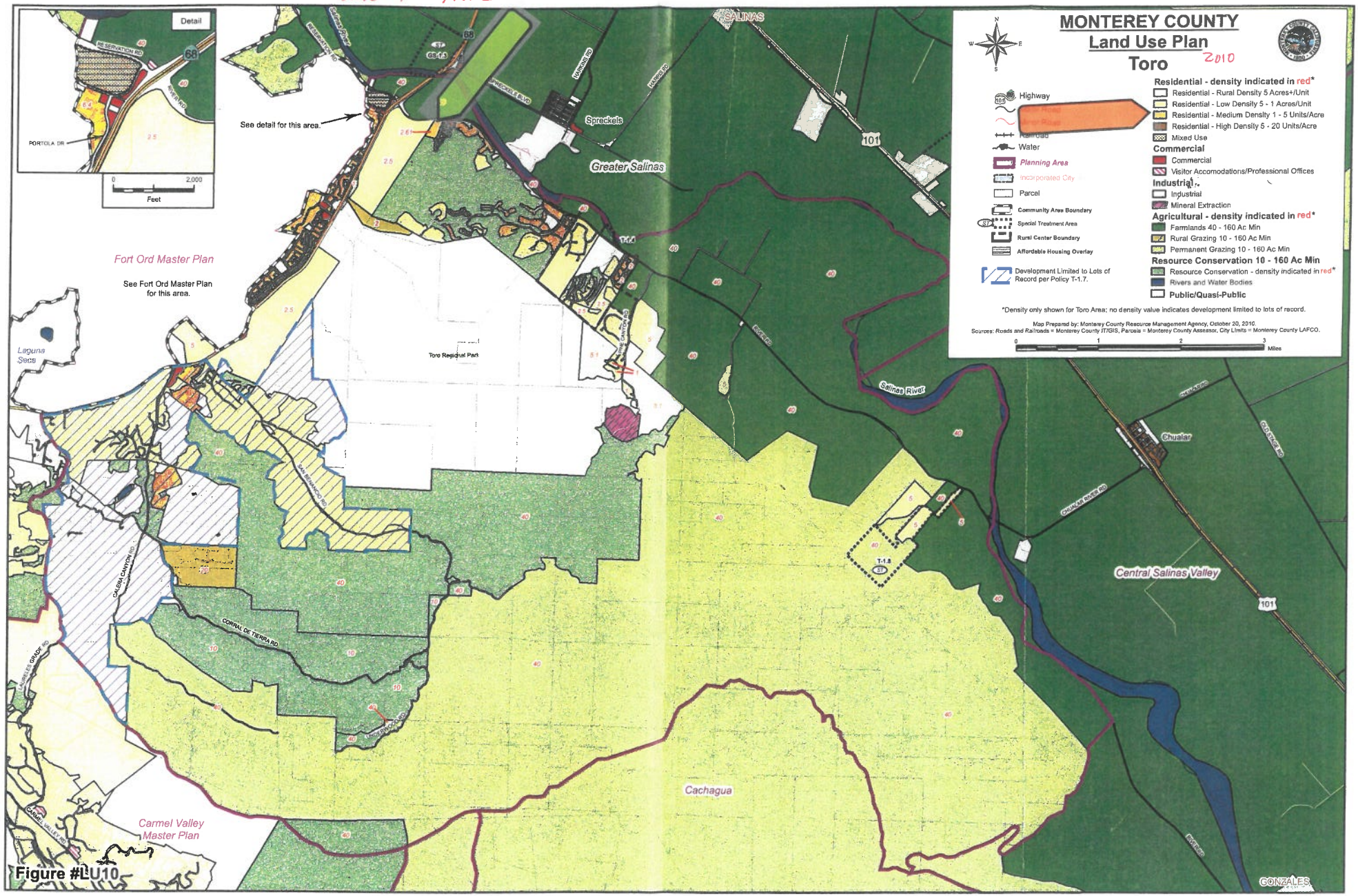


Figure #LU10

EXHIBIT 5

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY
AND WHEN RECORDED MAIL TO

JAMES W. FLETCHER
19056 FIELDSTONE COURT
SALINAS, CA 93908

Joseph F. Pitta
Monterey County Recorder
Recorded at the request of
Chicago Title

CRROBERTA
9/29/2000
8:00:00

DOCUMENT: 2000062117

Titles: 1/ Pages: 2
Fees.... 9.00
Taxes... 220.00
Other...
AMT PAID $229.00

Escrow No. 1719350 - CW
Order No. 1719350 - RB

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Assessor's Parcel No: 139-211-035

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS $220.00
[X] unincorporated area [ ] City of
[X] computed on the full value of the interest or property conveyed, or is
[ ] computed on the full value less the value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
LAS PALMAS RANCH DEVELOPMENT COMPANY, INC.,
a California Corporation

hereby GRANT(S) to
JAMES W. FLETCHER and LISA M. FLETCHER, husband and wife, as Joint Tenants

the following described real property in the
County of Monterey , State of California:
LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Dated September 20, 2000

LAS PALMAS RANCH DEVELOPMENT COMPANY
a California Corporation

MICHAEL C. FLETCHER, JR., President

EARL W. STERRETT, Financial Vice-President

STATE OF CALIFORNIA
COUNTY OF MONTEREY } SS.
On SEPTEMBER 27, 2000 before me,
THE UNDERSIGNED
a Notary Public in and for said County and State, personally appeared
MICHAEL C. FLETCHER, JR AND
EARL W. STERRETT
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

CAROLYN WYLIE
COMM. #1175690
Notary Public-California
Monterey County
My Comm. Exp. March 9, 2002

Signature of Notary

3-9-02
Date My Commission Expires

FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name | Street Address | City, State & Zip

GU1 -05/30/97bk

PARCEL I:

Parcel Q, as said Parcel is shown upon that certain map entitled "Amended Map of Las Palmas Ranch Corey House Area/Unit 1" which map was filed in the Office of the Recorder of Monterey County, California on June 15, 1989 in Volume 16 of Cities and Towns, Page 70.

A.P. NO. 139-211-035

PARCEL II:

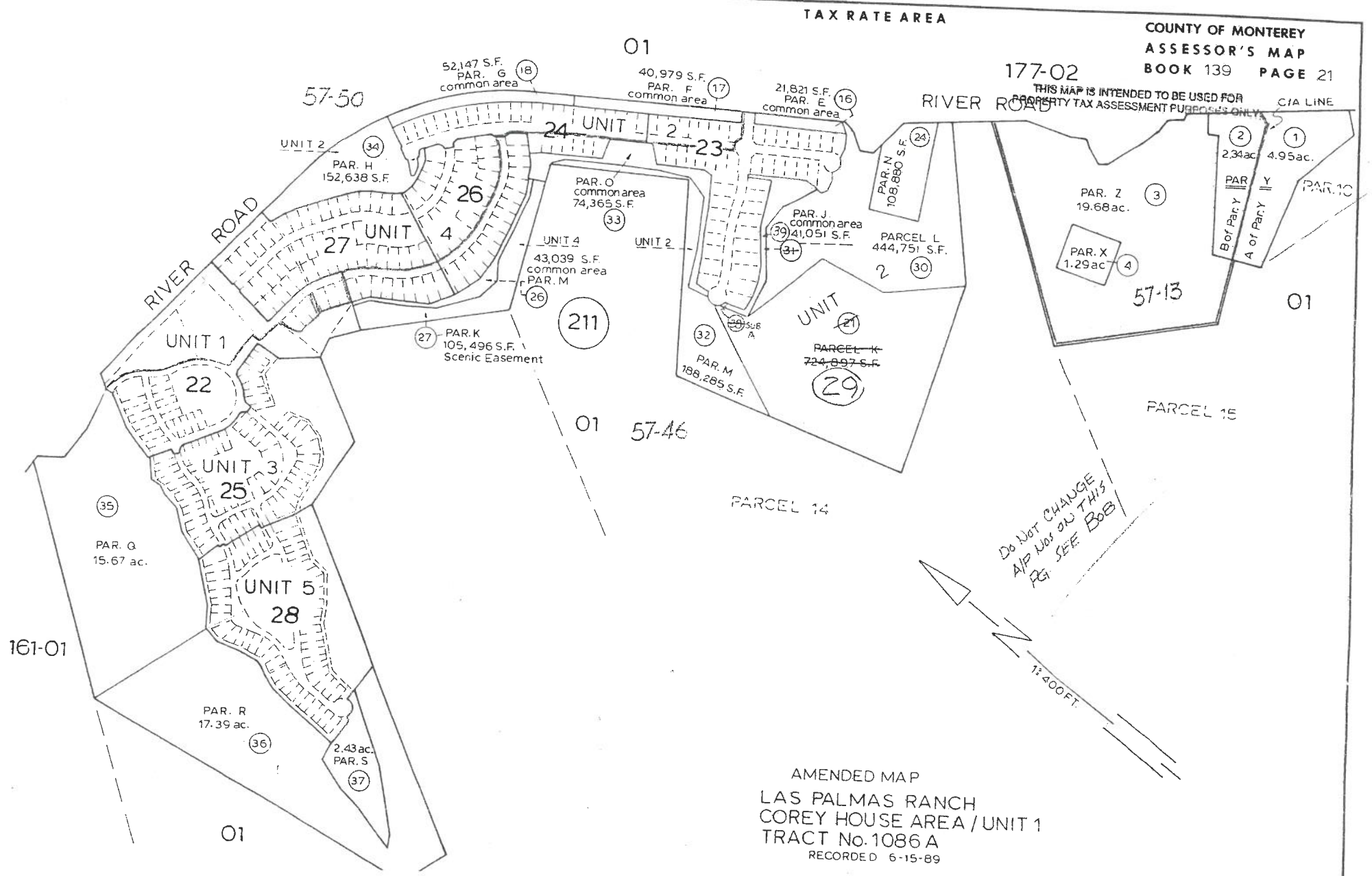
A non-exclusive easement for ingress, egress, road and utilities over that portion of River Run Road and Woodridge Court being a portion of Common Area Parcel C and Las Palmas Road being Common Area Parcel A as shown and designated on that Map entitled Amended Map of Las Palmas Ranch Corey House Area/Unit 1 Tract 1086A filed June 15, 1989, in Volume 16 of Cities and Towns at Page 70 in the Office of the County Recorder of Monterey County, California.

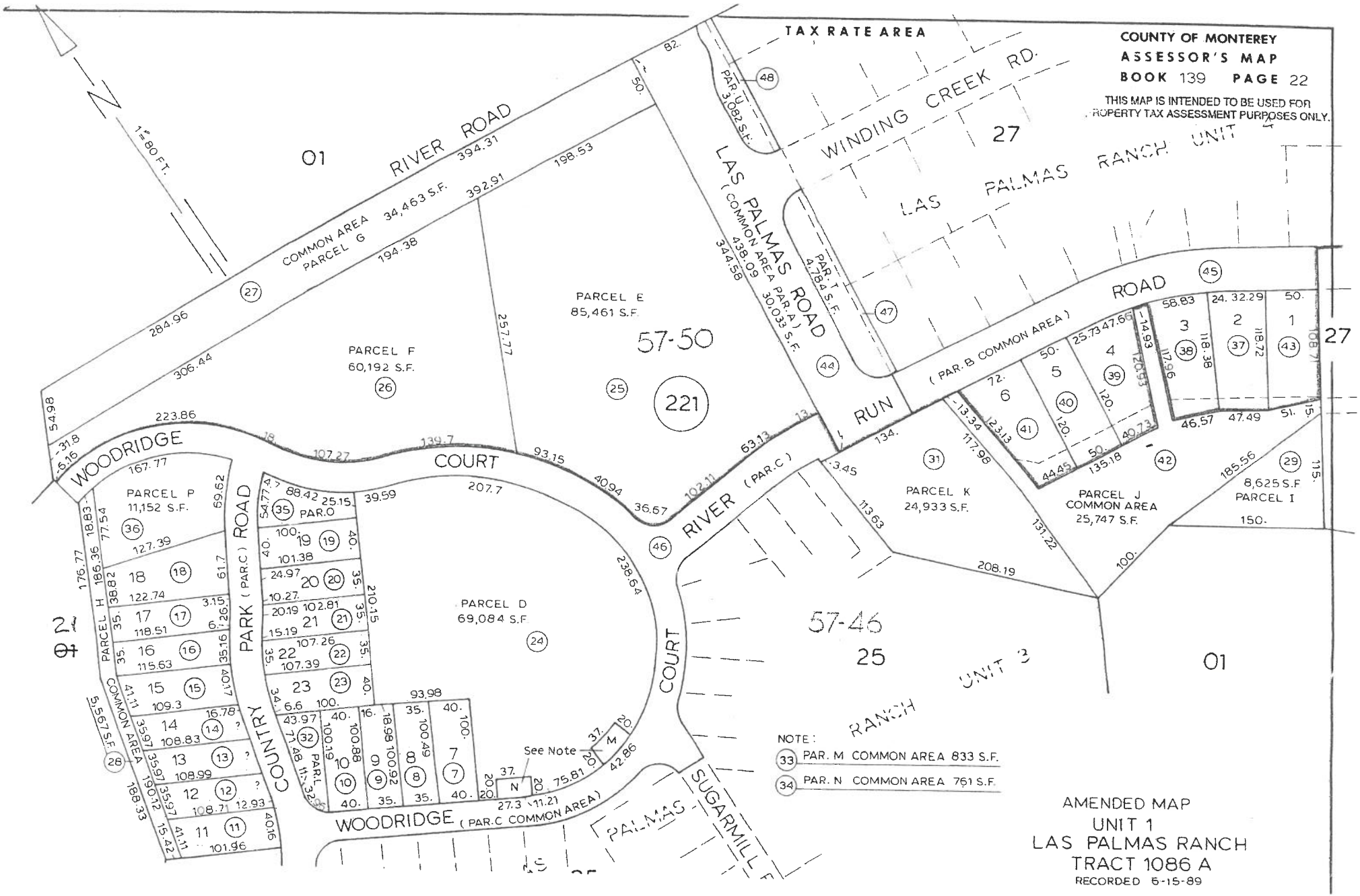
Said easement shall be appurtenant to Parcel Q as shown and designated on the above referred to Map of Tract 1086A.

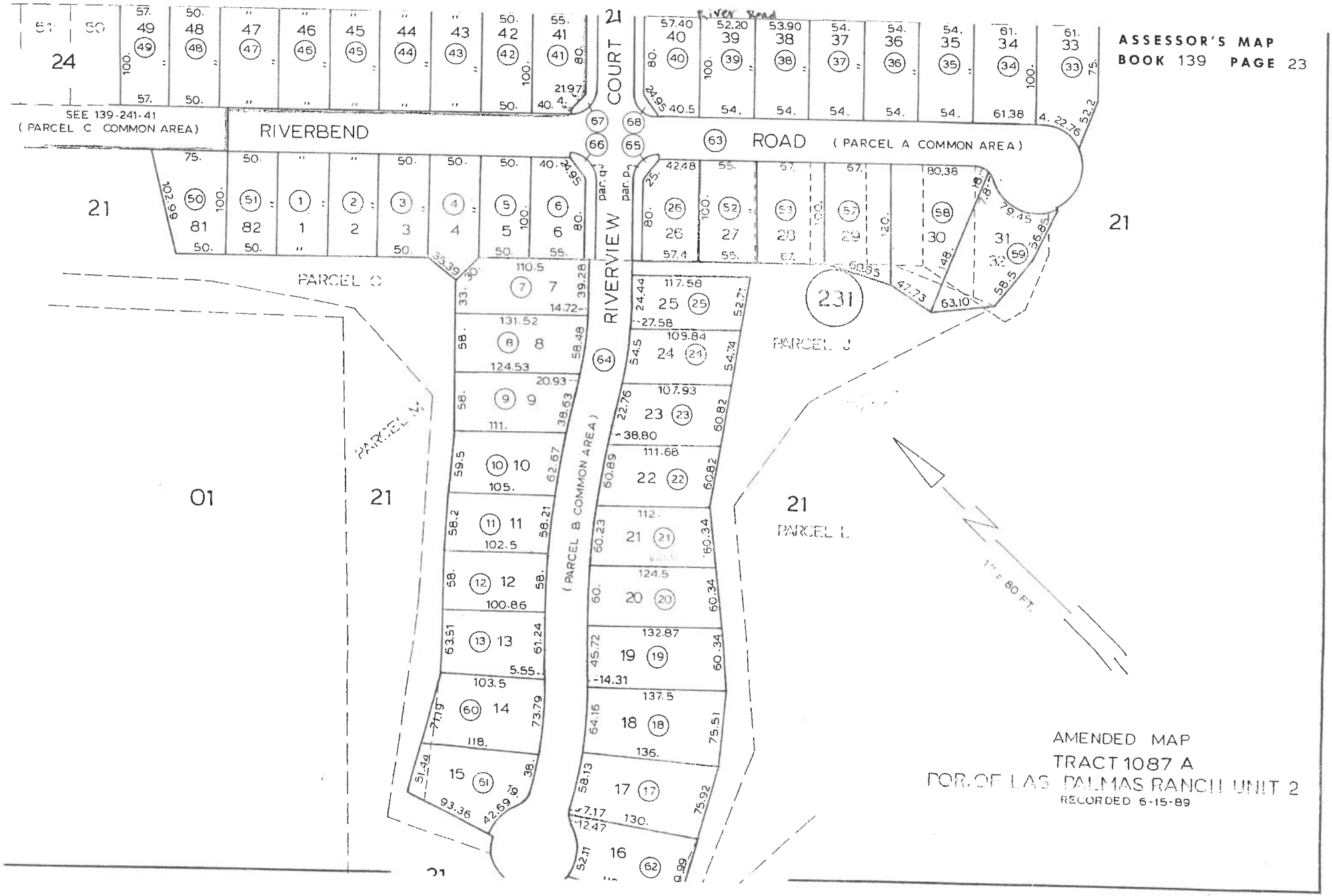
END OF DOCUMENT

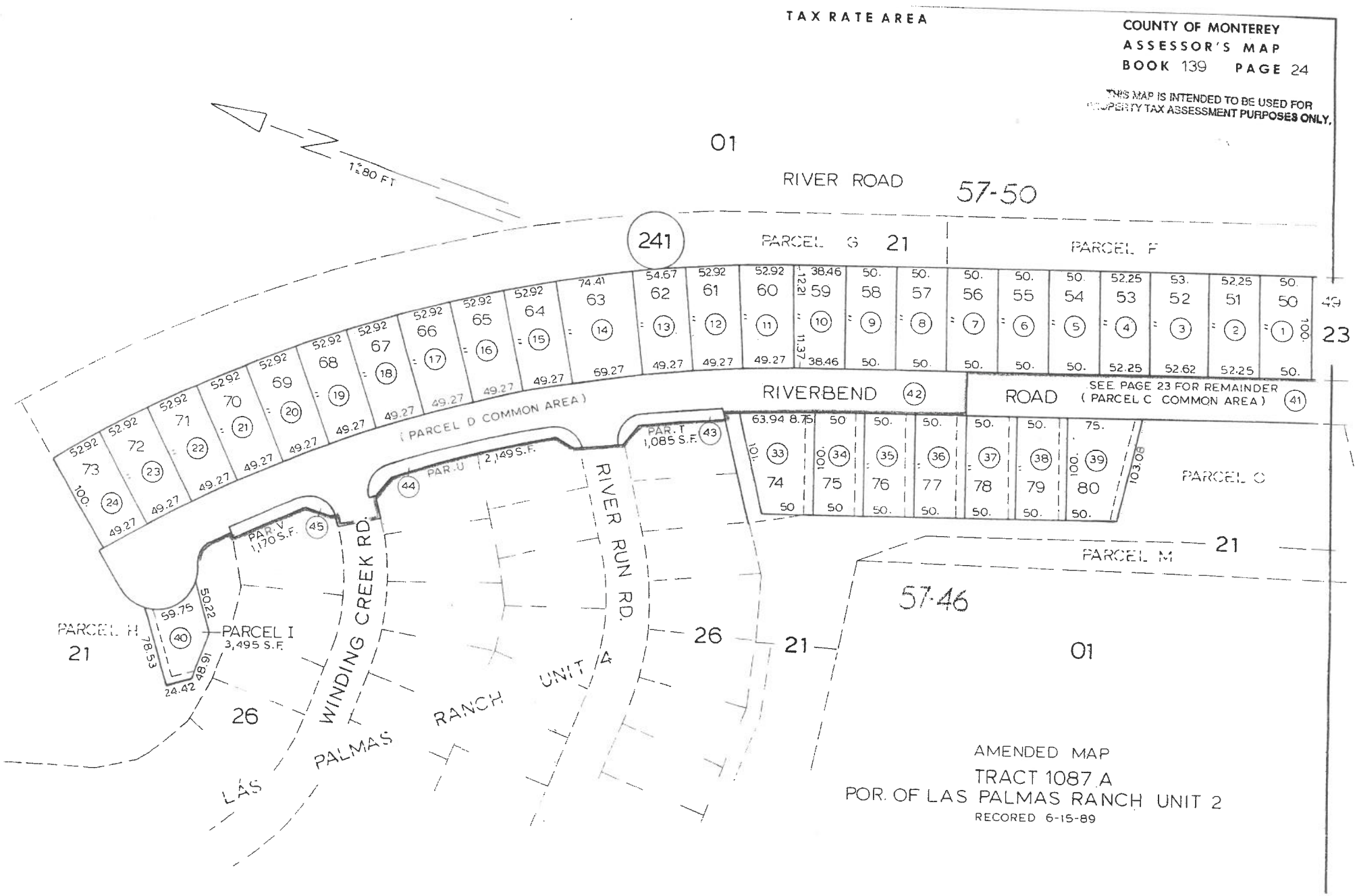
EXHIBIT 6

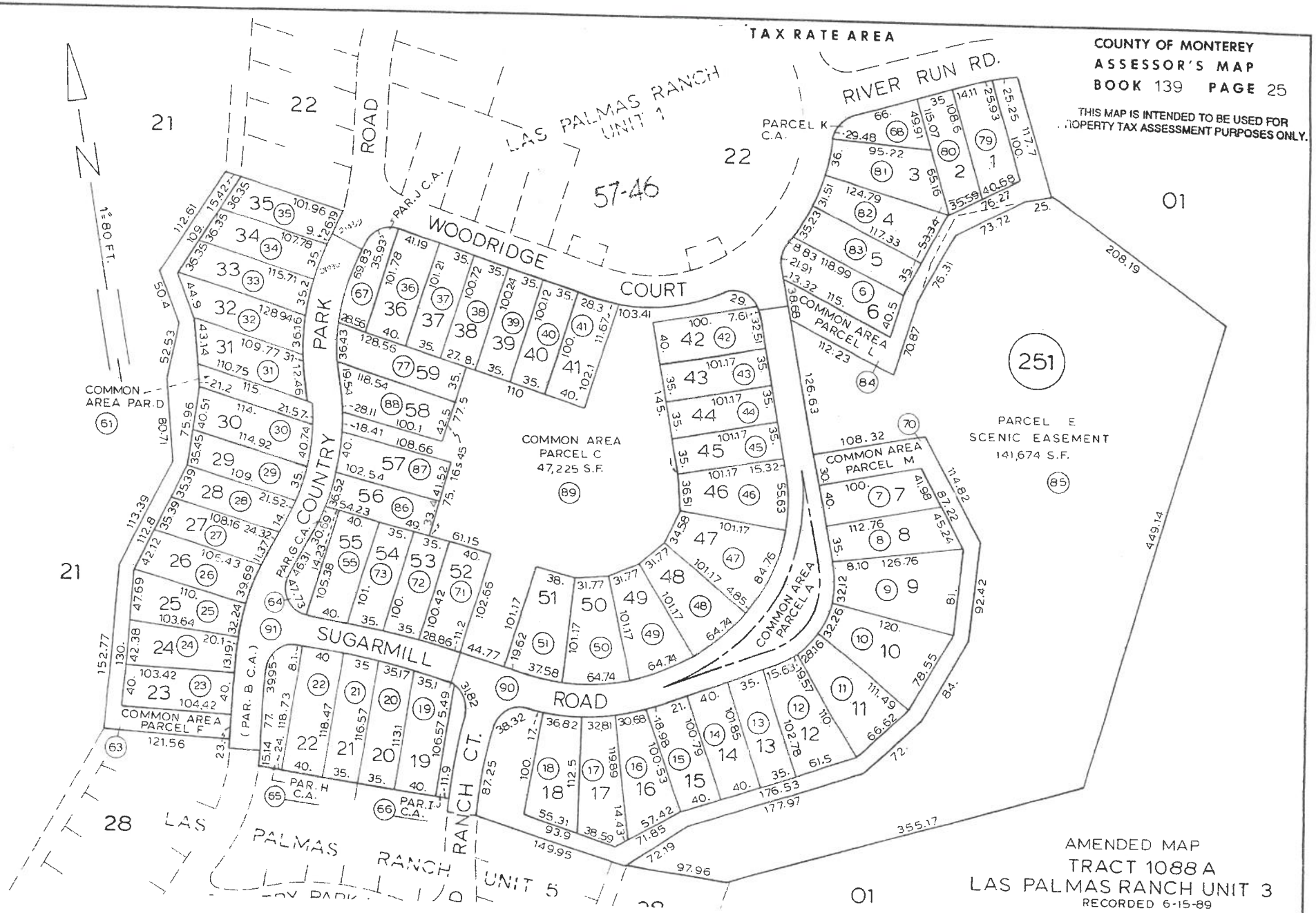
Phase I

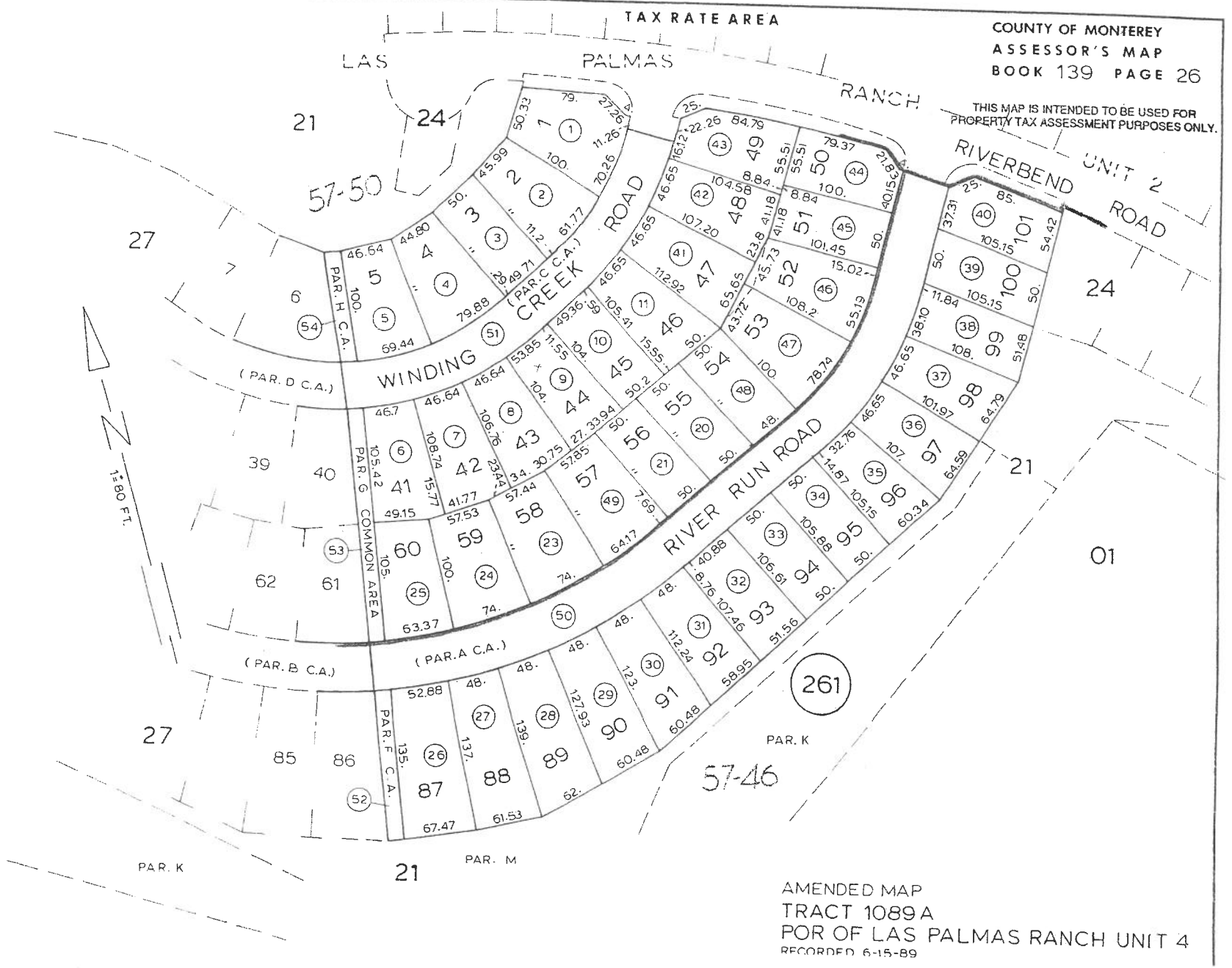

TAX RATE AREA
01
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 21
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY.
177-02
57-50
52,147 S.F. PAR. G common area
40,979 S.F. PAR. F common area
21,821 S.F. PAR. E common area
RIVER ROAD
C/A LINE
UNIT 2
PAR. H 152,638 S.F.
UNIT 24
UNIT 23
PAR. O common area 74,365 S.F.
PAR. N 108,880 S.F.
PAR. J common area 41,051 S.F.
PARCEL L 444,751 S.F.
2.34ac.
4.95ac.
PAR. Z 19.68ac.
PAR. X 1.29ac
PAR. Y
B of Par. Y
A of Par. Y
PAR. 10
57-13
UNIT 27
UNIT 26
UNIT 4
UNIT 2
43,039 S.F. common area PAR. M
211
PAR. K 105,496 S.F. Scenic Easement
UNIT 1
UNIT 22
UNIT 3 25
UNIT 21
PARCEL K 724,897 S.F.
29
PAR. M 188,285 S.F.
57-46
PARCEL 15
PARCEL 14
Do NOT CHANGE A/P NOS ON THIS RG SEE BOB
UNIT 5 28
PAR. Q 15.67 ac.
161-01
PAR. R 17.39 ac.
2.43 ac. PAR. S
1" = 400 FT.
AMENDED MAP
LAS PALMAS RANCH
COREY HOUSE AREA / UNIT 1
TRACT No. 1086 A
RECORDED 6-15-89

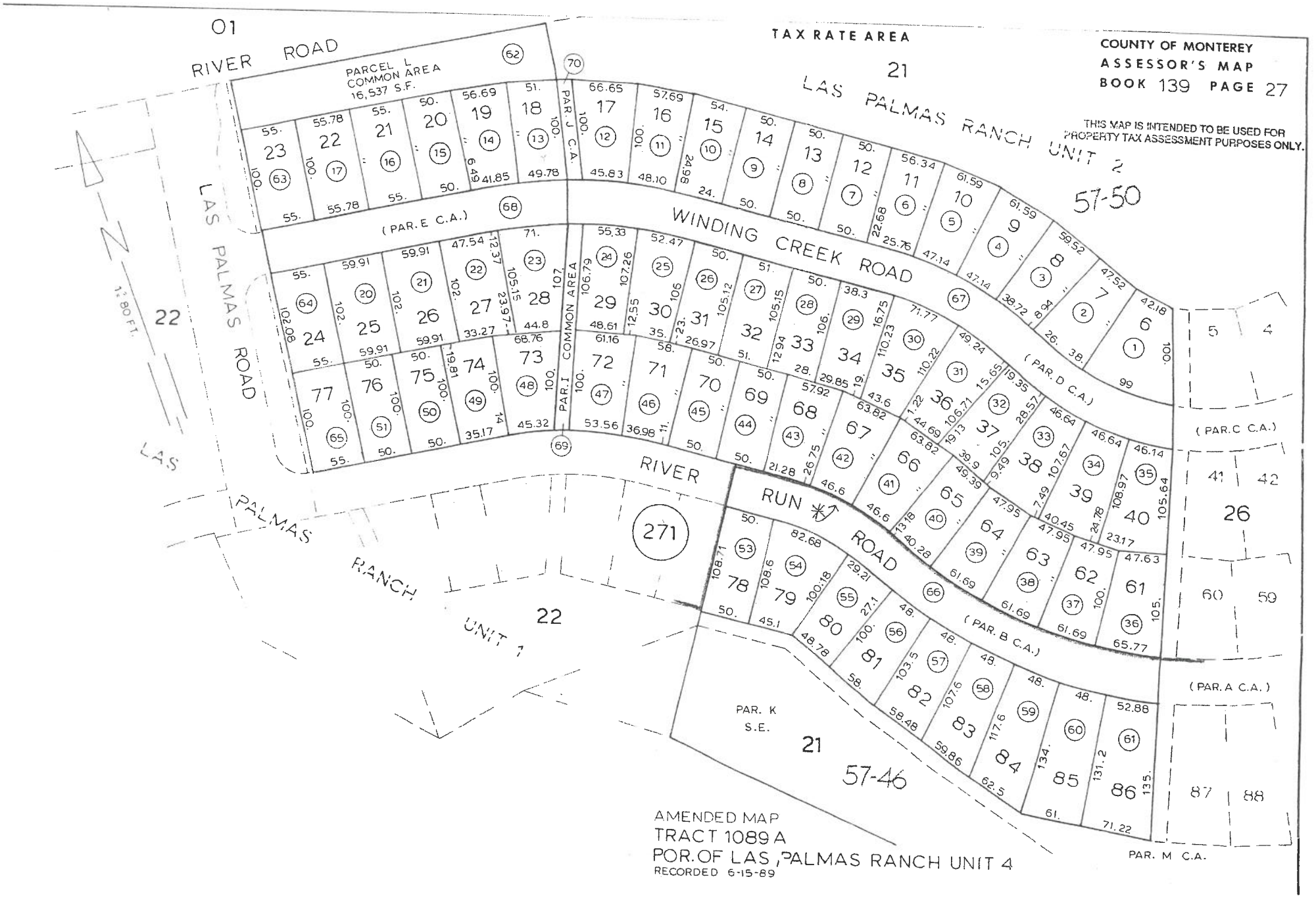

TAX RATE AREA
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 22
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY.
1" = 80 FT.
RIVER ROAD
COMMON AREA PARCEL G 34,463 S.F.
WINDING CREEK RD.
LAS PALMAS RANCH UNIT 1
LAS PALMAS ROAD
(COMMON AREA PAR.A) 30,033 S.F.
PAR. U 3,082 S.F.
PAR. T 4,784 S.F.
(PAR. B COMMON AREA)
PARCEL E 85,461 S.F.
PARCEL F 60,192 S.F.
57-50
221
WOODRIDGE COURT
PARK (PAR.C) ROAD
COUNTRY COURT
RIVER (PAR.C)
PARCEL P 11,152 S.F.
PARCEL H
PARCEL D 69,084 S.F.
PARCEL K 24,933 S.F.
PARCEL J COMMON AREA 25,747 S.F.
8,625 S.F PARCEL I
57-46
25
UNIT 3
RANCH
01
27
NOTE :
33 PAR. M COMMON AREA 833 S.F.
34 PAR. N COMMON AREA 761 S.F.
AMENDED MAP
UNIT 1
LAS PALMAS RANCH
TRACT 1086 A
RECORDED 6-15-89

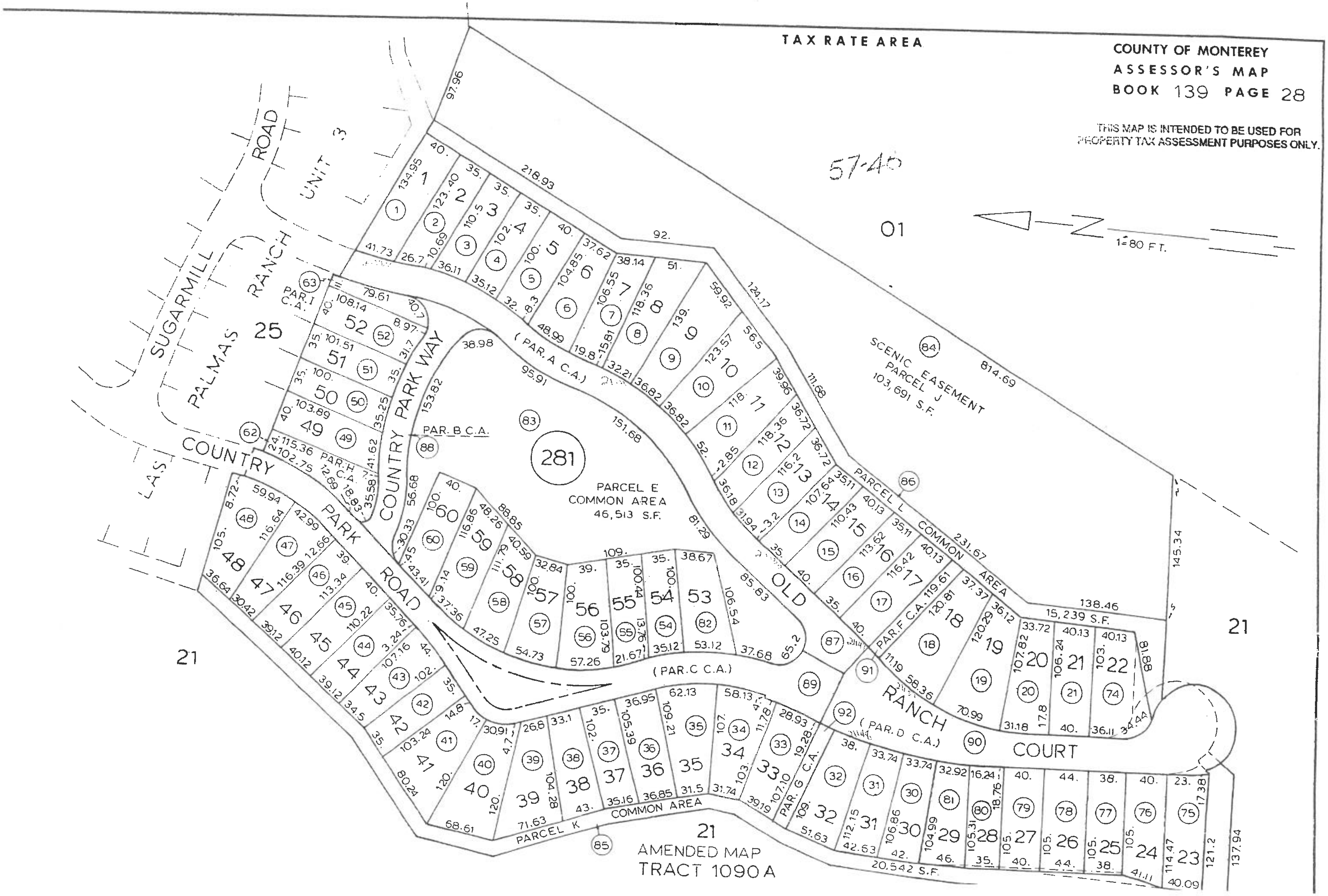

ASSESSOR'S MAP
BOOK 139 PAGE 23
RIVERBEND
ROAD
(PARCEL A COMMON AREA)
SEE 139-241-41
(PARCEL C COMMON AREA)
RIVERVIEW COURT
(PARCEL B COMMON AREA)
PARCEL C
PARCEL J
PARCEL L
231
1" = 80 FT.
AMENDED MAP
TRACT 1087 A
POR. OF LAS PALMAS RANCH UNIT 2
RECORDED 6-15-89

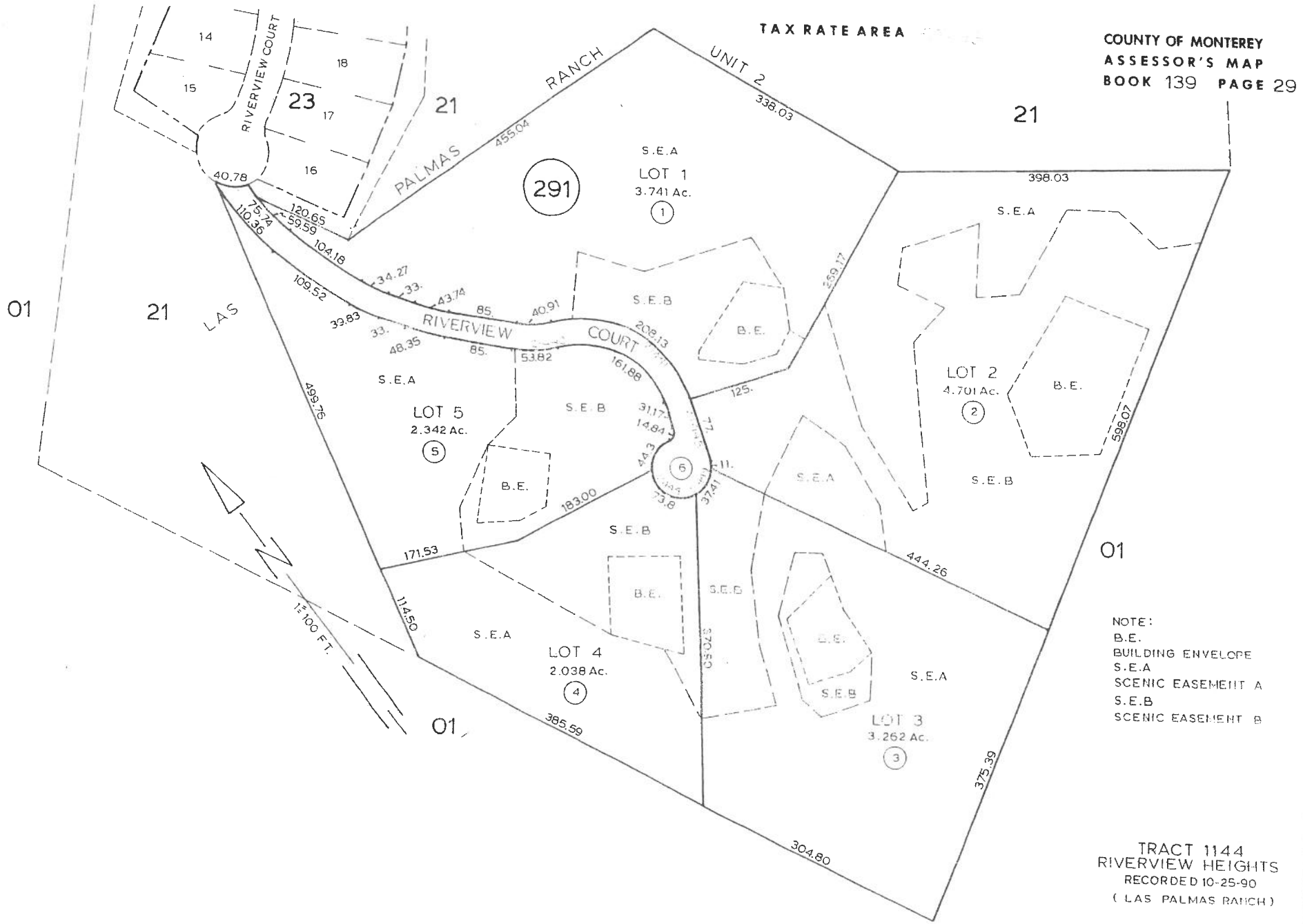

TAX RATE AREA
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 24
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY.
01
1"=80 FT
RIVER ROAD
57-50
241
PARCEL G 21
PARCEL F
RIVERBEND ROAD
SEE PAGE 23 FOR REMAINDER
(PARCEL C COMMON AREA)
(PARCEL D COMMON AREA)
PAR. T 1,085 S.F.
PAR. U 2,149 S.F.
PAR. V 1,170 S.F.
PARCEL C
PARCEL M
21
57-46
01
PARCEL H
21
PARCEL I
3,495 S.F.
WINDING CREEK RD.
RIVER RUN RD.
LAS PALMAS RANCH UNIT 4
26
21
26
AMENDED MAP
TRACT 1087 A
POR. OF LAS PALMAS RANCH UNIT 2
RECORED 6-15-89


TAX RATE AREA
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 25
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY.
RIVER RUN RD.
LAS PALMAS RANCH UNIT 1
57-46
WOODRIDGE COURT
PARK
COUNTRY
SUGARMILL
ROAD
RANCH CT.
LAS PALMAS RANCH UNIT 5
PAR. J C.A.
PAR. B C.A.
PAR. C C.A.
PAR. H C.A.
PAR. I C.A.
PARCEL K C.A.
COMMON AREA PAR. D
COMMON AREA PARCEL C
47,225 S.F.
COMMON AREA PARCEL A
COMMON AREA PARCEL L
COMMON AREA PARCEL M
COMMON AREA PARCEL F
PARCEL E
SCENIC EASEMENT
141,674 S.F.
251
1"=80 FT.
AMENDED MAP
TRACT 1088 A
LAS PALMAS RANCH UNIT 3
RECORDED 6-15-89


TAX RATE AREA
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 26
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY.
LAS PALMAS RANCH
RIVERBEND UNIT 2
ROAD
WINDING CREEK ROAD
RIVER RUN ROAD
(PAR. C C.A.)
(PAR. D C.A.)
(PAR. H C.A.)
(PAR. G COMMON AREA)
(PAR. A C.A.)
(PAR. B C.A.)
(PAR. F C.A.)
PAR. K
PAR. M
1"=80 FT.
21
24
27
39
40
62
61
85
86
01
261
57-50
57-46
AMENDED MAP
TRACT 1089A
POR OF LAS PALMAS RANCH UNIT 4
RECORDED 6-15-89

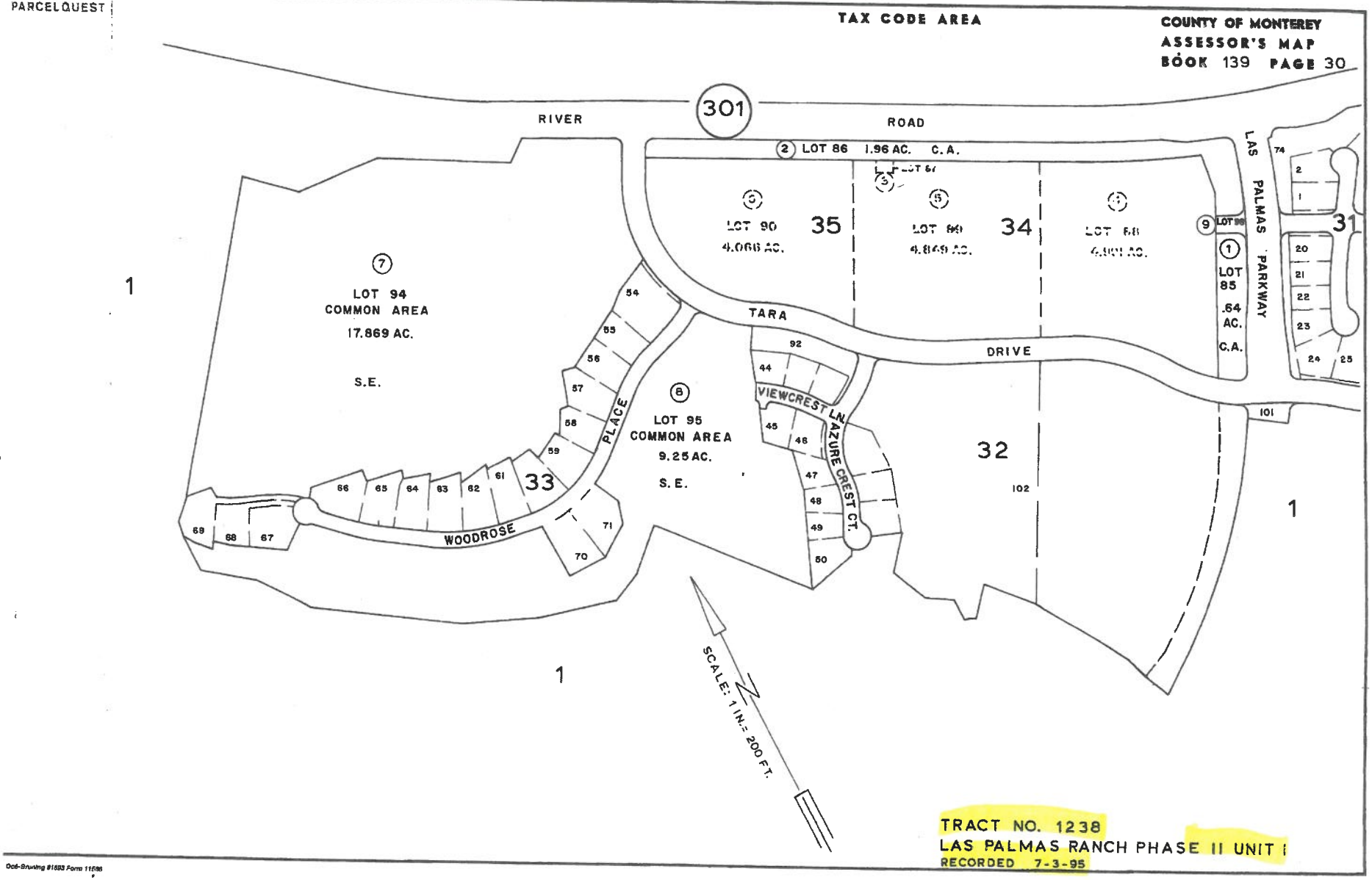

01
TAX RATE AREA
21
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 27
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY.
RIVER ROAD
PARCEL L
COMMON AREA
16,537 S.F.
LAS PALMAS RANCH UNIT 2
57-50
WINDING CREEK ROAD
(PAR. E C.A.)
(PAR. D C.A.)
(PAR. C C.A.)
(PAR. B C.A.)
(PAR. A C.A.)
PAR. J C.A.
PAR. I COMMON AREA
LAS PALMAS ROAD
RIVER RUN ROAD
22
271
LAS PALMAS RANCH UNIT 1
22
PAR. K
S.E.
21
57-46
PAR. M C.A.
AMENDED MAP
TRACT 1089 A
POR. OF LAS PALMAS RANCH UNIT 4
RECORDED 6-15-89


TAX RATE AREA
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 28
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY.
57-46
01
1"=80 FT.
SUGARMILL ROAD
PALMAS RANCH UNIT 3
25
LAS COUNTRY PARK ROAD
COUNTRY PARK WAY
OLD RANCH COURT
281
PARCEL E COMMON AREA 46,513 S.F.
SCENIC EASEMENT PARCEL J 103,691 S.F.
PARCEL L COMMON AREA 15,239 S.F.
PARCEL K COMMON AREA 20,542 S.F.
(PAR. A C.A.)
PAR. B C.A.
(PAR. C C.A.)
(PAR. D C.A.)
PAR. F C.A.
PAR. G C.A.
PAR. H C.A.
PAR. I C.A.
21
AMENDED MAP
TRACT 1090 A

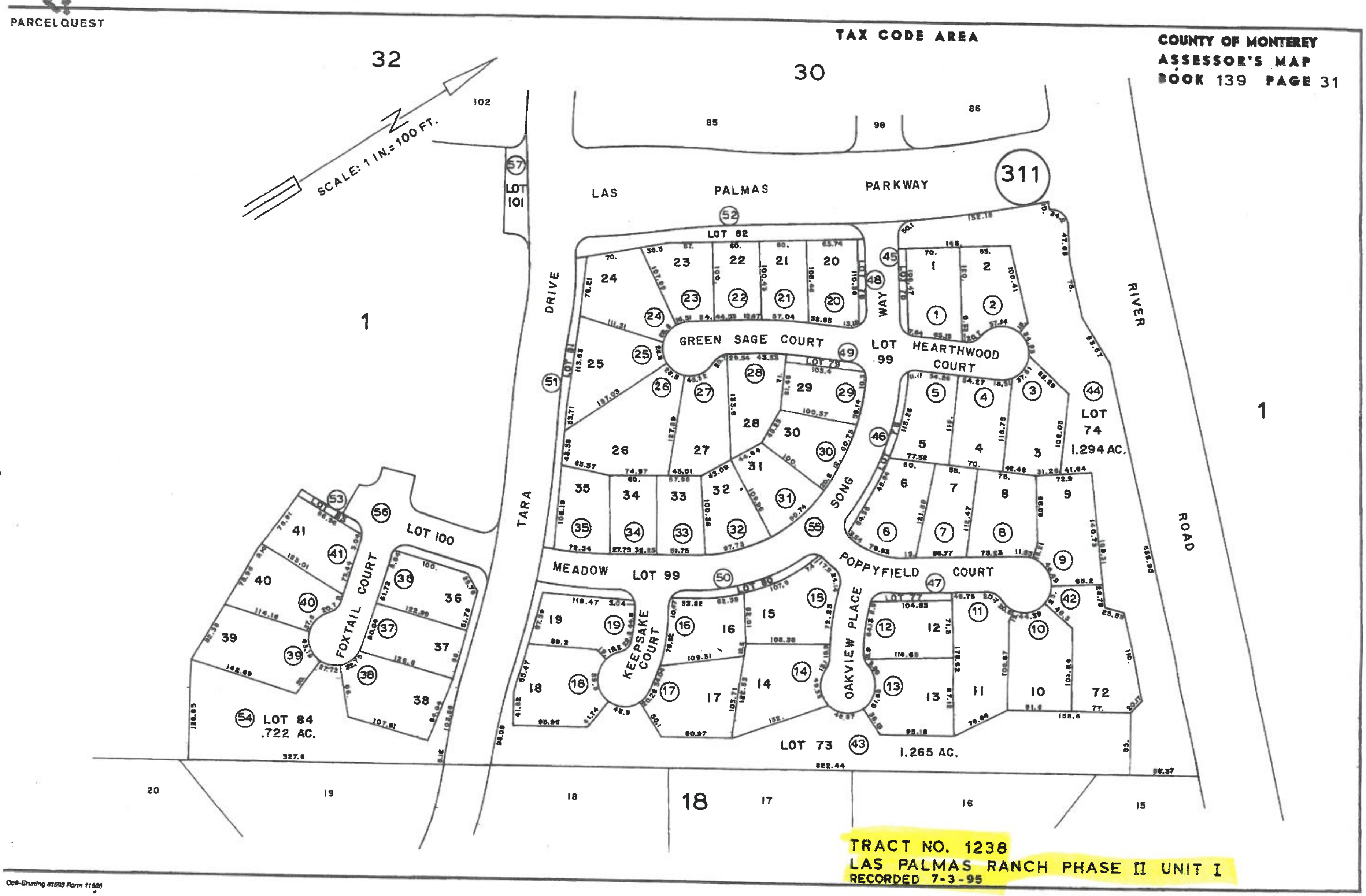

TAX RATE AREA
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 29
RIVERVIEW COURT
14
15
23
18
17
16
21
RANCH
UNIT 2
PALMAS
455.04
338.03
291
S.E.A
LOT 1
3.741 Ac.
1
398.03
21
S.E.A
40.78
75.74
110.36
120.65
59.59
104.18
34.27
33.
43.74
85.
40.91
109.52
39.83
33.
48.35
85.
53.82
RIVERVIEW COURT
208.13
161.88
S.E.B
B.E.
369.17
125.
S.E.A
LOT 5
2.342 Ac.
5
S.E.B
31.17
14.84
44.3
6
73.8
37.41
11.
B.E.
183.00
S.E.A
LOT 2
4.701 Ac.
2
B.E.
598.07
S.E.B
01
21
LAS
499.76
171.53
S.E.B
B.E.
S.E.B
S.E.A
444.26
01
114.50
S.E.A
LOT 4
2.038 Ac.
4
S.E.B
B.E.
S.E.A
S.E.B
LOT 3
3.262 Ac.
3
385.59
375.39
304.80
1" = 100 FT.
01
NOTE:
B.E.
BUILDING ENVELOPE
S.E.A
SCENIC EASEMENT A
S.E.B
SCENIC EASEMENT B
TRACT 1144
RIVERVIEW HEIGHTS
RECORDED 10-25-90
(LAS PALMAS RANCH)

Phase II

Provided by:
PARCELQUEST



Provided by:
PARCELQUEST



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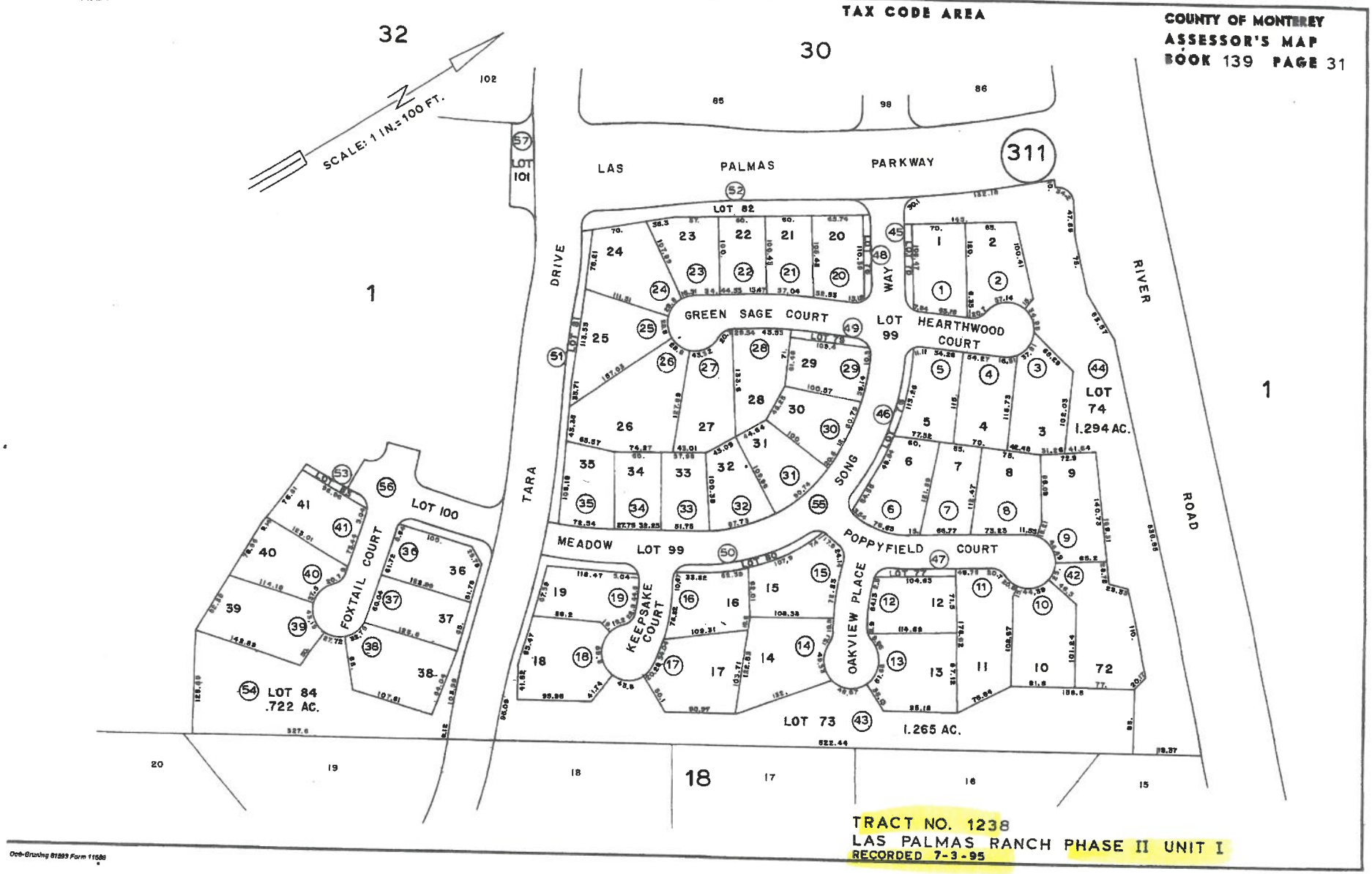

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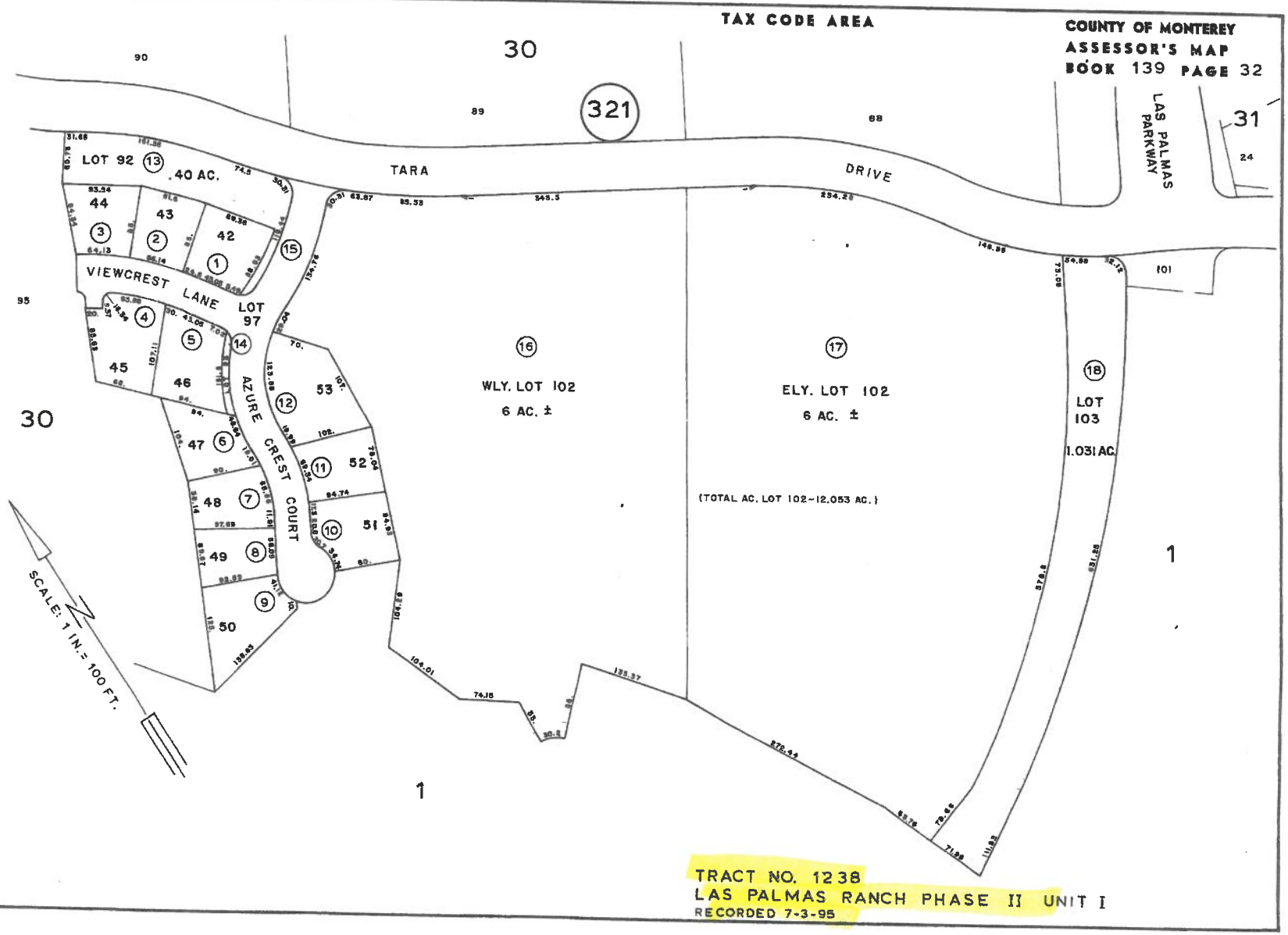
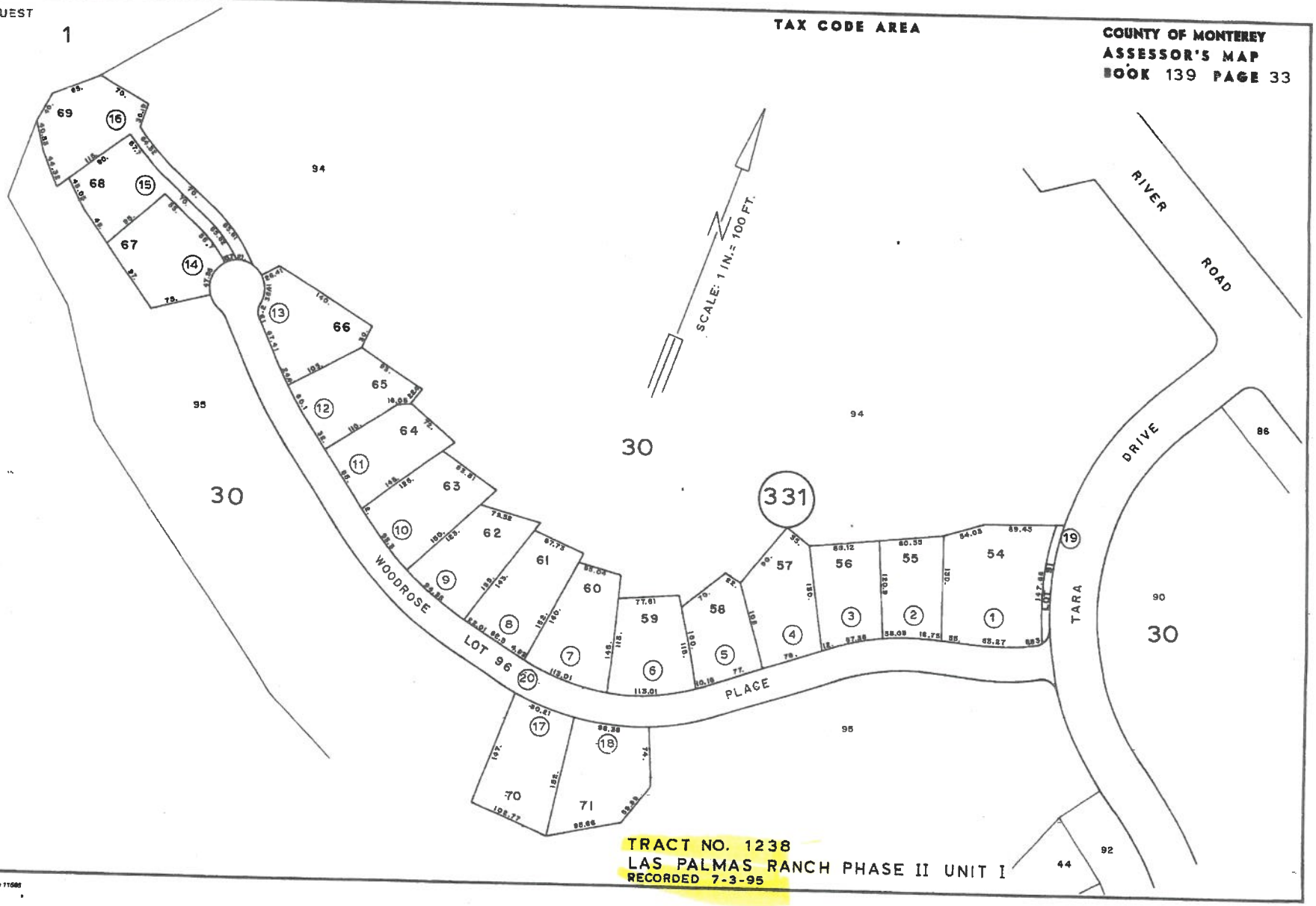


Provided by:
PARCELQUEST

TAX CODE AREA

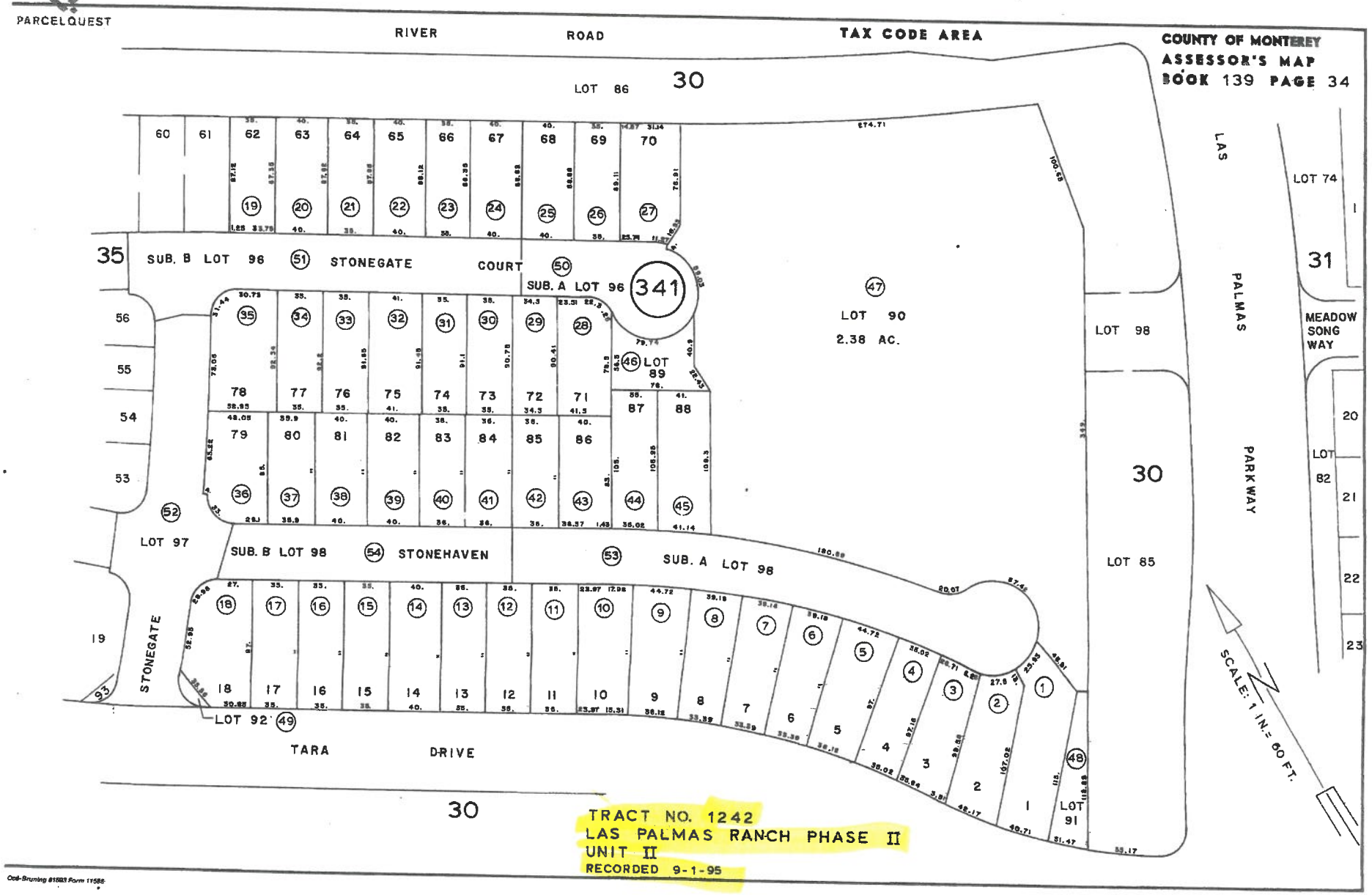
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 33

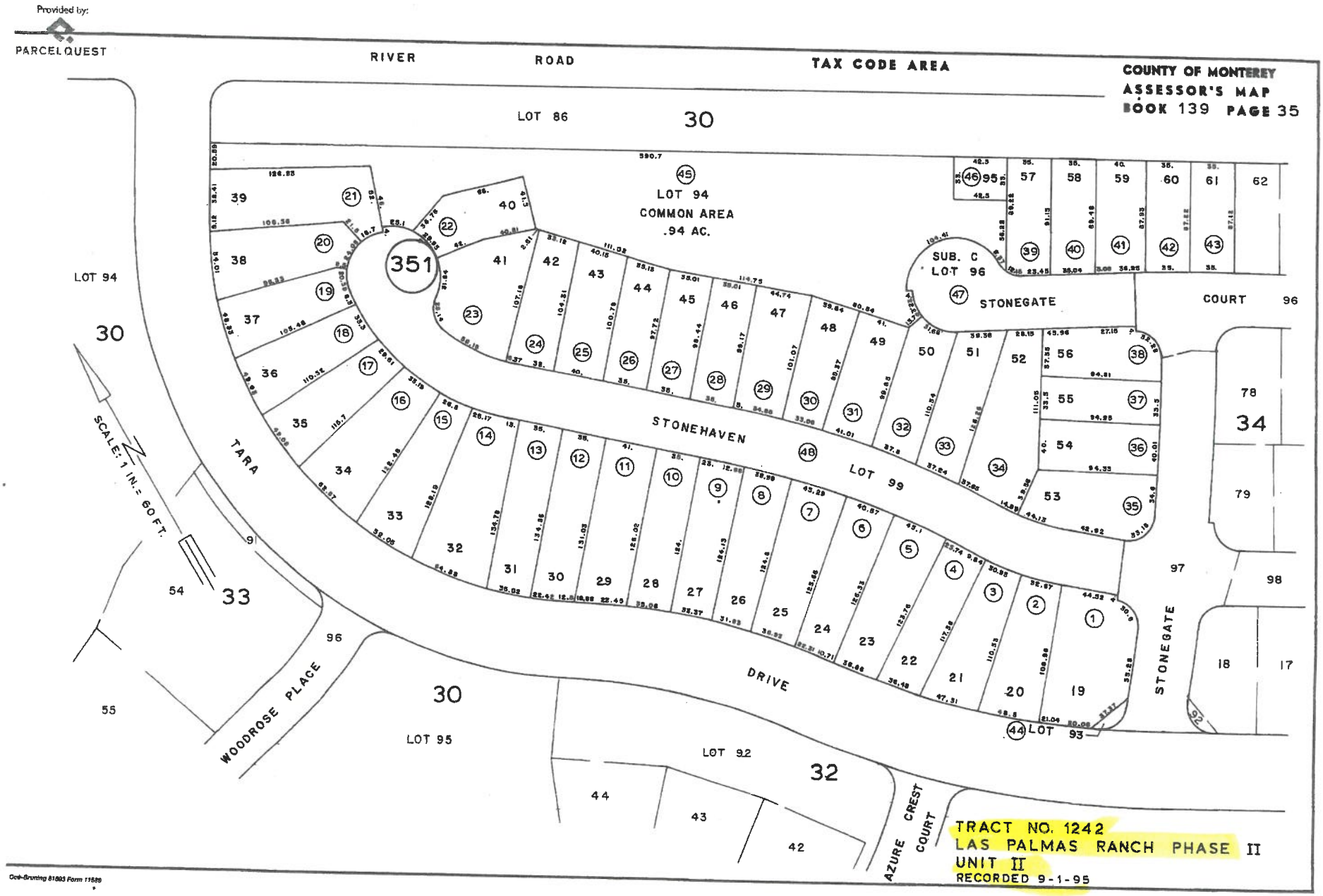


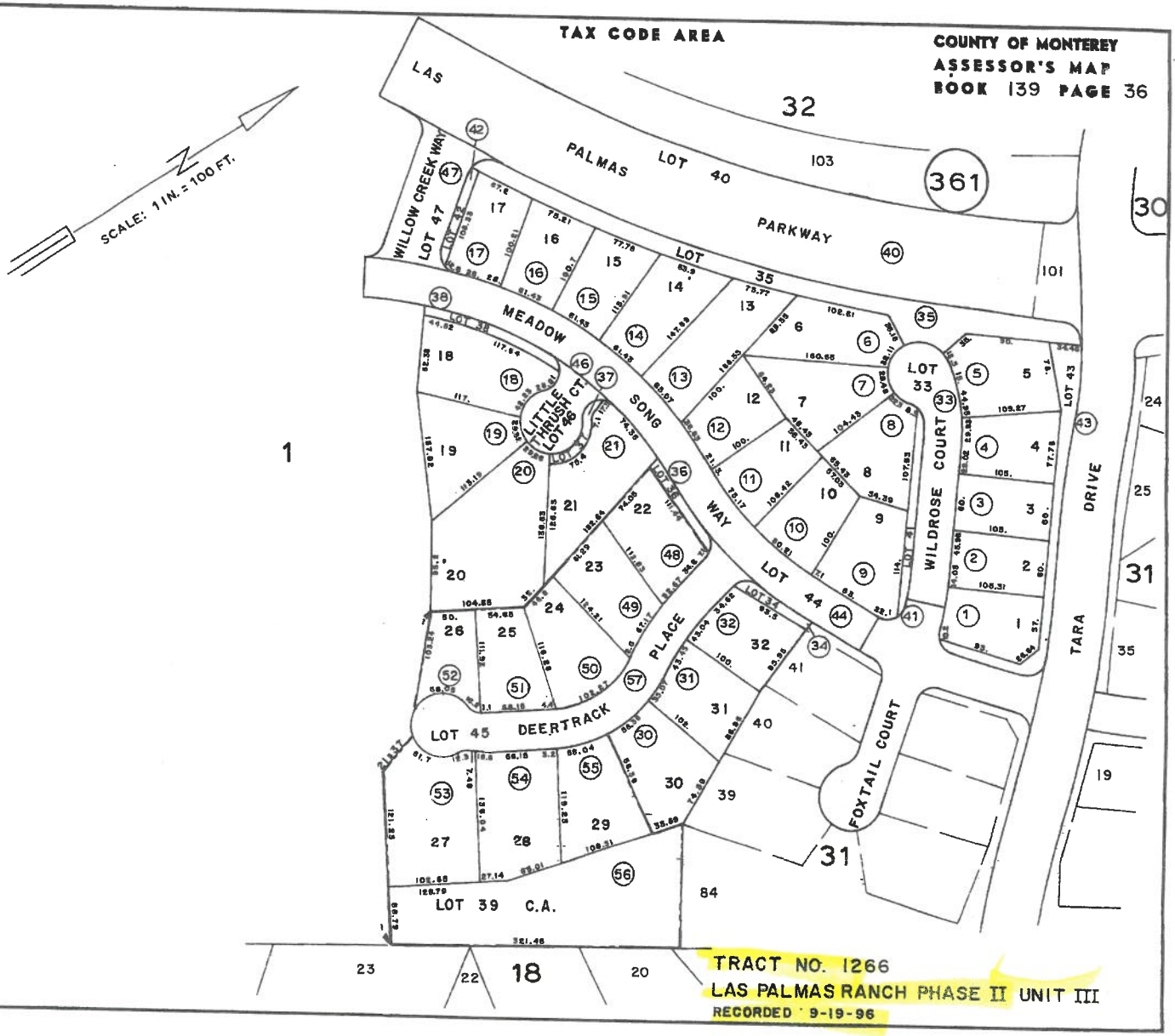
TRACT NO. 1238
LAS PALMAS RANCH PHASE II UNIT I
RECORDED 7-3-95

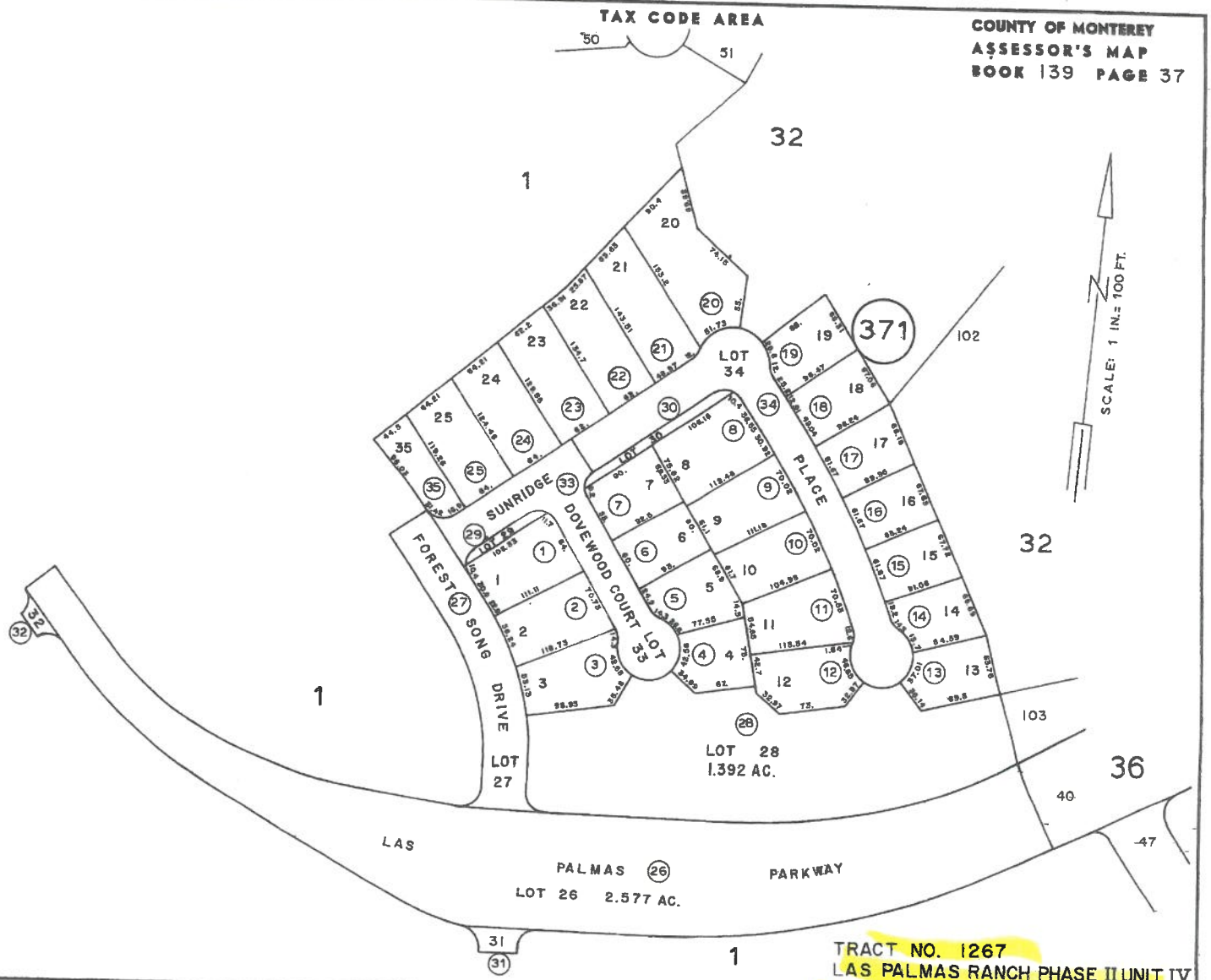
Ozd-Bruning 81553 Form 11566

Provided by:
PARCELQUEST




Provided by:
PARCELQUEST
RIVER ROAD
TAX CODE AREA
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 35
LOT 86
30
LOT 94
COMMON AREA
.94 AC.
351
SUB. C
LOT 96
STONEGATE
COURT
96
LOT 94
30
STONEHAVEN
LOT 99
TARA
SCALE: 1 IN. = 60 FT.
WOODROSE PLACE
DRIVE
LOT 95
LOT 92
LOT 93
AZURE CREST COURT
STONEGATE
34
97
98
TRACT NO. 1242
LAS PALMAS RANCH PHASE II
UNIT II
RECORDED 9-1-95

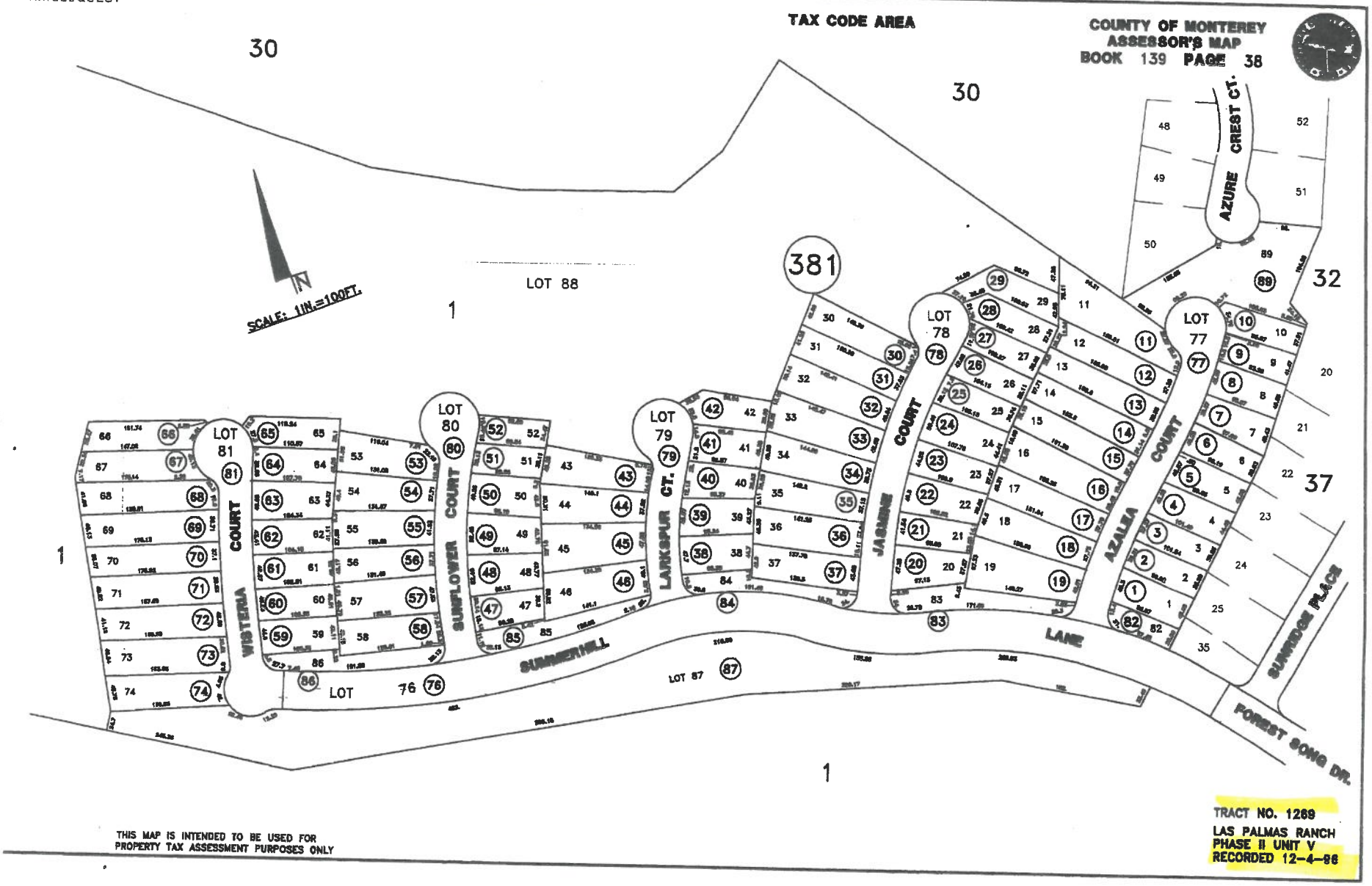




TRACT NO. 1267
LAS PALMAS RANCH PHASE II UNIT IV
RECORDED 9-19-96

Provided by:

PARCELQUEST



THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY

TRACT NO. 1269
LAS PALMAS RANCH
PHASE II UNIT V
RECORDED 12-4-96

Provided by:

PARCELQUEST

TAX CODE AREA

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 39-1

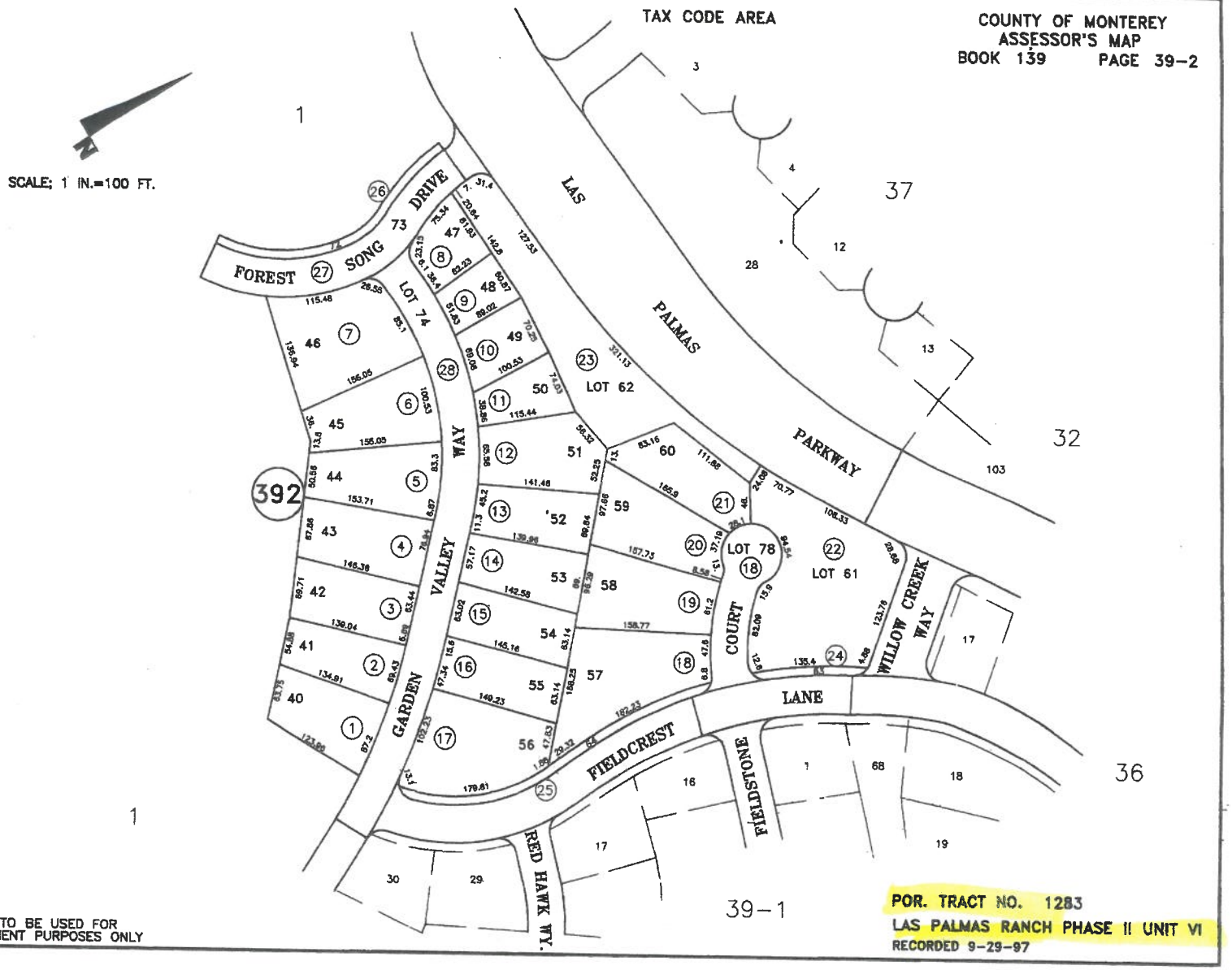
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY

Provided by:
PARCEL QUEST

TAX CODE AREA

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 39-2

SCALE; 1 IN.=100 FT.



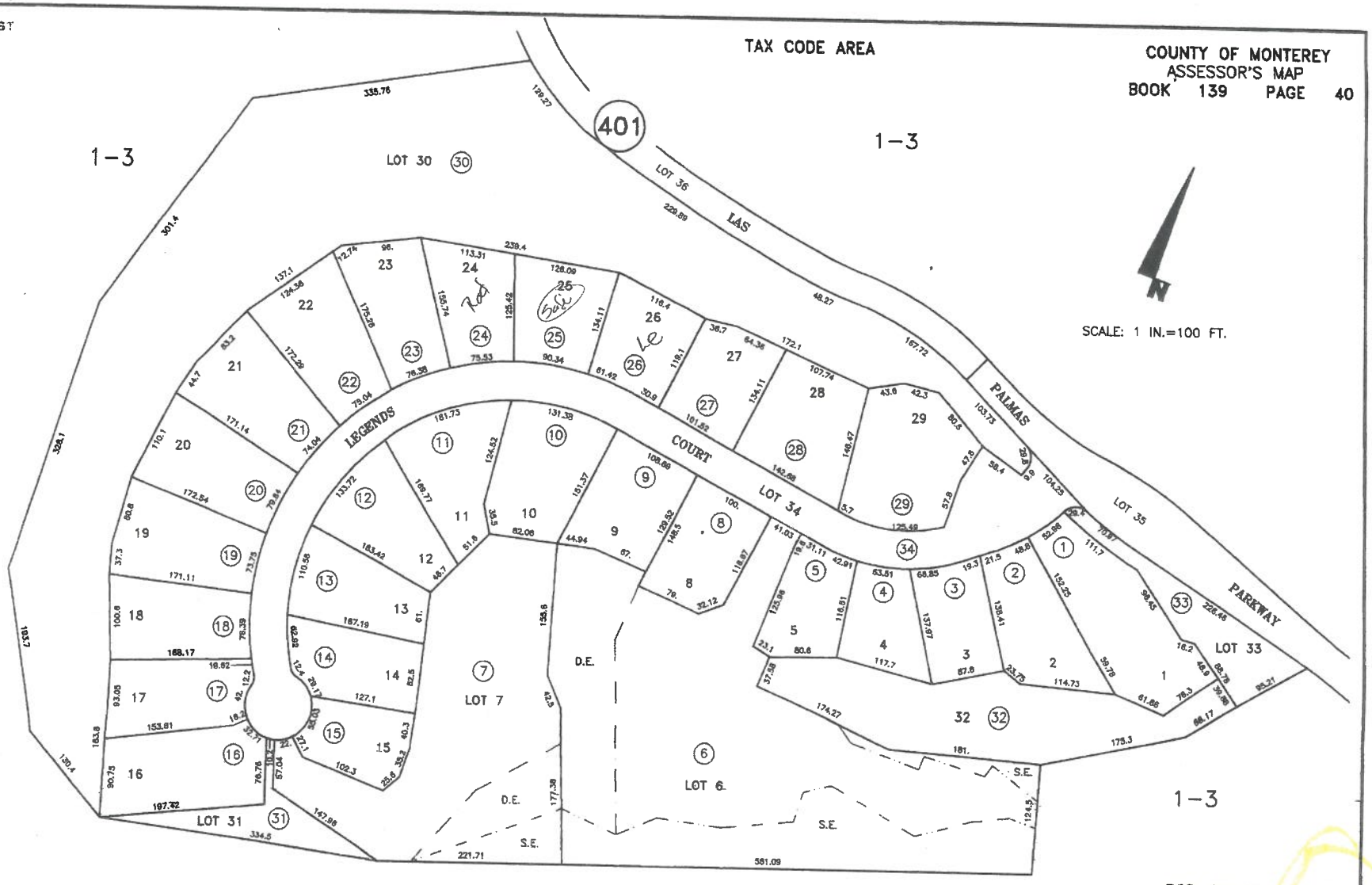
THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY

POR. TRACT NO. 1283
LAS PALMAS RANCH PHASE II UNIT VI
RECORDED 9-29-97

Provided by:
PARCELQUEST

TAX CODE AREA

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 40

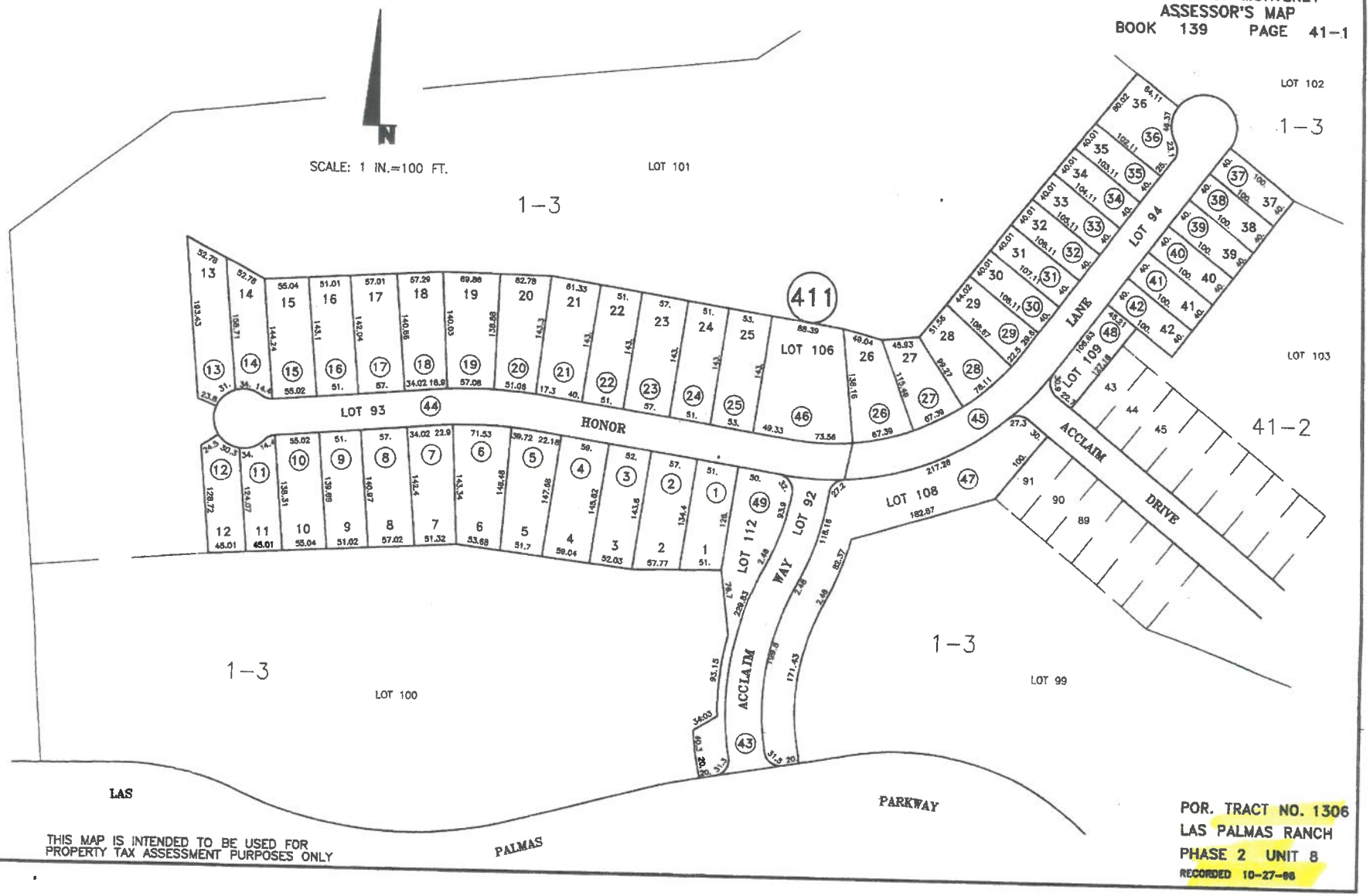


THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY

POR. TRACT NO. 1296
LAS PALMAS RANCH
PHASE 2 UNIT 7
RECORDED 6-15-95

TAX CODE AREA

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 41-1

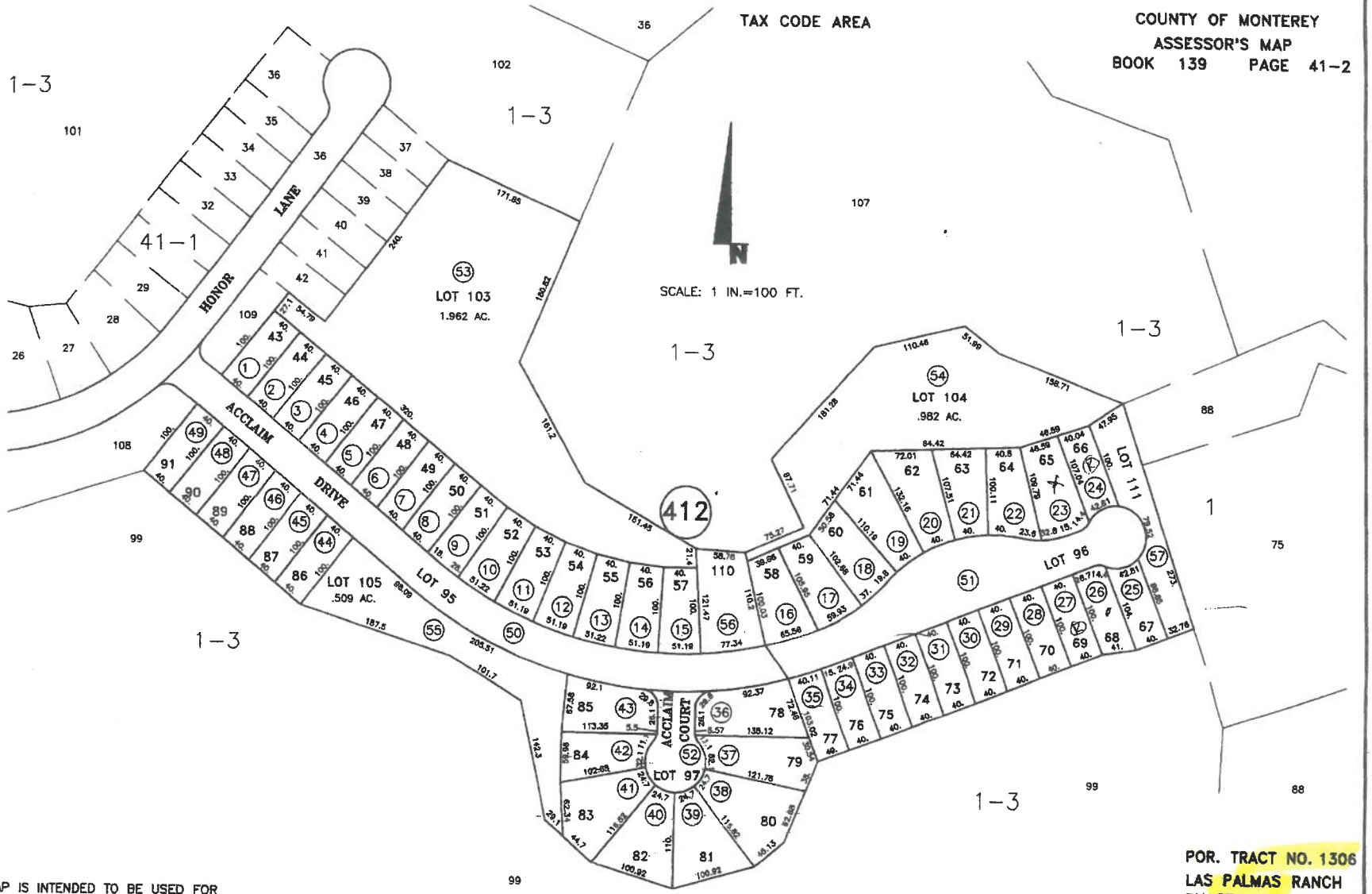


THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY

POR. TRACT NO. 1306
LAS PALMAS RANCH
PHASE 2 UNIT 8
RECORDED 10-27-98

Provided by:

PARCELQUEST



THIS MAP IS INTENDED TO BE USED FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY

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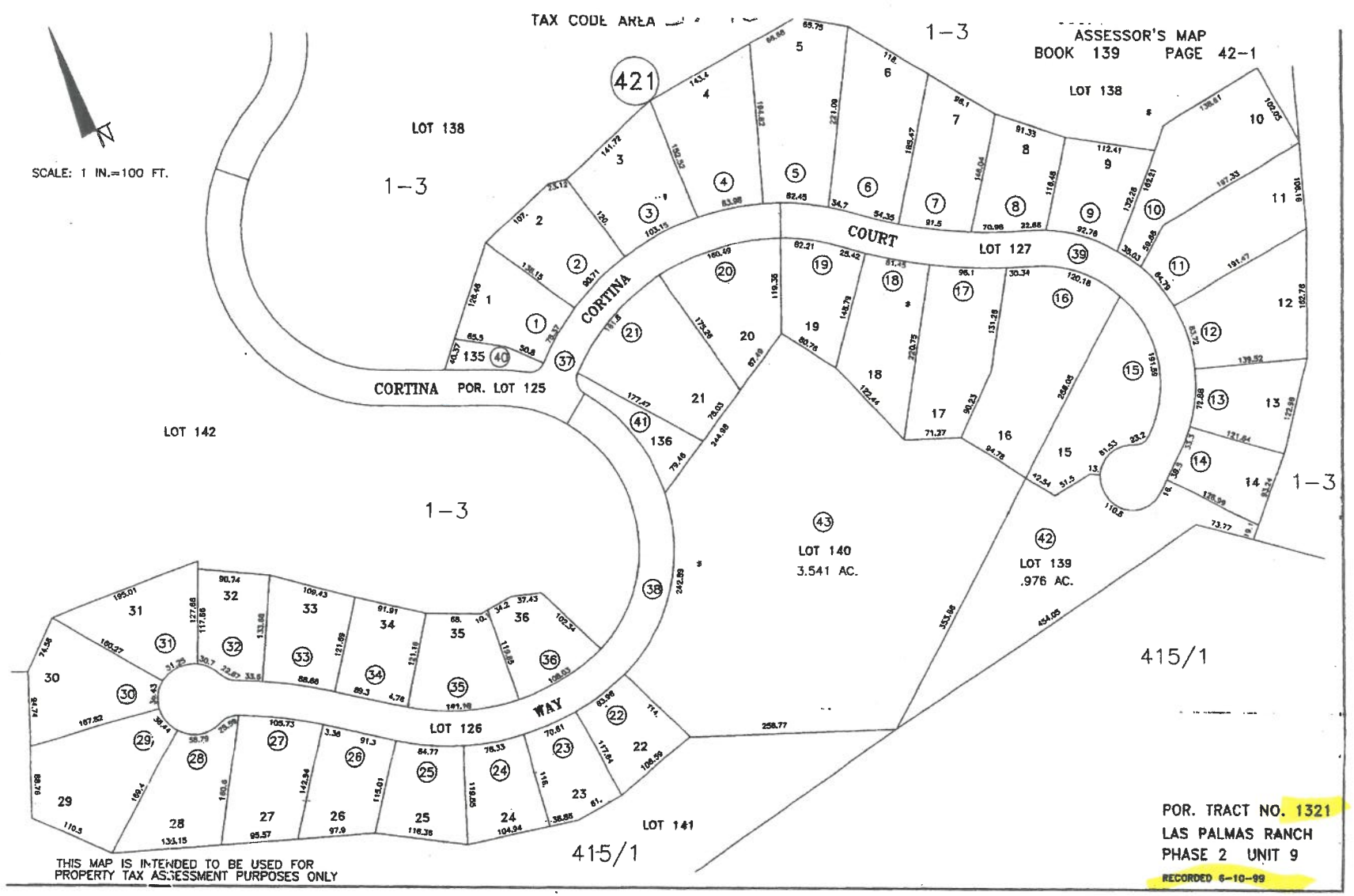
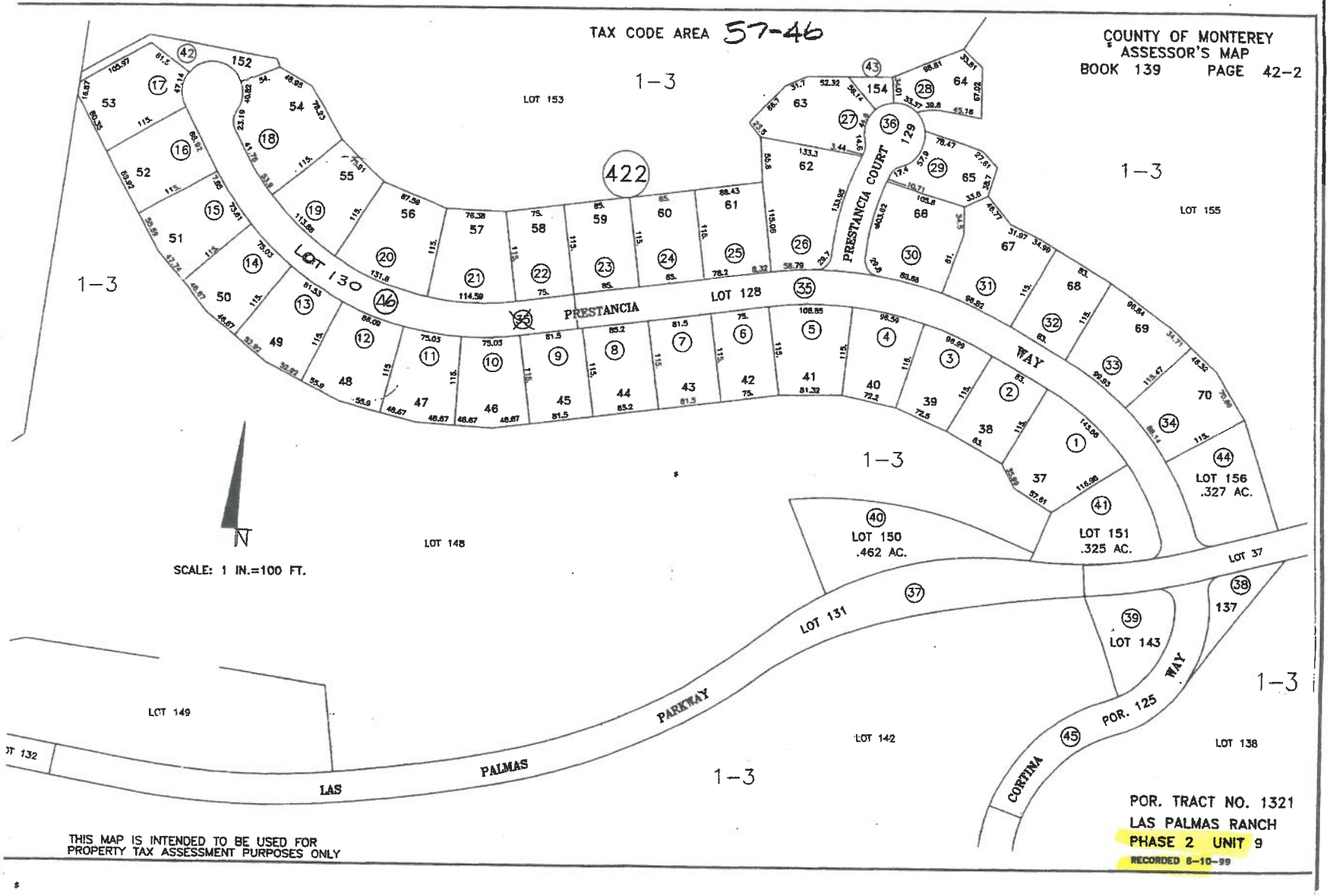
PHASE 2 UNIT 8
RECORDED 10-27-98

Provided by:
PARCEL QUEST

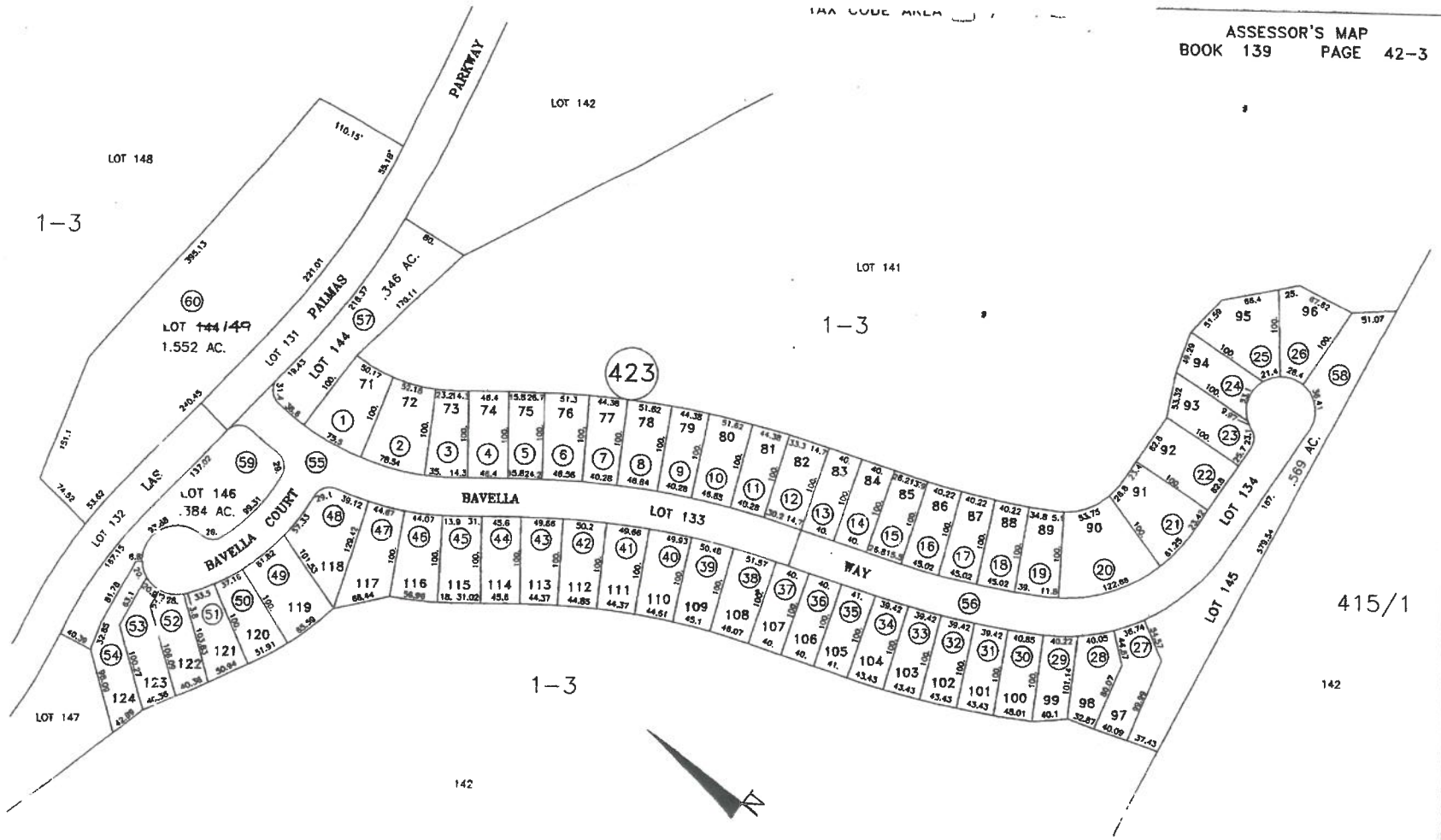




Provided by:
PARCELQUEST

TAX CODE AREA

ASSESSOR'S MAP
BOOK 139 PAGE 42-3



THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY

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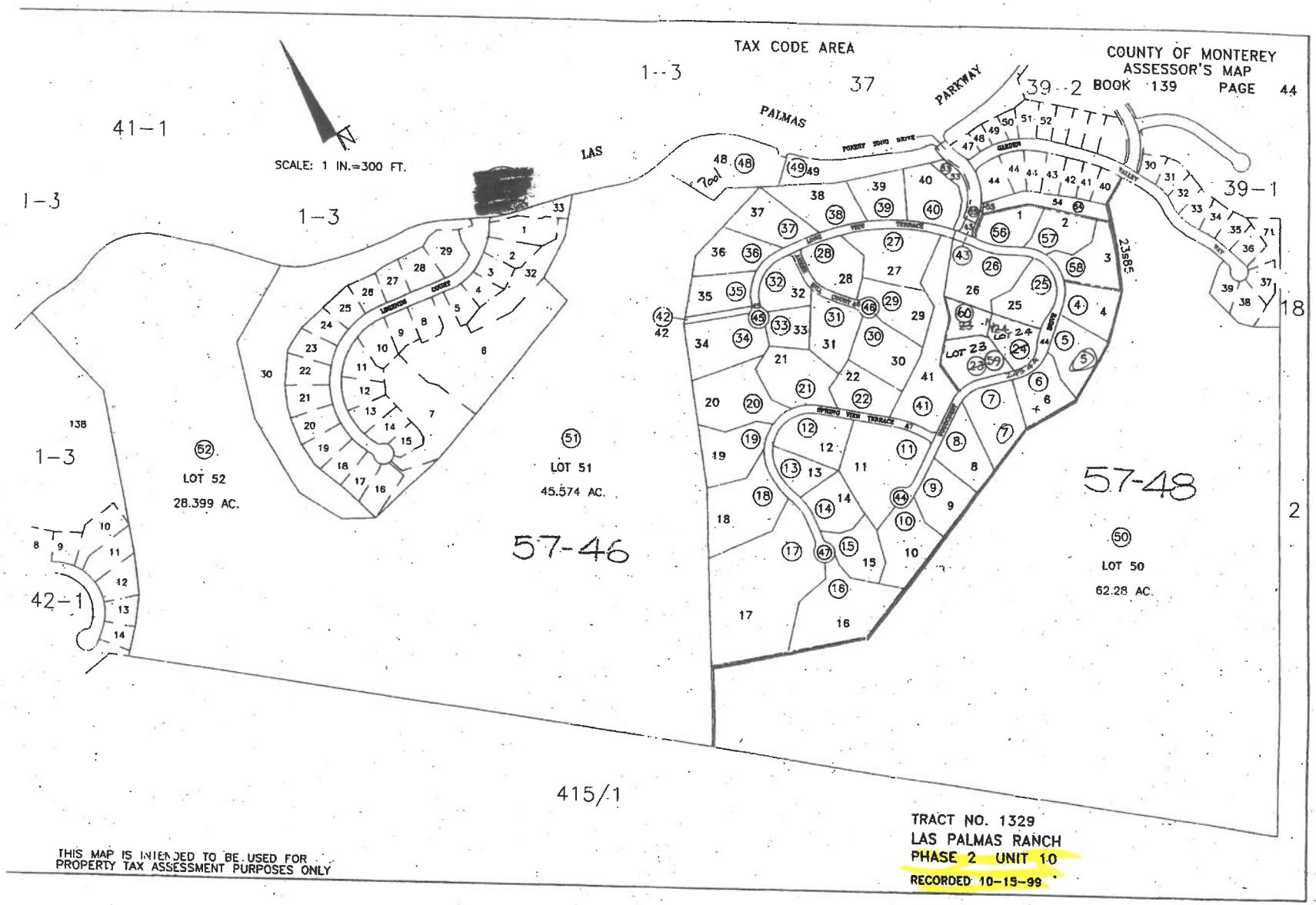
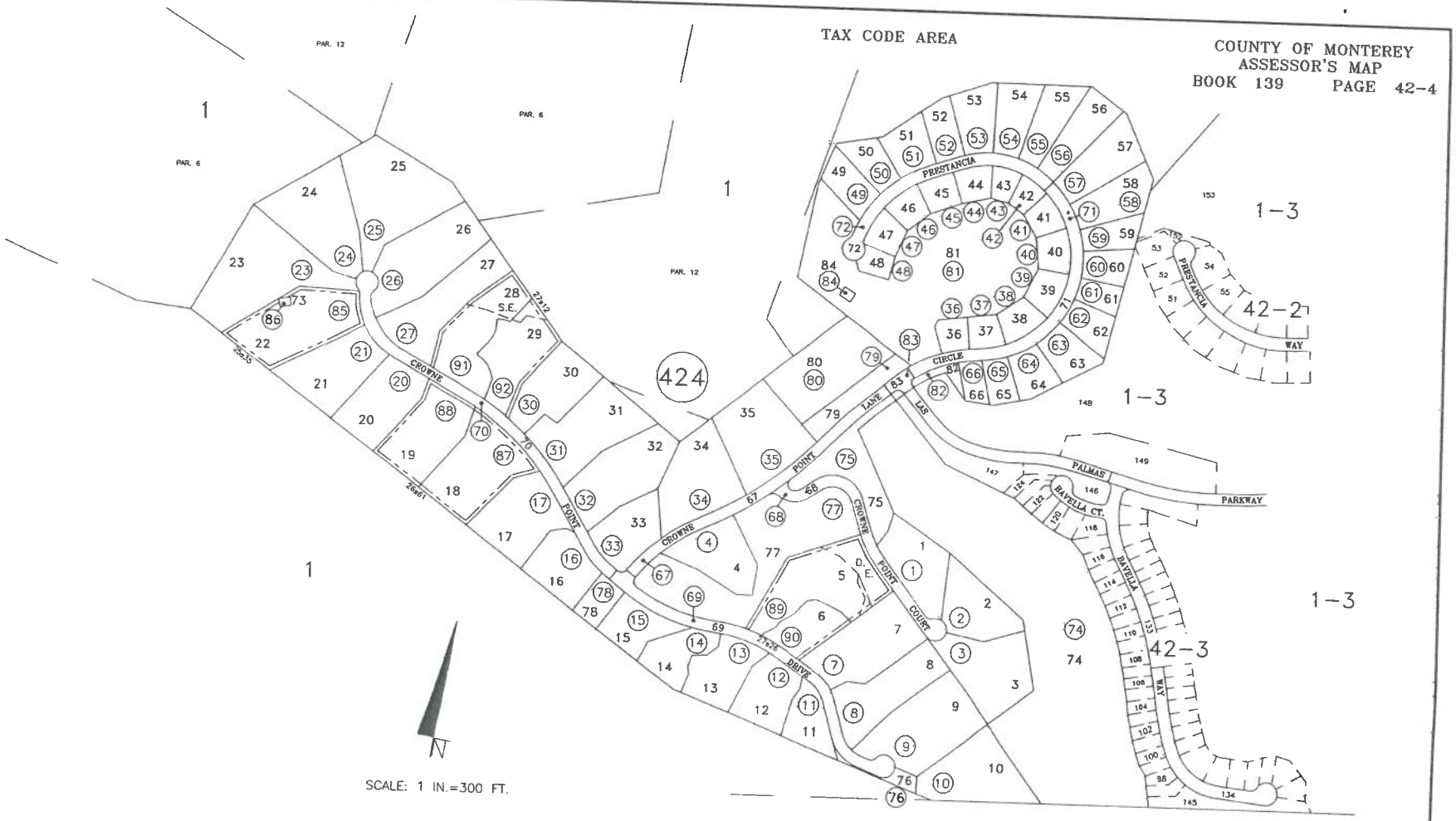
PHASE 2 UNIT 9
RECORDED 6-10-99


TAX CODE AREA
1--3
COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 44
SCALE: 1 IN.=300 FT.
41-1
1-3
1-3
1-3
37
39--2
39-1
PALMAS
PARKWAY
LAS
LOT 52
28.399 AC.
LOT 51
45.574 AC.
57-46
57-48
LOT 50
62.28 AC.
42-1
415/1
18
2
TRACT NO. 1329
LAS PALMAS RANCH
PHASE 2 UNIT 10
RECORDED 10-15-99
THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY

TAX CODE AREA

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 139 PAGE 42-4



THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY

TRACT NO. 1359
LAS PALMAS RANCH
PHASE 2 UNIT 11
RECORDED 12-15-00

EXHIBIT 7

RESOLUTION NO. 2019-01

LAS PALMAS RANCH MASTER ASSOCIATION

AFFIRMING ASSOCIATION PRIVATE PROPERTY RIGHTS AND OBLIGATIONS WITH REGARD TO PARCEL Q

WHEREAS, Las Palmas Ranch Master Association (also known as the Las Palmas Ranch Master Association No. 1) is a duly formed Nonprofit Mutual Benefit Corporation providing for the management, administration, maintenance, preservation, and architectural control of the initial phase of the Las Palmas Planned Unit Development Subdivision ("Association");

WHEREAS, the initial phase of the Las Palmas Planned Unit Development Subdivision includes five unit areas, consisting of residential lots and common area lots, shown on recorded Tract Maps as Corey House Area Unit 1 (Tract Map 1086A), Corey House Area Unit 2, (Tract Map 1087A), Corey House Area Unit 3 (Tract Map 1088A), Corey House Area Unit 4 (Tract Map 1089A), and Corey House Area Unit 5 (Tract Map 1090A) (collectively "Las Palmas Ranch Phase 1"). The Tract Maps listed in the preceding sentence are collectively referred to as "Corey House Area Unit Maps";

WHEREAS, the Association governs Las Palmas Ranch Phase 1, including ownership of the Las Palmas Phase 1 common areas and Las Palmas Ranch Phase 1 private roads shown on the Las Palmas Ranch Phase 1 Corey House Area Unit Maps;

WHEREAS, the private road system developed as part of Las Palmas Ranch Phase 1 shown on the Corey House Area Unit Maps, is for the common use of the Las Palmas Ranch Phase 1 members, is owned by the Association, and the maintenance and repair of the private road system is paid by the Association through Association membership dues;

WHEREAS, on or about May 27, 1998, the Association purchased Parcels E and F, as shown on the Corey House Area Unit 1 Map, located between Woodridge Court and County Park Road, from the developer, Las Palmas Ranch Development Company, Inc., for the benefit of the use of the Association's members for open space and recreational purposes.

WHEREAS, at the time of the purchase of Parcels E & F, the Association and its membership, contemplated no development was to occur on Parcels E & F, including no road development, other than minor development incidental to recreational use;

WHEREAS, the Las Palmas Ranch 1 developer also dedicated, for private use, drainage easements to permit the construction, maintenance and operation of drainage facilities on, over and under certain strips of land within the Las Palmas Ranch 1 area for the purpose of conveying drainage from the natural drainage tributary to each easement, which drainage facilities are owned and maintained by the Association. The developer also dedicated storm drainage easements to County Service Area #72;

WHEREAS, the existing storm drainage system for Las Palmas Ranch 1 is believed to be only adequately sized for the number of residences built as part of Las Palmas Ranch Phase 1;

WHEREAS, Parcel Q is shown on Tract Map 1086A, but it is not part of the five Corey House Area Unit residential lots, easements, and common areas, making up Las Palmas Ranch Phase 1;

WHEREAS, Parcel Q remains undeveloped and is now owned by River View at Las Palmas, LLC;

WHEREAS, Parcel Q is not a member of the Association, has not paid membership dues to the Association, has no ownership interest in any of the Association's common areas, private easements, private roads (including Country Park Road), or private property, other than having only limited access rights over a portion of the Association's private roads (portions of River Run, Woodridge Court, and Las Palmas Road) pursuant to the Grant Deed recorded at Document 2013046807, July 23, 2013, Official Records of Monterey County, California ("Parcel Q Deed");

WHEREAS, it has been well-established in California law that the extent of a servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired. (California Civil Code §806). When an easement is granted for a specific use, there may not be an increase in the burden of the easement (California Civil Code §807), and the servient tenement owners have the right to insist that so long as the easement is enjoyed, it shall remain substantially the same as it was at the time the right accrued; and

WHEREAS, the Association Board of Directors seeks to protect the Association's private property, including its common areas, easements, and private roads.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Directors of Las Palmas Ranch Master Association

1. affirms that use of the Association private roads within Las Palmas Ranch Phase 1 remains limited to residential use;

2. affirms that Parcel Q has no right to use of any of the Association's private roads, but for the limited scope of use set forth in the Parcel Q Deed;

3. will insist that the scope of Parcel Q's limited use of the Association private roads remains substantially the same as they were at the time the right to use the private road easements accrued;

4. affirms that use of the Association's Parcels E & F remains consistent with the intent of the Association at the time it purchased said parcels, and consistent with the subsequent use thereon by its members, which is recreational use, and that no development, including road construction, is allowed thereon other than for recreational purposes;

5. affirms that Parcel Q has no right to use of any of the Association's common areas, including, but not limited to, community parks, sidewalks, open space areas, Parcels E & F, or the grass median at the eastern terminus of Country Park Road;

6. affirms that the use of the storm drainage system developed for Las Palmas Ranch Phase 1 subdivision remains limited to residential use by Las Palmas Ranch Phase 1, as built out; and

7. will insist upon the use of the storm drainage system easements, and facilities thereon, remaining substantially the same as they were at the time the right to the easements accrued.

PASSED AND ADOPTED by the Board of Directors of the Las Palmas Ranch Master Association at a special meeting held on the 18th day of December 2019 by the following vote:

AYES, and all in favor, thereof, Directors: Denise Benoit, Otavio Bernardo, Jennifer Lukasik, Mishalin Modena and David Tucker

NOES, Directors: None

ABSENT, Directors: Roberta Pastorino and Fred Rowland

ABSTAIN, Directors: None

NOLAND HAMERLY ETIENNE & HOSS
Attorneys at Law | A PROFESSIONAL CORPORATION

WWW.NHEH.COM
E-MAIL CKEMP@NHEH.COM
831-424-1414 EXT. 271

July 12, 2021

E-MAIL DELIVERY

Chair Askew and Members of the Monterey County Board of Supervisors
c/o Clerk to the Board
168 W. Alisal St.
Salinas, CA 93901

Re: Opposition to RiverView at Las Palmas PLN 150372
July 20, 2021 Hearing Date

Dear Chair Askew and Members of the Board:

I am writing on behalf of the Las Palmas Ranch Master Association No. 1 ("Association") in opposition to the RiverView at Las Palmas project (Project").

The Association requests your Board deny the Project for the reasons set forth below, along with other information collectively received from the Las Palmas 1 Association and residents.

1. The Project is Inconsistent with the Built Out Las Palmas Ranch Specific Plan – A Specific Plan Amendment Should be Denied

A. The Fully Implemented Las Palmas Ranch Specific Plan is a Success

The existing Las Palmas development was the outgrowth of years of planning and scrutiny by the County and the public, resulting in the Las Palmas Ranch Specific Plan adopted by the County Board of Supervisors in 1983.

Remarkably, the build out and implementation of the Las Palmas development adhered closely to the adopted Specific Plan, resulting in a lovely rural residential subdivision, with a maximum of 1031 homes in designated residential areas, limited commercial areas, and a school and church site, all of which were planned to retain the rural character of the surrounding land and beauty of the surrounding hillsides.

The Las Palmas development was successful, with homes clustered in higher density areas, and the beauty of the scenic Highway 68 corridor and the River Road intersection, preserved, as is much of the scenic beauty of the hills above Las Palmas.

This concerted effort to protect the scenic beauty of this area can be dramatically seen from Highway 68 as you approach River Road, as well as looking across the valley from Blanco Road to the Highway 68/ River Road area where no building can be seen along this entire scenic corridor area (See **Exhibit 1**, Toro hillsides).

Placing the Riverview Project, on this highly visible bluff above Highway 68/ River Road intersection is completely inconsistent with this well planned, successfully achieved, and implemented vision for the Highway 68/River Road area.

B. Parcel Q was Designated for Residential not Commercial Use

Under Specific Plan, Parcel Q is shown as part of **ADC Policy Planning Area A,** and designated as Medium Density Residential (MDR), which places Parcel Q under the 1031 residential dwelling unit cap in the Specific Plan (See **Exhibit 2**, Specific Plan **Figures D and E).**

Specific Plan **Figure D** expressly limits the number of residential units in the Las Palmas development to 1031 units, which residential unit count is now essentially built out. While some "horse trading" may have occurred in transferring residential unit densities between the different phases of Las Palmas 1 and Las Palmas 2, the current overall number of 1029 residential units built in the Las Palmas development, is consistent with the 1031 Specific Plan residential cap, leaving only 2-3 residential units available to be built on Parcel Q.

Moreover, the designated Commercial sites in the Specific Plan have also been built out, consistent with Specific Plan **Figures D and E - Area B,** with the exception of Las Palmas 1 subdivision Parcels E and F, which parcels were purchased by the Association specifically to maintain the tranquility and rural nature of their subdivision. Parcel Q was never envisioned as a commercial site. It has always held a Medium Density Residential (MDR) designation.

These facts were expressly recognized by the Toro Area LUAC who r**ecommend only 3 residential units be allowed on Parcel Q,** finding the RiverView commercial use inconsistent with the Las Palmas Ranch Specific Plan.

The Toro LUAC's full recommendation is as follows:

Toro Area LUAC Recommendation – Nov. 2016 LUAC
"Change project to adhere to the Las Palmas Specific Plan, which according to County records of housing units already built, will allow three single family dwellings to complete the build-out of Las Palmas. As proposed, this is a commercial project, and is inconsistent with the residential neighborhood."

There is no question that a commercial Assisted Living Facility on Parcel Q is inconsistent with the Las Palmas Ranch Specific Plan.

C. The MDR Designation in the 2010 Toro Area Plan does not Negate the 1031 Residential Unit Cap and allow for 40 More Units on Parcel Q.

As set forth above, Parcel Q has been designated as Medium Density Residential (MDR) since the 1983 Las Palmas Ranch Specific Plan. This Medium Residential Unit designation was carried over to the 1983 Toro Area Plan, and then again carried over to the 2010 Toro Area Plan. (See **Exhibit 3,** Toro Area maps). None of these Toro Area land use designations changed the underlying Las Palmas development cap of 1031 residential units in the Las Palmas Ranch Specific Plan area, they only reflected the land use designation in the Specific Plan.

In fact the MDR designation on both the 1983 and 2010 Toro Area maps is entirely consistent with the Specific Plan MDR designation for Parcel Q and the Plan's 1031 residential unit cap.

Accepting the argument that the RiverView developer can now build another 40 residential units on Parcel Q, resulting in 1071 residential units under the Las Palmas Ranch Specific Plan, flies in the face of the fully implemented Specific Plan, as well as, all of the area residents who purchased their homes in Las Palmas 1.

At best the Developer can build 2-3 residential units on Parcel Q.

D. After Full Implementation of the Las Palmas Ranch Specific Plan, an Amendment to the Las Palmas Ranch Specific Plan Should be Denied

The Applicant has argued that his situation is similar to the Toro Vista Specific Plan, where the County recently approved a Specific Plan amendment to allow the Ferrini Ranch development.

However, unlike the Toro Vista Specific Plan, where the Toro Vista project was never built and the County was dealing with vacant land when it approved the Ferrini Ranch development, the Las Palmas Ranch Specific Plan area has been built out in

substantial conformance with the Las Palmas Ranch Specific Plan. This is an entirely different situation than undeveloped/vacant land in the Toro Vista area.

After 40 years of Las Palmas residents buying into the community based on the Specific Plan – it is late in the process to make a substantial change to the Las Palmas Plan, gutting key provisions of the already implemented and successfully built out Las Palmas planning area.

The adopted and relied upon Specific Plan for the build out of the Las Palmas development is the guiding document. The Specific Plan was adopted in 1983, and has served its purpose in controlling growth and development in the Las Palmas area since 1983. There is no compelling reason to toss out 40 years of land use planning and development, for a Project which was never envisioned, nor planned in the Las Palmas Ranch Specific Plan, to the detriment of the area residents.

Any effort to amend the fully implemented Specific Plan should be denied.

2. Use of the Access Easement over the Association's Private Roads for a Commercial Facility on Parcel Q is a Surcharge on and Over-Burdens the Association's Private Roads

Under a separate memo provided to your Board, I outlined the history of the access easement over the Association's private roads to Parcel Q granted by the Las Palmas developer in 2000.

In summary, use of the access easement over the Las Palmas Ranch Master Association No. 1's private roads to access an Assisted Living Facility on Parcel Q is a surcharge on the Association's private roads, because, when the access easement over the Association's private roads to Parcel Q was created by the Las Palmas developer in 2000:

1. Parcel Q was shown as part of Area A on the Las Palmas Specific Plan Map and designated as "Medium Density Residential" on the Las Palmas Specific Plan Map (Figure E), with the total "Residential Units" capped at 1031, as shown on Las Palmas Ranch Specific Plan Land Use Table (Figure D), in Las Palmas Ranch Specific Plan.

2. Other areas of the Las Palmas Ranch Specific Plan were set aside for Commercial/Recreational, School/Church sites, but not Parcel Q which remained in Area A designated for residential use.

3. Parcel Q was also shown as "Medium Density Residential" under the 1983 Toro Area Plan, and remained so designated under the 2010 updated Monterey General Plan/Toro Area.

4. At the time of the creation of the Parcel Q access easement in September 2000, the Las Palmas development was completed, in substantial conformance with the overall density and land uses set forth in the Las Palmas Ranch Specific Plan, with a cap of 1031 residential units, leaving only minimal (2-3) residential units available for the build out of Parcel Q.

5. At the time the access easement was created for Parcel Q in 2000, there was no plan for, nor any anticipated use of, Parcel Q for a commercial Assisted Living Facility, which commercial use would create a substantial increased burden upon the scope of the easement granted to Parcel Q beyond the limited residential use anticipated for Parcel Q under the Specific Plan at the time the easement was granted for the benefit of Parcel Q in 2000.

6. At the time the access easement to Parcel Q was created in 2000, the Fletcher family would have been acutely aware of the residential designation of Parcel Q under the Las Palmas Specific Plan and the Plan's 1031 residential unit cap

Accordingly, use of the access easement for a commercial assisted living facility over the Association's private roads is a surcharge and burden upon the Associations roads.

3. Other Impacts to the Las Palmas 1 Residents

A. The EIR Project Description is Incorrect - Parcel Q is Not a Member of the Association

Despite months of claiming Parcel Q was part of the Association, as well as making this representation in the Draft and Final EIR, the Applicant finally acknowledged **they are not part of the Association,** nor does the Applicant have any right to use any of the Association property, but for their limited access over three Association private roads for limited residential use.

The Final EIR **"Project Description"** includes the statement that Parcel Q owner is a member of the Association. *"The project applicants, who own the site, are currently members of the Las Palmas Ranch Home Owners Association and have paid dues to the association"* (FEIR pgs. 2-60 and 4-2).

The project description in the FEIR is incorrect, as this is not true.

B. Secondary Fire Access Was Relied Upon in the EIR – This Access Cannot be Obtained Through the Association Property.

Additionally, contrary to proposed Mitigation Measure TRA-3 (FEIR pgs. 2-38 and 4-5), the Parcel Q owner has **no right to install "grass grid pavers on the section of lawn area between Woodridge Court** and Country Park Road to provide an all-

weather surface for secondary access. The Developer is now seeking to have this mitigation removed because they cannot obtain the alternate access.

The lack of this access right, along with any significant change to, or the entire elimination of, **alternative Fire Access provisions** being proposed now, were not addressed, nor discussed, in the Final EIR.

C. There Are Significant Noise Impacts That Were Not Addressed in the Draft EIR – The Final EIR Must be Recirculated

The Draft EIR found that noise impacts were considered "Effects Not found to be Significant", yet an entire new analysis of noise impacts was added to the Final EIR without further public notice, review, or circulation.

Pursuant to CEQA Guideline 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.

Given the fact significant new information on noise impacts was added to the EIR after the Draft EIR public review period ended, the County is required to recirculate the EIR for public review and comment before bringing the EIR back to the County's decision making body for certification.

Moreover, the Association's expert opinion/peer review report prepared by Charles Salter & Associates on the Noise impact analysis found that the Riverview EIR Noise analysis, as well as the Applicants subsequent letter, failed to fully consider potential significant impacts, as well as, failed to provide adequate mitigation for potential significant impacts. In essence ambient background noise was over-estimated and on site noise was underestimated.

D. Traffic Remains a Significant Issue

Comments submitted in the Kinzel (TJKM Traffic Consultants) April 23, 2018 letter, on behalf of the Association, remain valid. Issues raised were factual and have not been addressed.

The FEIR confirms that, even with payment of fees, the Project's impact to traffic on Highway 68 is still "significant and unavoidable", as there are no plans to improve Highway 68 operations to an acceptable level. (FEIR pg. 2-17). This finding would require the County to make a finding of overriding considerations, and ignore the stated significant and unavoidable impact to Highway 68 caused by this Project.

The FEIR continues to state that the Project will add only 363 additional trips. That number does not seem plausible with 142 people occupying the facility, plus associated staff and deliveries, etc.

The FEIR assigns (FEIR pg. 2-9) 2.74 trips for assisted living and 348 trips for the senior houses. This number does not account for the 92 employees, including managers, supervisors, chefs, wait staff, deliveries for medical and food service, dining room, facility managers, gardeners, cleaning, medical assistants, nurses, aides, (FEIR pg. 2-31), nor visitors, other delivery trucks, and emergency vehicles.

In addition to the cars and vans, the large delivery trucks needed to service the facility, as well as, construction trucks and traffic, will have a huge impact on the Las Palmas community. (FEIR pg. 2-36)

There is no public bus service. There is a large reliance on shuttles, but in reality people will drive to the site. The Casita residents will have their own cars, and families and caregivers will visit and take residents out whenever they want to. (FEIR pg.2-18)

The FEIR admits that inbound traffic into Las Palmas would increase by 16 percent. (FEIR pgs. 2-36; 4-5). Even with a windshield tag, cars will stop have to stop at the entry gate behind visitors.

The FEIR states there is enough queuing capacity to handle the additional traffic in to the subdivision, but both the Association's traffic consultant, as well as, the Las Palmas residents, based on their personal experience, state otherwise. The existing back up in queuing for the entry gate at rush hour, even with windshield tags, led the Association to eliminate the security guard at the gate during peak traffic hours. There is no storage lane for queuing off River Road on to Las Palmas Road.

E. The Project Compromises the Association's Security

The Association was compelled to hire a private security company and establish the entry kiosk because the Association members were experiencing property break-ins.

The Project exposes the Association members to unregulated entry, as anyone would be able to enter the private Las Palmas subdivision by simply stating they are visitor going to the facility.

4. Summary

The Las Palmas Ranch Master Association No. 1 requests that your Board deny the RiverView at Las Palmas project and Specific Plan Amendment for the reasons set forth above.

The Association requests that all prior communications from the Association and its residents, along with all prior reports submitted, be included in the record for this proceeding.

Thank you in advance for your consideration of this matter of great concern to the Las Palmas No. 1 residents.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

Christine Kemp

Christine Kemp

Attached: Exhibits 1-3

cc: Supervisor Alejo – district1@co.monterey.ca.us
Supervisor Phillips - district2@co.monterey.ca.us
Supervisor Lopez – district3@co.monterey.ca.us
Chair Askew – district4@co.monterey.ca.us
Supervisor Adams – district5@co.monterey.ca.us

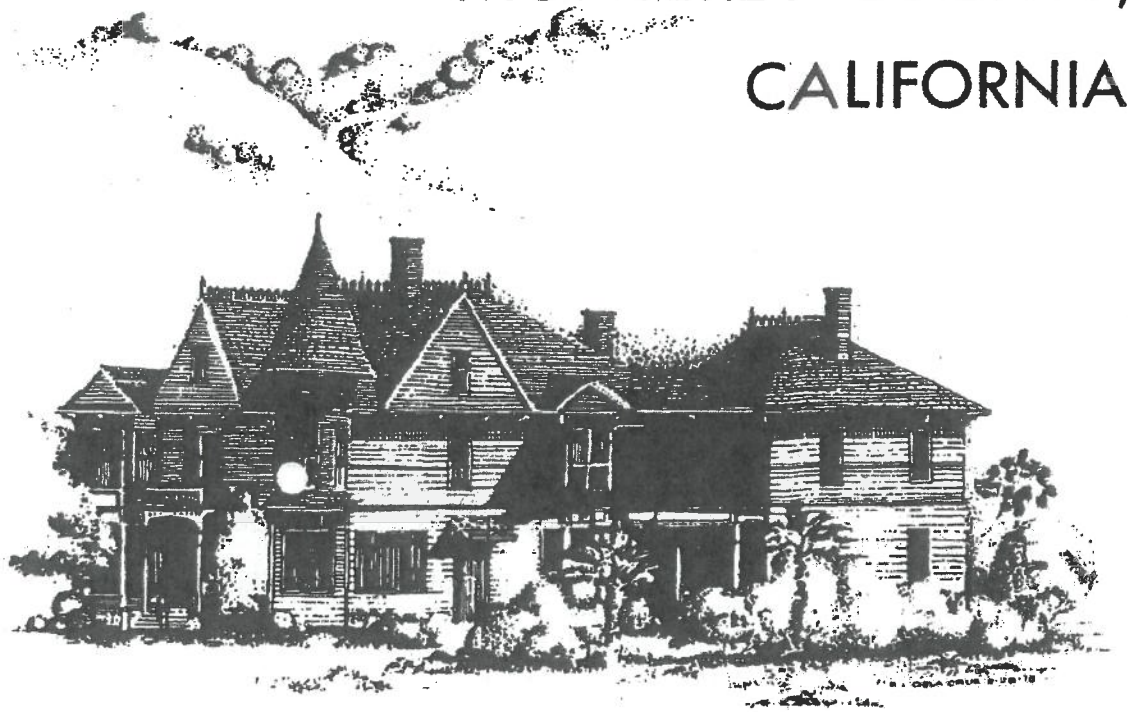
Joseph Sidor, Planner
sidorj@co.monterey.ca.us
Monterey County HCD, Planning
1441 Schilling Place
Salinas, CA 93901

EXHIBIT 1

EXHIBIT 2

LAS PALMAS RANCH SPECIFIC PLAN

MONTEREY COUNTY, CALIFORNIA

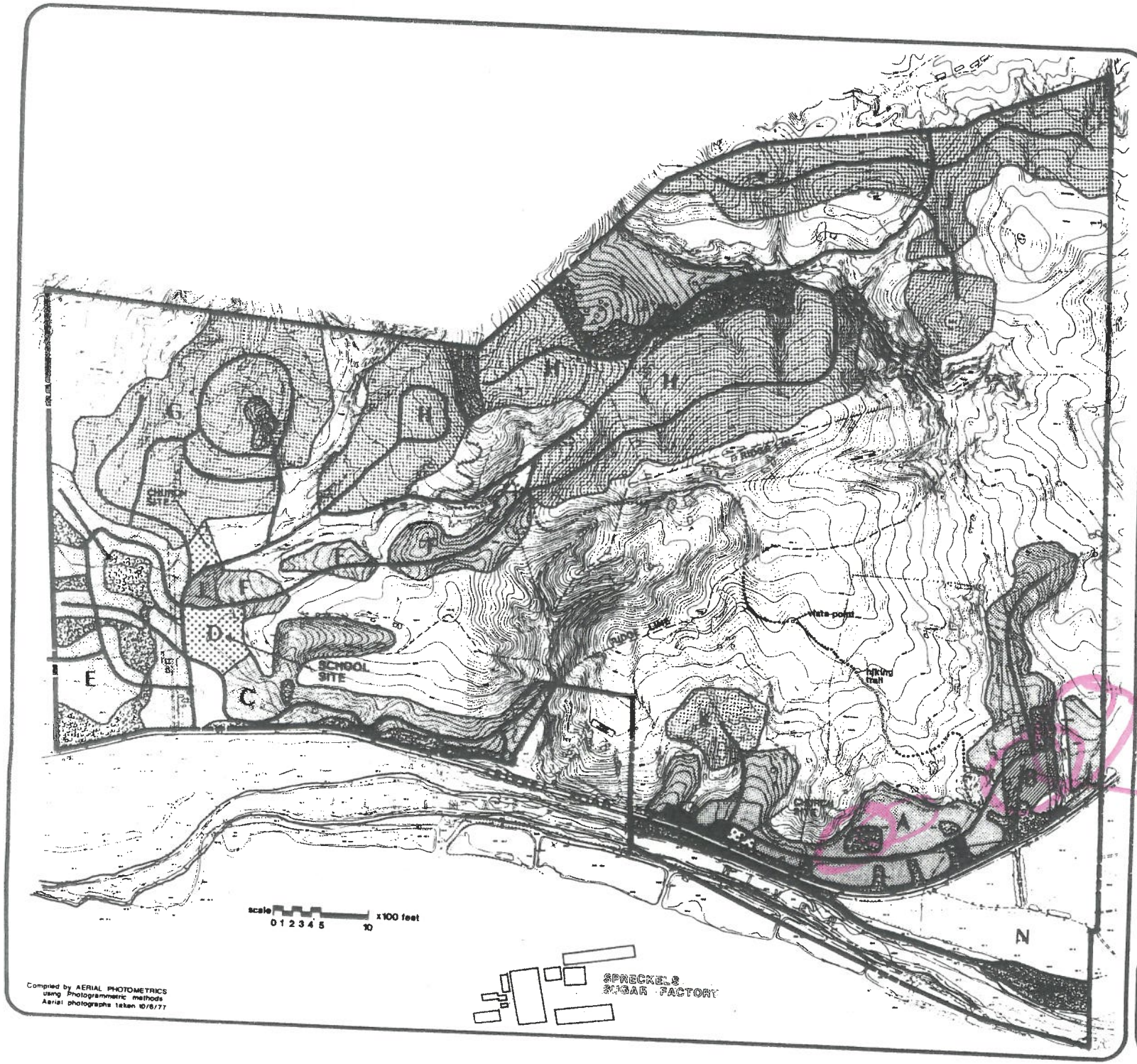


SEPTEMBER, 1983

Las Palmas Ranch

FIGURE E

SPECIFIC PLAN



- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- QUASI - PUBLIC
- RECREATIONAL COMMERCIAL
- PARKS / RIPARIAN

Monterey County Planning Department

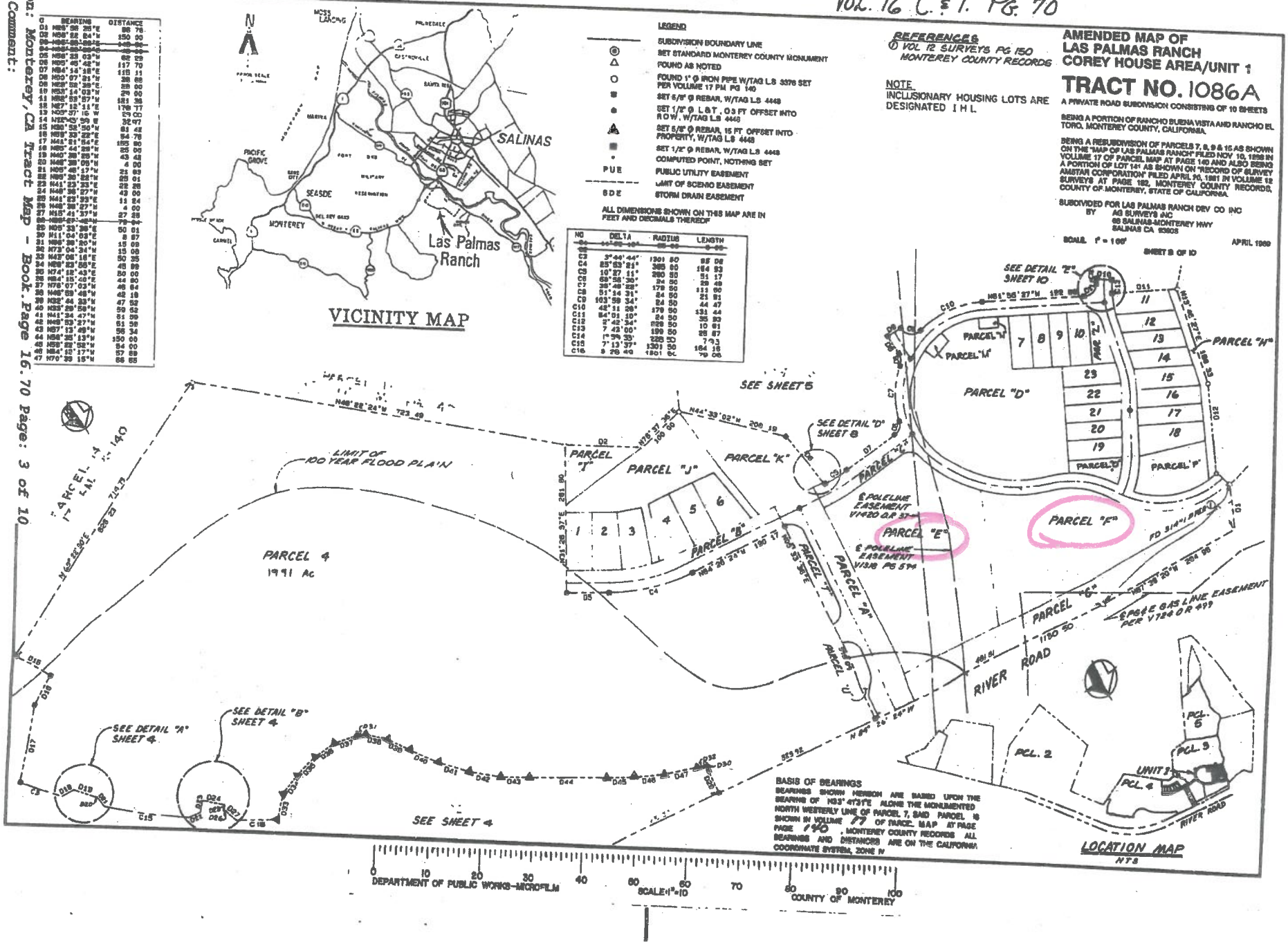
FIGURE D: LAS PALMAS RANCH SPECIFIC PLAN LAND USE TABLE

ADC Policy Plan Areas	Residential Units		Total	Other Land Uses	Other	Total	Density
	Multi	Single	Units		Acreage	Acres	Units/AC
A	312	0	312			104	3.00
B	–	–	–	COMMERCIAL/RECREATIONAL	6	6	N/A
C	131	0	131			62	2.11
D	–	–	–	SCHOOL/CHURCH SITES	15	15	N/A
E	0	168	168			76	2.21
F	104	0	104			32	3.25
G	0	80	80			95	.84
H	0	142	142			152	.93
I	0	46	46			28	1.64
J	0	43	43			90	.48
K	0	5	5			11	.45
L	–	–	–	COMMERCIAL	6	6	N/A
M				OPEN SPACE:			
N				RIPARIAN CORRIDOR	13		
O				AGRICULTURAL LAND	56		
				NEIGHBORHOOD/INFORMAL OPEN SPACES	65		
				CENTRAL OPEN SPACE & FRONTAL SLOPES	767		
				TOTAL OPEN SPACE		901	N/A
TOTAL	547	484	1031			1579	.65 AV.

NOTE: ACREAGES BOUNDARIES OF THE PLAN AREA AND NUMBER OF UNITS WITHIN EACH PLAN AREA ARE APPROXIMATE. SPECIFIC BOUNDARIES, AND NUMBER AND MIX OF UNITS WILL BE DETERMINED AT THE TIME OF FINAL ENGINEERING, PROVIDED THAT THE TOTAL NUMBER OF RESIDENTIAL UNITS SHALL NOT EXCEED 1,031. DEVELOPMENT MAY NOT OCCUR IN THE APLHABETICAL ORDER IN WHICH THE PLAN AREAS ARE LETTERED ON THE PLAN.

Description: Monterey,CA Tract Map - Book.Page 16.70 Page: 3 of 10
Order: lp Comment:

MAP 16 N 0479300 E 1215000 SN 20536 VOL. 16 C. & T. PG. 70



Description: Monterey, CA Tract Map Book Page 16.70 Page: 5 of 10
Order: lp Comment:

MAP 16 N 0479300 E 1215000 SN 20538 VOL. 16 C.&T. PG. 70

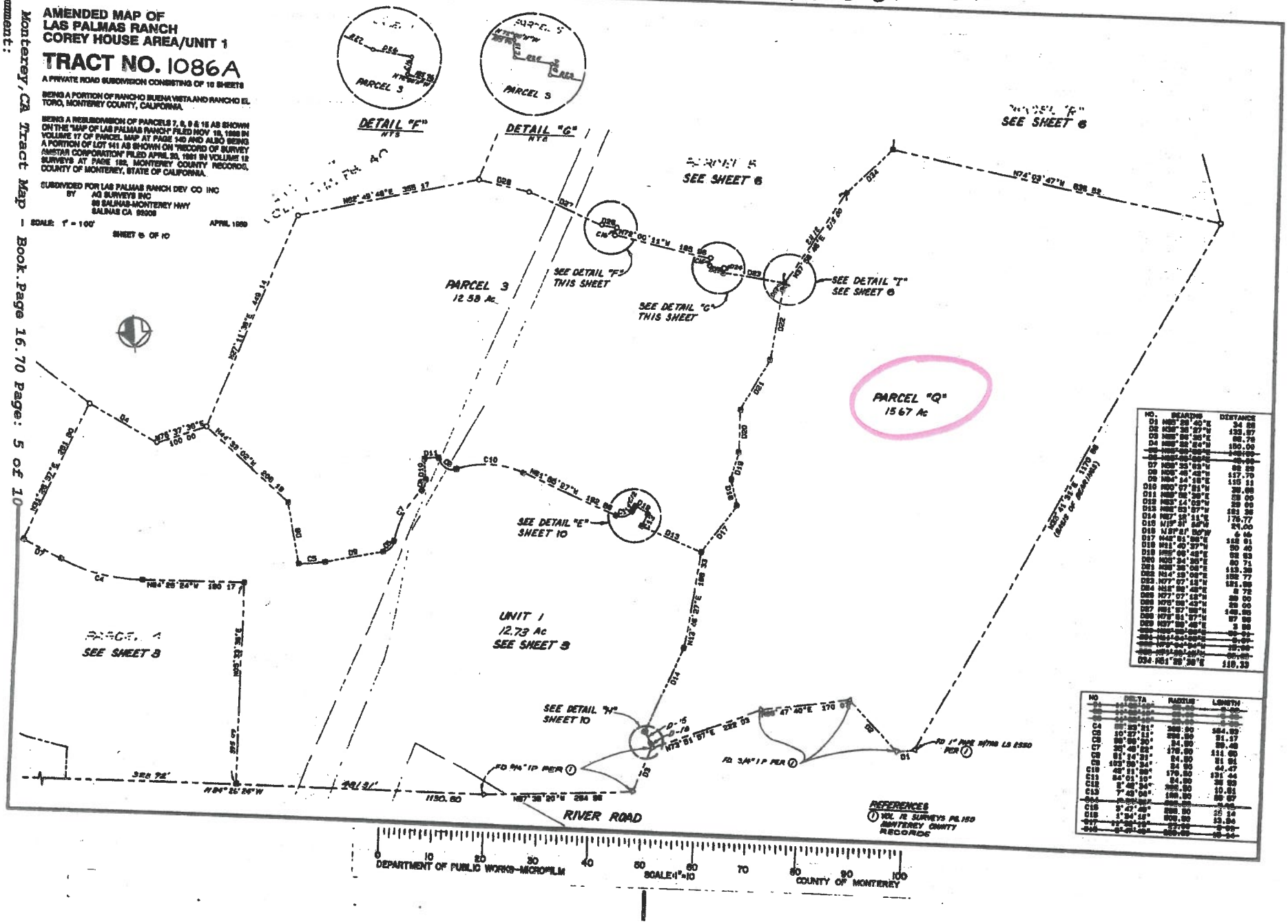
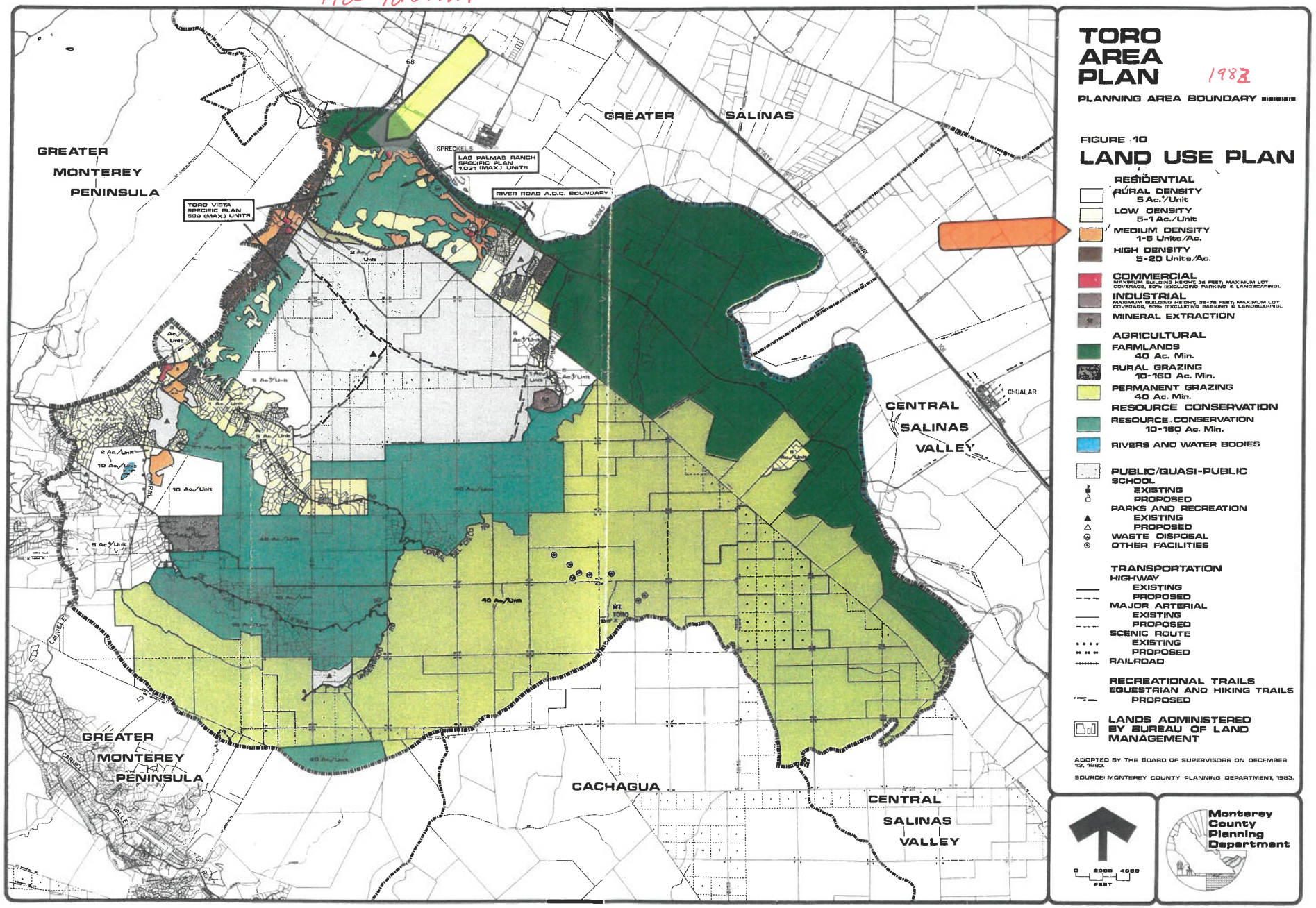


EXHIBIT 3

1983 Toro Plan



2010 Toro Plan

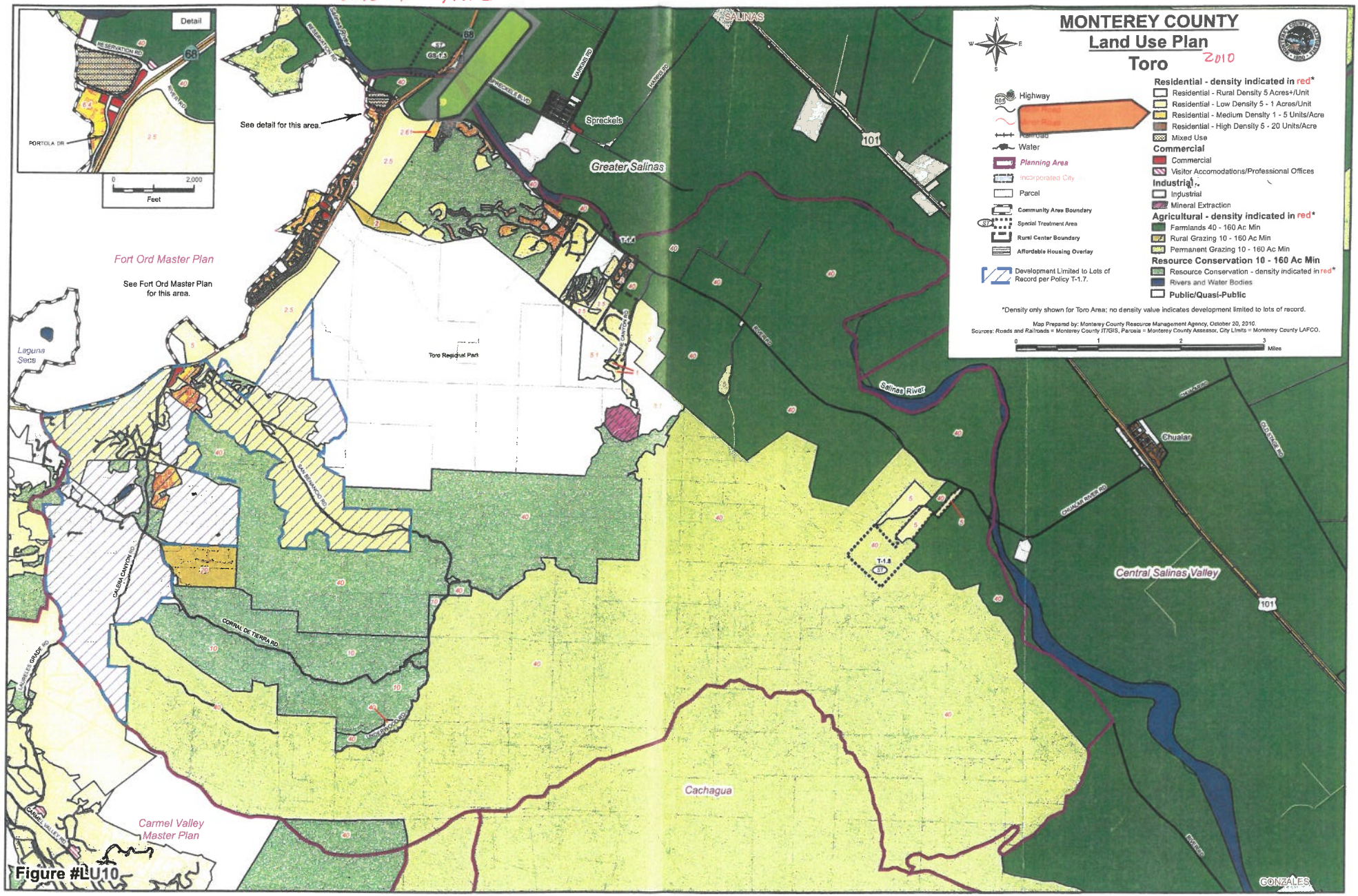


Figure #LU10

Received by HCD-Planning
on July 20, 2021; sent during
the public hearing, yet after
closure of public comment.

Sidor, Joe (Joseph) x5262

From: marykkochlp@gmail.com
Sent: Tuesday, July 20, 2021 4:05 PM
To: publiccomment
Subject: Riverview at Las Palmas

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To the supervisors:

Riverview Court is a street in Las Palmas 1 that is located on the opposite end of the subdivision with a resident only gate. The Riverview Court entrance gets many visitors showing up at this entrance attempting to enter as it is mistaken for the Las Palmas 2 entrance gate despite signage indicating otherwise.

At previous meetings with the Las Palmas board when I served as a LP1 board member, Gary Shingu indicated he would be willing to change the name so there is no confusion re: the entrance.

While I am opposed to this project, if this project is approved, a name change as a condition of approval would be greatly appreciated by residents in eliminating any confusion.

Thank you,

Mary Koch

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

July 15, 2021

Our File No: 4813.001

Mary Adams, Chair Pro Tem
Monterey County Board of Supervisors
168 West Alisal
Salinas, CA 93901

RE: River View at Las Palmas

Dear Chair Pro Tem Adams and Members of the Board:

Your Board is scheduled to hear this application on July 20, 2021. Please excuse the length of this letter but there is a long history, beginning in 2013, with this application. This letter will briefly describe the need for River View at Las Palmas, its operations and address issues that surfaced throughout the process.

River View at Las Palmas

River View at Las Palmas (RVLP) is designed to be fully licensed by the State of California as a Residential Care Facility for the Elderly (RCFE) for persons 60 years of age and older. The Project will include:

- Thirteen Casita structures providing 26 separate units with a total of 42 beds. Casita units range from 900-1,300 square feet. The thirteen Casita structures are all single story, approximately 18 feet in height, and range in size from 1,513 to 3,757 square feet.
- One Assisted Living Facility which is a two-level structure approximately 28 feet in height. The assisted living facility includes 40 living units ranging from 360 to 587 square feet each and a total of 52 beds. The assisted living facility includes a reception area, lobby, activity/exercise/arts and craft/hobby rooms, theatre, residents' dining hall, and other common areas, outdoor plazas, staff offices and nurses' offices. Residents can take all their meals in the dining room but can arrange for meals to be delivered to their rooms.
- One Memory Care Facility designed specifically for persons who, due to diminished mental capacity, need a full range of assistance to meet their living needs. All meals, medical assistance, transportation, cleaning and laundry service are available for each resident. The memory care facility is a three-level structure, although no portion of the facility is more than two stories, approximately 30 feet in height. The memory care facility includes 39 living units ranging from 313 to 453 square feet each and a total of 48

beds. The memory care facility includes a reception area, lobby, cafe, resident lounges and sitting rooms, and other common areas, outdoor plazas, kitchen and resident dining and private dining rooms, staff offices and lounges and a nurses' office.

Need for Facilities

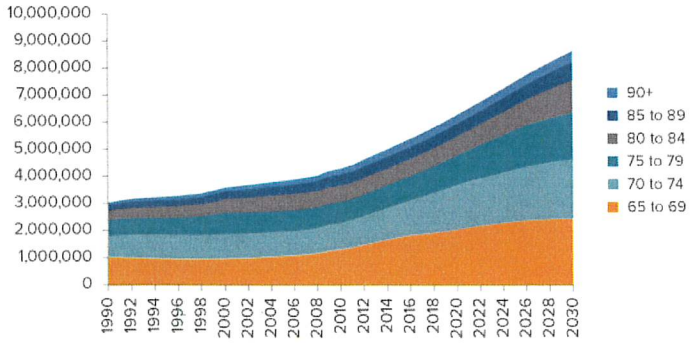
It is irrefutable that California and the nation are experiencing and will continue to experience a significant increase in its aging population. As populations age, the need to provide services and facilities, such as RCFEs become more pronounced.

"Just since 2010, the share of Californians over the age of 65 has grown from 11.5 percent to 14.8 percent. By 2035, that number will is projected to be 22.3 percent and by 2060 it will be 26.4 percent.

In only six counties did seniors make up more than 20 percent of the population in 2010. Now, in 2018, they're over 20 percent in 20 counties [a 300% increase]. By 2035, 41 counties will qualify for the distinction, and in 13 of those counties seniors will comprise more than 30 percent of the population." (Source: California State Association of Counties, September 2018)

The California Department of Aging under the California Health and Human Services Agency, prepared the California State Plan on Aging, 2017-2021. The plan focused on promoting the independence and well-being of older adults, adults with disabilities, and their families throughout the State. The Plan projects senior population growth for Monterey County and the State from 2010-2030 which clearly shows accelerated increase in population of person 60+ years of age:

Monterey County	60+	2010	2030	Increase	% Increase
		63,389	101,237	37,848	60
	80+	6,887	10,234	3,347	49



SOURCE: State of California, Department of Finance, State and County Population Projections by Race/Ethnicity, Sex, and Age 2010-2030, Sacramento, California, December 2014.

River View at Las Palmas *Voluntary* Below Market Rate (BMR) Program

After the Planning Commission concluded its hearings in February 2020, the owners continued to evolve their vision for RVLP. Although RVLP is not subject to the County's inclusionary housing ordinance or related programs, the owners voluntarily developed and committed to a BMR program.

The program is designed to make units more accessible to resident candidates who qualify as "lower income" per HUD standards. RVLP will provide 15 beds at a price 15% below market rate for the rental package. The owners discussed the details of the program with the County staff who agreed with its framework. This program would allow qualified residents the use of the facility's amenities, food, cleaning, shuttle and other services similarly included for its market rate offerings. The details of the BMR program are found in Exhibit A.

River View at Las Palmas and Continuum of Care

RVLP is designed to provide a continuum of care for its residents to meet their specific, individual needs brought about largely by the aging process. The goal is to allow residents to:

Maintain an Appropriate Level of Independence

As a person ages and traditionally simple tasks become challenging and difficult, whether due to memory loss and/or physical impairment, the loss of independence and having to depend on others become primary fears. By having a facility and a program that addresses the early stages of challenges to independence, residents are given the opportunity for a more gradual transition from a family home to a community setting while maintaining independence and dignity, under an appropriate level of care and supervision, consistent with an individual's ability and needs.

Reduce the Trauma of Transition

A continuum of care facility and attendant services address each stage of aging and dependence and helps to mitigate residents' fears as they move from minimal needs and supervision, to moderate care, including physical assistance with activities of daily living, then more substantial assistance.

Receive an Appropriate Level of Care Based on their Individual Needs

Although RVLP has been referred to as an assisted living facility it is, under the terms of the California Health and Safety Codes, a Residential Care Facility for the Elderly[1] (RCFE) where

[1] "Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75 percent of the residents are sixty years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents. (HSC1569.2.p.1)

persons receive an agreed-to level of care and supervision[2] based on entry and follow-up assessments. RVLP, including its casita units, will be fully licensed as a RCFE.

Assessment:

Prospective residents are required by the Health and Safety Code to undergo an assessment performed by professionals, to determine their needs and appropriate level of care[3]. The assessment is often done by way of an interview with the prospective residents, those responsible for their care, their physicians and the assessment may include an observation of their physical condition. If there is "a fit" between the prospective resident and what RVLP will offer, that person is eligible to become a resident[4].

Living Assignments:

Persons with a relatively high level of independence and needing a lesser degree of support would typically begin their residency in the casitas. Those initially needing a higher level of care, but are still capable of maintaining some independence, would begin in the assisted living facility in rooms farther from care stations. As the degree of care increases, a resident could relocate to units closer to care stations and services. Persons with dementia, Alzheimer's or similar conditions become residents of the memory care unit.[5]

Continuum of Care:

Residents at RVLP receive the services they need and other services they may request. As their needs increase, so do the levels of service. A casita resident is anticipated to eventually move to the main unit. Main unit residents may then move to different locations in the main unit as their level of need increases. They may eventually need to relocate to the memory care unit. RVLP residents will have first priority to move through the units at RVLP.

---

[2] Level I—Base care and supervision. Residents at this level are able to maintain a higher degree of independence and need only minimum care and supervision, as defined, and minimal personal care assistance.

Level II—Nonmedical personal care. Residents at this level have functional limitations and psychosocial needs requiring not only care and supervision but frequent assistance with personal activities of daily living and active intervention to help them maintain their potential for independent living.

Level III—Health related assistance. Residents at this level require the services of lower levels and rely on the facility for extensive assistance with personal activities of daily living. This level may include residents who also require the occasional services of an appropriate skilled professional due to chronic health problems and returning residents recovering from illness, injury, or treatment that required placement in facilities providing higher levels of care.

These levels are to be based on the services required by residents at each level due to their functional limitations. (HSC 1569.70)

[3] With limited exceptions, an RCFE cannot accept persons who are in need of 24-hour, skilled nursing or intermediate care or if the person is bedridden.

[4] So partners or family members may stay together there may be situations where the partner of resident will also become a resident even though they may not need the services provided by the Project.

[5] Memory care residents are inclined to wander. The memory care unit is fully secured with controlled entrance and exit.

Las Palmas Ranch Specific Plan (LPRSP)

The Specific Plan was adopted in September 1983. The Specific Plan was subsequently incorporated by reference into the Toro Area Plan (December 1983). The Specific Plan (Figure E, attached hereto as Exhibit B) designated the project site for medium density residential use. The project site was zoned, consistent with the Specific Plan and Toro Area Plan, as "MDR/2.76 units per acre" (Medium Density Residential). That zoning has not changed since its adoption and does not need to change to facilitate this application.

The project site is a portion of Area A as shown in Specific Plan Figure E. The site is referred to as Parcel Q only because that is how it is identified in the final maps for Las Palmas Ranch Subdivision #1. Parcel Q is not a reference to a Specific Plan development area.

The evolution and development of Las Palmas Ranch is different than what was specifically identified in the Specific Plan Figure E. For example, the Specific Plan provided (Figure D, Exhibit C) for:

- 547 multifamily units
- 484 single family detached units
- 15 acres for church and school sites
- 12 acres of commercial and recreational use

Figure D also recognized that these details should not be cast in stone and the actual development would be driven by the market and subsequent engineering studies. For example, Las Palmas Ranch #1 was identified for multifamily units at a density of 3 units per acre. It was built however entirely as single-family detached units on lots ranging generally from 4,000 to 6,000 SF[6]. Ultimately, no multifamily units were built in the entire Las Palmas Ranch development. Only the school site (10 acres) and the historic Corey House have been developed for non-residential use. The commercial site (Area B, Figure E), which is owned by the Home Owners Association, continues to be zoned for and could be developed for commercial use.

The MDR district provides for a broad range of uses. Because it was not possible to anticipate and list all potential uses, the MDR district regulations, as well as all other district regulations, allowed for consideration of uses of a similar nature, density and intensity to other uses listed in the district. The MDR district allows for rest homes[7] and public/quasi-public uses subject to a use permit. The project application was accepted pursuant to the existing regulations as a similar use to a rest home.

---

[6] Lots of 5,000 SF equal approximately 8 units per acre

[7] "Rest home means a place used for the rooming or boarding of any aged or convalescent persons, whether ambulatory or non-ambulatory, for which a license is required by a county, or federal agency (Monterey County Code Section 21.06.940)".

The Specific Plan Amendment

A recurring question throughout the process has been if a specific plan amendment is required for RVLP to proceed. We believe the answer is "no."

The 1983 General Plan and Toro Area Plan incorporated the Las Palmas Ranch Specific Plan by reference. When the 2010 General Plan and 2010 Toro Area Plan, which were adopted as part of a "comprehensive amendment" in October 2010, the Las Palmas Ranch Specific Plan was not incorporated. The 2010 General Plan (GP) incorporated the Carmel Valley Ranch Specific Plan and East Garrison Specific Plan which is a clear indication that the decision to not incorporate the LPRSP was not an oversight.

We believe the Specific Plan is not in effect because the Specific Plan was no longer incorporated by reference into the 2010 General Plan or the 2010 Toro Area Plan. After discussing this question early on with the then Resource Management Agency, we acceded to their request and proceeded with the amendment as a means of limiting the future use of the property to an assisted living type use rather than the 42 houses, transitional housing or supportive housing which could otherwise be allowed under the Medium Density Residential zoning.

Access

RVLP has a right to access its property through Las Palmas Ranch from River Road via Las Palmas Road, River Run and Woodridge Court. The grant deed (Exhibit D) for the property describes the easement as a "non-exclusive easement for ingress, egress, road and utilities over ...River Run and Woodridge Court [and] Las Palmas Road..." Ms. Kemp, representing the Las Palmas Ranch #1 Master Association and Home Owners' Association, has confirmed the applicant's right to use those roads for access.

The applicant understands and has repeatedly acknowledged that they are responsible for any road damage caused by the construction of RVLP and for a proportionate share of the ongoing road maintenance costs thereafter based on the traffic generated by RVLP.

Fire Safety

A commonly stated issue throughout the process has been fire safety. HCD staff, Mr. Craig Spencer and Mr. Joe Sidor met with the Monterey County Regional Fire Protection District (Kevin Kanikar, Division Fire Chief, Portola Station and Dorothy Priolo, Deputy Fire Marshall) to discuss any concerns the District might have regarding emergency access, fire protection and the project in general. The District did not express any significant concerns about the project access and was satisfied that compliance with the fire codes would be sufficient to protect the project site and neighboring properties.

Ambulance Visits

Another issue that has been raised in the application process is siren noise. We provided two years (October 2017 – October 2019) of EMS data from the Health Department for ambulance visits to several facilities similar to RVLP. That data (Exhibit E) has been provided to the staff. The conclusion is that a facility similar to RVLP generates, on average, one ambulance trip every three days. We have confirmed that the Sheriff, Monterey Regional Fire Protection District and ambulance services recognize Las Palmas Ranch as a "no siren zone" once vehicles enter the subdivision.

Long-Term Water Supply

The Final Supplemental EIR (FSEIR) re-examines (pages 3-8 through 3-15) the long-term water supply issue and found the analysis in the DSEIR correctly concluded there is a long-term water supply for RVLP. The FSEIR (pages 3-14 and 15) states:

> The proposed project would be new, and be designed, constructed, and operated with water conservation in consideration at the outset. The project would utilize the most current water efficient fixtures available, use minimal water for landscaping, and practice conservation in every day operation…As a result, the project is fully expected to have below average water use for a facility of its type. The methodology employed [in the DSEIR] remains appropriate.

The FSEIR goes on to state:

> In addition, it should be noted that even if water use was underestimated, a doubling of the water used would still be considered less than significant. As indicated in the Draft SEIR (Section 10.0, Water Supply, page 10-3), the average annual groundwater extraction for Zone 2C was approximately 523,000 AFY from 1959 to 2013. At a doubling of the estimated water use, the project would use 22.8 AFY and would result in an increase of 0.0044%.
>
> Although Zone 2C is currently in overdraft, actions taken by both California Water Service and MCWRA, including conservation, system improvements, and future projects, are projected to continue to provide for a reliable water supply.

California Water Service, the public utility serving Las Palmas prepared its Urban Water Management Plan which indicates they can provide a long-term water supply for future development in its service area. California Water Service has provided a "can and will serve" letter for RVLP.

In addition to the factual determination of a long-term water supply, consistency with the 2010 General Plan policies and procedures is equally important. The Final Supplemental EIR (FSEIR, pages 4-45 through 4-48) goes into great detail to explain this project is consistent with those policies.

Viewshed

The FSEIR discusses impacts to the public viewshed (pages 2-50 through 52) and concludes with the mitigation prescribed, all of which are standard conditions of approval (final approval of landscaping plans, colors and material and exterior lighting) RVLP will have less than significant impact.

The DSEIR and FSEIR both examined views from Highway 68 at the Salinas River bridge, portions of Reservation Road, and from within the subdivision. The DSEIR and FSEIR recognize the RVLP site is adjacent to River Road, but also conclude it is "minimally visible from this road due to topography and vegetation, as well as the River Road/SR 68 intersection."

The viewshed impact of the development of Las Palmas Ranch was recognized in the original Specific Plan EIR which anticipated that views from River Road would change. The Specific Plan EIR established mitigation measures to reduce aesthetic impacts associated with development of the Las Palmas Ranch Plan Area. Those measures, such as tree planting and a River Road setback which have been applied throughout LPR, are incorporated into the plans of the proposed project. The DSEIR for RVLP includes mitigation measures AES-1 through AES-4 in order to ensure that the project mitigates aesthetic impacts consistent with the Specific Plan EIR. The mitigation measures require landscape screening, earth toned building colors, undergrounding of utility and distribution lines, and unobtrusive lighting. The FSEIR found those mitigations would reduce the impact on the viewshed to a less than significant level.

Views of the site from within the subdivision are obstructed by single family residences and existing topography. The 2010 GP General Plan does not protect private views, and CEQA does not require a detailed evaluation of individual private views, particularly when only a limited number of private views would be affected by site development activities. While some homeowners may be able to see portions of RVLP from their private residences, the impact is not significant for purposes of the EIR.

The DSEIR mitigations, to which the applicants have agreed, require all exterior lighting be unobtrusive, down-lit, shielded, recessed, and designed to only illuminate the intended area. There will be no floodlights in this project. The Board of Supervisors adopted Design Guidelines for Exterior Lighting in January 2016. The exterior lighting plan, consistent with those Guidelines will be required to be approved by the HCD prior to the issuance of building permits. Compliance to that plan must be demonstrated to the satisfaction of the HCD prior to occupancy of RVLP.

Traffic on River Road and Highway 68

The cumulative traffic impacts of the Las Palmas Ranch development were analyzed, addressed and mitigated as Las Palmas Ranch developed. The Las Palmas Ranch Specific Plan and EIR projected a total of 11,721 trips per day. Specific traffic mitigations were prescribed, including payment of fees to a County fund to expand River Road to four lanes, for improvements to the

River Road/Highway 68 intersection and for other local improvements (see Circulation policies 12,13,16 and 17, attached hereto as Exhibit F). The traffic mitigations have all been completed and fees have been paid. Circulation policy 18 states "These development contributions [polices 16 and 17] together with the dedications and improvements required by Policies 12 and 13 shall *constitute the project's total required participation in the construction or financing of off-site roads and circulation facilities.*"

To assess the potential impacts of the project Hatch Mott McDonald (HMM) reviewed the Specific Plan EIR, the Specific Plan, previous project conditions of approval, and improvements that were constructed. In November 2013, HMM conducted traffic counts from all of the LPR entrance points. Their report concluded:

1. The projected trip generation for the Las Palmas Ranch development was 11,721 trips per day (Specific Plan EIR).
2. Based on actual traffic counts, Las Palmas Ranch is generating on average 7,646 external trips per day (65% of projected).
3. The proposed project is estimated to add 383 external trips per day.
4. The cumulative traffic generation (existing plus projected) is 8,029 trips per day (69% of projected), 3,692 trips less per day than originally estimated for Las Palmas Ranch.

The updated traffic information also estimated the peak hours' trips the project will add to Highway 68:

Peak Hour Traffic Highway 68				
	Westbound		Eastbound	
Road Segment	AM	PM	AM	PM
River Road to Toro Park (4 lane)	1.4	0.9	0.3	2.7
Toro Park to Torero (2 lane)	1.1	0.7	0.3	2.2
Torero to Laureles Grade (2 lane)	1.1	0.7	0.3	2.2
Laureles Grade to Hwy 218 (2 lane)	0.6	0.4	0.2	1.3
Highway 218 to Highway 1 (2 lane)	0.4	0.3	0.1	0.8

(Westbound goes toward Monterey; Eastbound goes toward Salinas.)

These movements were anticipated in the Specific Plan. Specific traffic mitigations for Las Palmas Ranch were prescribed and completed. The current cumulative traffic impact is 69% of what was anticipated and fully mitigated in accord with the Specific Plan and Specific Plan EIR.

It is also significant that in November 2016 the voters of the County of Monterey approved Measure X, a Transportation Agency of Monterey County (TAMC) sponsored sales tax measure which will fund a minimum of $50,000,000 in traffic improvements to significantly improve traffic flow throughout the Highway 68 corridor. TAMC has adopted a preferred alternative which utilizes a series of roundabouts at key intersections along Highway 68 and other

concurrent improvements. While roundabouts are not normally considered a capacity improvement, they do function to smooth and improve traffic flow. A detailed planning effort by TAMC, including environmental review is under way. The first phase of planned improvements includes improvements to intersections "impacted" by the Project.

- Roundabout at Highway 68 and Torero Drive.
- Roundabouts on Highway 68 at both Corral de Tierra and San Benancio with associated widening as needed. These improvements would occur concurrently.
- Roundabout at Highway 68 and 218 (Del Rey Oaks).
- Roundabout at Highway 68 and Olmstead Road (Monterey Regional Airport).

(Source: TAMC Highway 68 Scenic Highway Plan Executive Summary)

It is fair to conclude, given the specific circumstances of this application, that although there will be a minimal amount of peak hour traffic added to Highway 68, that additional traffic is not a significant impact. The Las Palmas Ranch traffic was analyzed, including traffic from the Project site, and fully mitigated consistent with the Specific Plan EIR. Traffic from Las Palmas Ranch does not approach the traffic level that was projected for Las Palmas Ranch. With the addition of the Project traffic the cumulative traffic from Las Palmas Ranch will still be approximately 3,700 trips less than the volume the Las Palmas Ranch Specific Plan EIR projected.

Internal Traffic

The impact on internal streets (Las Palmas Road, River Run Road, and Woodridge Court) was analyzed in the DSEIR. After review of the public comments the Final SEIR found (pages 2-35 and 2-36):

> with the addition of trips generated by the project, these streets would all operate well within acceptable traffic volumes for residential streets (LOS A or B), based on generally accepted level of service and traffic calming thresholds. Furthermore, the project would add little to no vehicle trips to other streets in the subdivision. The project would have a less than significant impact on traffic conditions in the subdivision, and no mitigation would be required." The Final SEIR also concluded (pages 2-35 and 2-36) the "project would have a less than significant impact on traffic circulation related to queuing at the subdivision's gate.

Noise

The construction, operational and traffic noise impacts of the Project were examined and both the DSEIR and FSEIR found that with the implementation of existing County policies and ordinances for construction and noise control there would be no significant impact. Ms. Kemp representing the HOA submitted a "peer review" letter of the noise analysis by Salter and

Associates. The letter, while questioning portions of the FSEIR's noise analysis did not present evidence to support a claim that noise will be a significant impact.

Drainage

A portion of the RVLP site currently drains to Las Palmas Ranch #1. That drainage is intercepted by a series of inlets which are part of the storm drainage system that was installed with the Las Palmas Ranch #1 subdivision improvements. This project does not propose to change that system.

Under current construction rules set by the State and administered by the County all project related runoff must be retained on site[8]. That on-site retention will reduce the runoff to the existing system because as RVLP develops, some drainage currently going to the existing system will be rerouted to be retained on site. A preliminary drainage plan was prepared as part of the application materials which when implemented will retain all project created drainage on site. That plan was reviewed by the County and found to be sufficient for the project application to move forward.

A final drainage plan will be prepared for the County's approval. Approval of that final drainage plan will be required prior to building permits being issued.

Home Owners Association Membership

The project site is not in the Home Owners Association. While the owner has full rights to the use of the private roads as previously discussed, they have no right of access to the common areas with one exception. They do have an easement through the Associations' commercial property for a reclaimed wastewater line. That line was installed several years ago.

The owner pays a monthly fee to the HOA for road maintenance. As previously stated in the "Access" discussion, the Project will be responsible for all reasonable repairs needed as a result of construction activities and will continue to pay a monthly assessment for a proportionate share of the road maintenance costs.

In an email to the County staff, Ms. Kemp representing the Las Palmas Ranch Association wrote:

> Parcel Q owner pays the Association a nominal amount of $40/month for minor reimbursements for road maintenance, as they are using portions of Association roads over which they have an easement…there is also no indication that the Parcel Q owners have ever paid any of the increases in Association dues that homeowners have been required to pay… Parcel Q owners have also never paid any special assessments which may occasionally be required of the homeowners.

[8] There are limited exceptions to those rules when there is no practical solution for full retention available.

The owners of Parcel Q have paid the fees and assessments for which they were billed by the HOA. Once built, RVLP will pay its fair share of road maintenance costs based on the percentage of traffic it generates on the road segments it uses.

County Service Area (CSA) 72

The Project site, as well as all of the Las Palmas Ranch developments and other properties along River Road, are within the boundaries of CSA 72. CSA 72 was formed by the County to provide and pay for community services including storm drainage and wastewater. The CSA 72 fees are paid through the property tax bills and are current.

Waste Water Treatment and Disposal

Wastewater treatment for Las Palmas Ranch, under a permit from the Regional Water Quality Control Board, is provided by a joint effort between the California American Water Company (CalAm) and CSA 72. CalAm is responsible for the collection and treatment of wastewater. CSA 72 is responsible for the disposal of the treated wastewater. Treated wastewater is sprayed on open space areas owned by the Las Palmas Ranch Master Association.

RVLP was initially scheduled to be heard by the Board of Supervisors in March 2020. Shortly before the scheduled hearing date the County was informed by the Regional Water Quality Control Board that, based on complaints filed by Las Palmas residents, Cal Am and the County would have to analyze the treatment and disposal of wastewater for the entirety of Las Palmas Ranch to insure there was sufficient capacity to serve the existing users and RVLP. Engineering studies were done and specific improvements were required. Those improvements have been implemented.

Specific to RVLP, the RWQCB following the County engineering studies, agreed that RVLP would require 3.1 acres of disposal area for the treated wastewater generated by RVLP. RVLP has identified sufficient area on its property for the needed disposal area. A final engineered plan will be required to be approved prior to the start of construction. All necessary onsite improvements will be installed, tested and approved prior to occupancy of any portion of RVLP.

Overriding Considerations

The FEIR concluded that traffic is a significant impact that cannot be mitigated to an insignificant level. That is based on traffic being added to a Highway 68 which operated at certain times and location at LOS F. Although under Caltrans standards, one additional trip would be considered significant, the traffic consultants and FEIR found that the added traffic would not be noticeable given RVLP would only add 1-2 trips during peak hours.

But as a result of the FEIR conclusion, the Board must make findings of overriding consideration. These are the benefits which support those findings:

Social Benefit: The social benefits of the Project, that is meeting the need of a rapidly aging population, was thoroughly discussed earlier in this letter. We will not repeat that here.

Economic Benefit: There is a substantial economic benefit from the Project in both its construction and operational phases:

- Construction:
  - The construction estimate for the project is, in round numbers, $27,600,000.
  - Materials: $11,040,000; estimated 80% of the materials budget ($8,832,000) will be spent locally.
  - At an average sales tax rate of 8.5% (variable based on location of sale), $7,680,000 in sales would generate $653,000 in sales tax.
  - Labor and overhead: $14,400,000; estimated 60% ($8,640,000) will be spent locally.
  - Traffic mitigation fees to Monterey County and TAMC, amount TBD.
- Operational:
  - Property taxes: At basic property tax rate of 1.1%, including special assessments, the annual tax bill for a $27,600,000 value would be $303,600.
  - Jobs: RVLP expects to hire a staff of approximately 93 full-time employees at opening:
    - Management: 8
    - Supervisory: 2
    - Clerical Support: 2
    - Maintenance: 2
    - Cooks and Dietary Assistants: 16
    - Personal Care Attendants: 52
    - Laundry and Housekeeping Services: 9
    - Drivers: 2
  - Payroll: Salary and benefit value will be approximately $4,400,000 annually.
  - Outside Services for office, recreational and food supplies, linen and other services. The majority of operating supplies, including food, would be purchased locally.

Summary

There is a clear and present need for River View at Las Palmas.

Work on River View at Las Palmas began in 2013. The application was filed in September 2015. Since then, the applicant has worked diligently throughout all stages of the process to fully address all of the issues that have been raised. The site is unique in that it is one of the few locations in the County where a project like River View at Las Palmas could be located without a need to amend the General Plan or rezone the property and where there is public water and waste water facilities and the local streets and roads operate at an acceptable level of service.

We respectfully request your approval of River View at Las Palmas.

Sincerely,

Anthony L. Lombardo

Enclosures

RIVER VIEW AT LAS PALMAS BELOW MARKET RATE PROGRAM

Considerations

In developing this program, a number of factors were considered:

- The focus of the community is CARE...to provide one source for the aging to be looked after in both good times and importantly, in challenging times.
- Aging in place is often the choice of seniors, but the practicality of so doing is both a challenge for family members and oftentimes debilitating to themselves;
- The AL Suites and AL Memory Care units are designed for moderately priced income levels, not higher incomes;
- Providing a below market rate program at River View at Las Palmas is fully voluntary and is not required by County policy or ordinance nor has it been required of similar projects in the County.
- The costs are generally higher to run a home (mortgage, property taxes, utilities, repairs and maintenance, food, transportation, service providers, etc.), without the benefit of 24-hour security, organized recreation, amenities, and readily available support provided in a well-run and equipped facility. All of those costs, plus the social benefits are included in the rent package we propose.

The Below Market Rate Program

At RVLP, BMR units will not be distinguishable from market rate units. RVLP was designed to address the following aspects that are believed to enhance all residents' well-being. RVLP will provide:

- Safe and easily-accessible accommodations that are welcoming but not extravagant;
- Adequately-sized bedrooms to provide comfort and clean conditions for rest;
- Well designed and staffed common areas for safety, security, socialization, companionship, group-activity participation, and general daily interaction of their choice;
- Peaceful enjoyment of the natural beauty of the RVLP site and surroundings that engenders a calm and relaxed security.
- A Community for residents of differing means and needs and sheltering them from the loss of necessary care they so badly need as the aging process accelerates.

The foregoing principles are embedded in the physical design of the 15.7 acres, the focus on "care", with an average of approximately 1 caregiver to 6 residents, and the concept of achieving daily engagement at a time when isolation and loneliness could easily set in.

EXHIBIT A

The BMR program will include:

- A total of 15 beds to be dedicated to the BMR program. Those beds will be primarily in the Assisted Living (AL) Suites. The balance of beds offered will be from Assisted Living Memory Care. (*See Exhibit 1, attached).*
- The rent package will be priced 15% below the market rate for similar units.
- The rent package will provide the same basic services provided all residents, including:
    - Three meals and snacks daily
    - Weekly housekeeping
    - Linen change
    - Laundry
    - On-site security
    - Shuttle use for daily needs and activities
    - Use of all on-site amenities and;
    - Recreation and off-site excursions provided to market rate residents.[1]
- The BMR program will provide 13 beds in the Assisted Living Facility. Twelve beds will be in the Shared Companion units (527 to 587 SF) and 1 bed will be in the One Bedroom AL Suites category (360-395 SF).
    - The Companion Units are particularly well-suited as residents will benefit from the friendship and comradery that emanates from such association while also benefiting from appropriate privacy by architectural design. Companion units also provide an opportunity for partners to continue to live together.
    - The one-bedroom AL Suite provides an option for candidate residents preferring some privacy and are able to afford that option.
- The BMR program will provide 2 beds in the Shared AL Companion (435 SF) Memory Care category for applicants in the later stages of life or are in a condition that requires the higher degree provided in the MC facility.

Below Market Rate Program Administration

The BMR program will be administered generally along the following parameters:

1. All RVLP applicants, regardless of income level, are required to provide a financial statement setting forth the individual(s)' net-worth, and annual income. The financial statement will be accompanied by supporting information substantiating the assets and income sources to facilitate the evaluation. The applicants will also be asked to supply the last two years' Federal and State Tax Returns.

[1] RVLP will also offer to all residents excursions to events which may be outside the normal service area and may include event admissions. All residents, regardless of income level, will be required to pay for those excursions.

2. The applicant's income level will be compared to the Low-Income Limits as published annually by the Department of Housing and Urban Development (HUD).
3. Should the applicant's income fall at or below the maximum of HUD's index *(See Exhibit 2, attached)*, the candidate(s) will qualify for a BMR unit and, if accepted under other entrance criteria similar to those for market rate applicants, will be eligible for a BMR unit based on availability at the time of qualification.
4. Once a resident of RVLP, no further annual qualification is necessary until the resident moves or passes away. From time-to-time, when a rent package rate increase is necessary, residents will need to provide evidence of changed annual income.
5. Annual rent increases for BMR units will be limited to the annually adjusted HUD low income limit.
6. BMR beds will be provided to candidate and existing residents, as applications are submitted, qualifications are met, and appropriate beds are available, with priority given to existing RVLP residents needing to move up to a higher care category. A waiting list will be maintained and serviced accordingly.

River View at Las Palmas Below Market Rate Program Offer 15 Beds/15% Contribution					
Facility	Number of Units/Beds	Unit Type	Size Sq. Ft	Average Contribution Per Month (Year) Per Bed	Distibution of BMR Beds
Assisted Living Casitas	10	1-bd 1 ba	893		
	12	2-bd, 2 ba, 1-car garage	1138		
	4	2-bd 2.5 ba, + study +	1307		
		2-car garage			
	26/42			-	-
Assisted Living Suites	12/(24beds)	Shared (Companion)	527-587		12
	9	Small Private	360-395		1
	19	Large Private	413		-
	40/52				
Assisted Living Memory	9/(18 beds)	Shared (Companion)	453		2
Care Suites	30	Studio Private	316-368		
	39/48				
Total Units/Beds	105/142			$675/$8,100	15
Average Annual Contribution, Year One ($8,100 x12= $121,500)				$121,500	

FY 2019 Income Limits Documentation System

FY 2019 Low-Income Income Limits Calculation

In general, most 4-person low-income limits are the higher of 80 percent of the area median family income or 80 percent of the State non-metropolitan median family level. However, calculating low-income limits as 80 percent of the area median family income may produce anomalies inconsistent with statutory intent because the very low-income limits are not always based on 50 percent of the median(e.g., very-low income limits could be higher than low-income limits).

The calculation normally used, therefore, is to set the 4-person low-income limit at 1.6 (i.e. 80%/50%) times the relevant 4-person very low income limit. The only exception is that the resulting income limit may not exceed the U.S. median family income level ($75,500 for FY 2019) except when justified by high housing costs. Use of very low-income limits as a starting point for calculating other income limits tied to Section (3)(b)(2) of the U.S. Housing Act of 1937 has the effect of adjusting low-income limits in areas where the very low-income limits have been adjusted because of unusually high or low housing-cost-to-income relationships.

1. The first step of calculating low-income limits is to establish the preliminary 4-person income limit. This is derived by multiplying the 4-person very low-income limit by 1.6 (80%/50%) and rounding the product to the nearest 50.

Area	4-Person Very Low-Income Limit	Preliminary 4-Person Low-Income Limit
Salinas, CA MSA	$44,900	$71,850

2. Next, a comparison is made to ensure that the preliminary 4-Person low-income limit is not greater than the U.S. median family income level:

Area	US Median Family Income	Comparison	Result
Salinas, CA MSA	$75,500	Is $71,850 > $75,500? **No**	No Adjustment 4 Person LIL = **$71,850**

3. Next, a check is made to see if the area qualifies as a high housing cost area. This is similar to the high housing cost adjustment made for very low-income limits. An area's income limit is adjusted due to high housing costs if 85% of the area's annual 2 bedroom FMR is greater than 35% of the US median income. As we are deriving the low-income limit, the 85% of the annual 2-BR FMR is augmented by 1.6:

Area	2BR FMR	Annual 2BR FMR	Annual 2BR FMR* 1.6*85%	35% of US Median Income	Comparison	Result
Salinas, CA MSA	$1,540	$18,480	$25,133	$26,425	Is $25,133 > $26,425? **No**	No Adjustment 4-Person LIL = **$71,850**

4. Subsequent to the comparisons above, low-income limits are calculated for each person size family between 1 and 8 persons. As is done with the very low-income limits, the 1-person limit is calculated by multiplying the 4-person limit by 70%, the 2-person is obtained by multiplying the 4-person limit by 80%, the 3-person by multiplying the 4-person by 90%, the 5-person by multiplying the 4-person by 108%, the 6-person by multiplying the 4-person limit by 116%, the 7-person by multiplying the 4-person limit by 124%, and the 8-person by multiplying the 4-person limit by 132%. The low-income limits for these family size are then rounded up to the nearest $50.

Salinas, CA MSA								
Income Limit	1-person	2-person	3-person	4-person	5-person	6-person	7-person	8-person
FY2019 Low-Income Limits	$50,300	$57,500	$64,700	$71,850	$77,600	$83,350	$89,100	$94,850

Low-Income Limit Calculation For Families With More Than 8 People

Select family size

Calculate

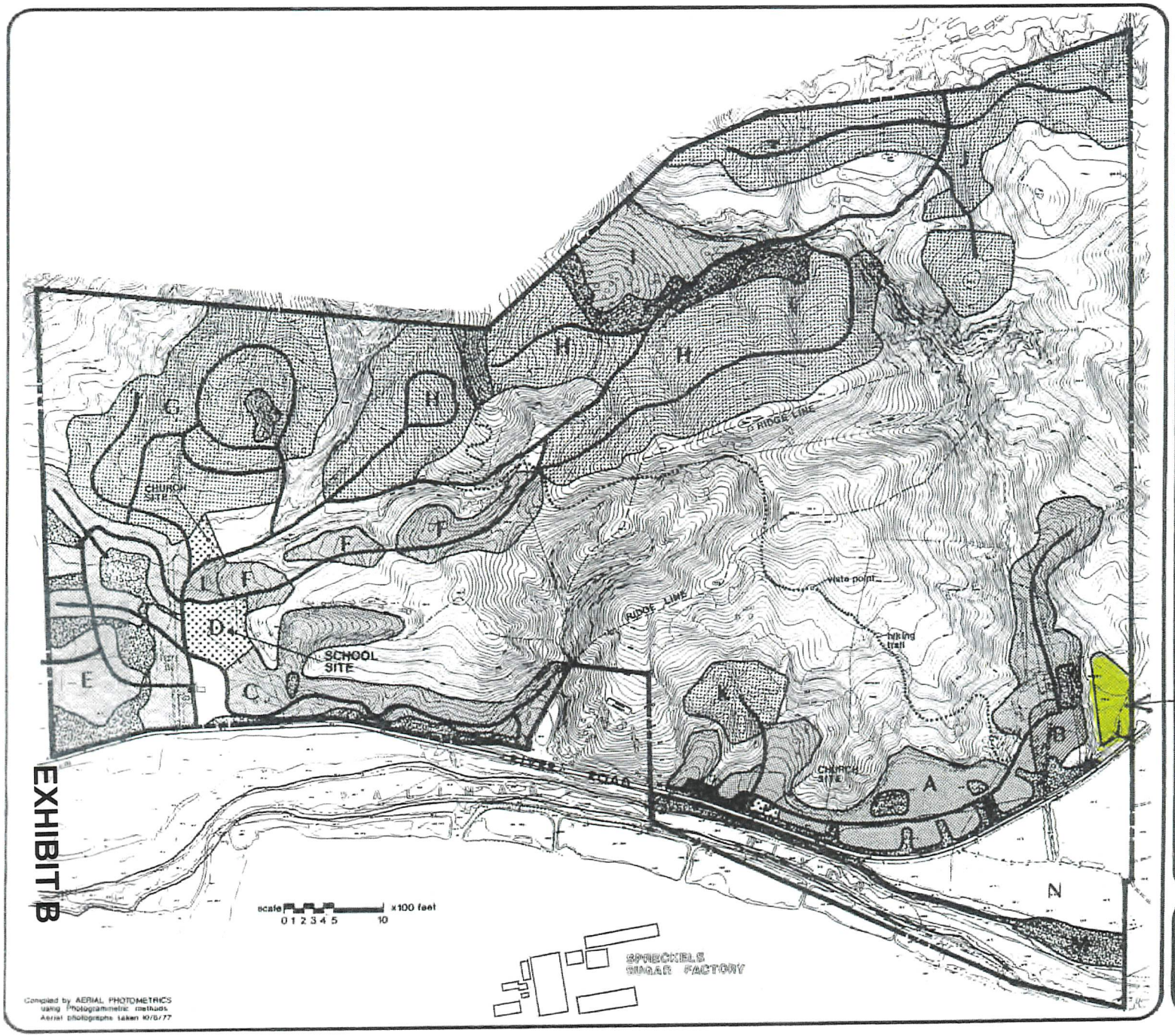


EXHIBIT B

Las Palmas Ranch

FIGURE E

SPECIFIC PLAN

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- QUASI-PUBLIC
- RECREATIONAL COMMERCIAL
- PARKS / RIPARIAN

Project Site

Monterey County Planning Department

FIGURE D: LAS PALMAS RANCH SPECIFIC PLAN LAND USE TABLE

ADC Policy Plan Areas	Residential Units		Total Units	Other Land Uses	Other Acreage	Total Acres	Density Units/AC
	Multi	Single					
A	312	0	312			104	3.00
B	-	-	-	COMMERCIAL/RECREATIONAL	6	6	N/A
C	131	0	131			62	2.11
D	-	-	-	SCHOOL/CHURCH SITES	15	15	N/A
E	0	168	168			76	2.21
F	104	0	104			32	3.25
G	0	80	80			95	.84
H	0	142	142			152	.93
I	0	46	46			28	1.64
J	0	43	43			90	.48
K	0	5	5			11	.45
L	-	-	-	COMMERCIAL	6	6	N/A
				OPEN SPACE:			
M				RIPARIAN CORRIDOR	13		
N				AGRICULTURAL LAND	56		
O				NEIGHBORHOOD/INFORMAL OPEN SPACES	65		
				CENTRAL OPEN SPACE & FRONTAL SLOPES	767		
				TOTAL OPEN SPACE		901	N/A
TOTAL	547	484	1031			1579	.65 AV.

NOTE: ACREAGES BOUNDARIES OF THE PLAN AREA AND NUMBER OF UNITS WITHIN EACH PLAN AREA ARE APPROXIMATE. SPECIFIC BOUNDARIES, AND NUMBER AND MIX OF UNITS WILL BE DETERMINED AT THE TIME OF FINAL ENGINEERING, PROVIDED THAT THE TOTAL NUMBER OF RESIDENTIAL UNITS SHALL NOT EXCEED 1,031. DEVELOPMENT MAY NOT OCCUR IN THE APLHABETICAL ORDER IN WHICH THE PLAN AREAS ARE LETTERED ON THE PLAN.

EXHIBIT C

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Filer

CRSUSY
7/24/2013
14:57:48

DOCUMENT: **2013046807**

Titles: 1/ Pages: 4

Fees	21.00
Taxes	154.00
Other	2.00
AMT PAID	$177.00

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Garrett Shingu
607 Charles Avenue, Suite C
Seaside, CA 93955

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):
Documentary Transfer Tax is$ 154.00 .
(X) computed on full value of property conveyed, or
( ) computed on full value less value of liens and encumbrances remaining at time of sale.
(X) Unincorporated area: County of Monterey

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Garrett Shingu, a married man as his sole and separate property as to an undivided 1/3 interest; and Derek Etow, a married man as his sole and separate property as to an undivided 1/3 interest; and Mark Vucina, a married man as his sole and separate property as to an undivided 1/3 interest

hereby GRANTS to

River View at Las Palmas, LLC, a California limited liability company

All of their right, title and interest in the following described real property in the County of Monterey, State of California:

See Exhibit A attached hereto and incorporated herein by this reference.

Garrett Shingu, a married man as his sole and separate property as to an undivided 1/3 interest

Dated: 7/11/13

Derek Etow, a married man as his sole and separate property as to an undivided 1/3 interest

Dated: 7/10/13

Mark Vucina, a married man as his sole and separate property as to an undivided 1/3 interest

Dated: 7/10/13

EXHIBIT D

AMBULANCE CALLS* OCTOBER 2017-OCTOBER 2019								
	Cottages of Carmel	Merrill Gardens - Monterey	Pacifica Park Lane - Monterey	Sunrise Monterey	Emeritus Brookdale - Salinas	Madonna Gardens - Salinas	Sunrise Villa- Salinas	Average Beds
Beds**	57	110	125	175	83	87	175	116
Oct-17	6	6	13	8	10	0	5	
Nov-17	14	4	16	14	13	0	8	
Dec-17	6	7	20	26	1	0	21	
Jan-18	6	10	21	12	15	0	20	
Feb-18	6	5	22	9	8	0	6	
Mar-18	5	8	10	14	15	0	10	
Apr-18	8	10	17	15	4	0	17	
May-18	6	9	10	12	7	0	9	
Jun-18	8	10	18	7	11	0	7	
Jul-18	8	11	19	6	7	0	14	
Aug-18	5	15	14	13	3	1	6	
Sep-18	6	6	16	11	9	0	15	
Oct-18	10	15	12	9	13	2	11	
Nov-18	7	10	12	9	10	1	4	
Dec-18	10	13	10	17	10	2	7	
Jan-19	4	16	21	14	16	5	13	
Feb-19	5	10	20	15	10	5	7	
Mar-19	7	7	22	11	9	8	10	
Apr-19	7	7	15	7	9	12	10	
May-19	9	6	19	10	3	4	12	
Jun-19	9	7	18	13	3	12	14	
Jul-19	9	8	19	16	5	5	16	
Aug-19	10	7	17	11	4	3	17	
Sep-19	5	11	23	15	3	2	26	
Oct-19	6	9	18	15	1	3	16	
Total	182	227	422	309	199	65	301	
Average Trips / Month	7.3	9.1	16.9	12.4	8.0	4.3	12.0	10
Average Trips / Day	0.2	0.3	0.6	0.4	0.3	0.1	0.4	0.3

* Source: Monterey County Health Dept/EMS

** Source : Facility Contact

EXHIBIT E

11. Street name signs and regulatory devices constructed of wood or other natural materials and of the size and height compatible with the surroundings should be utilized.

12. The developer shall dedicate fee title along the project frontage on River Road so that the sum of the width of existing right-of-way and new dedication (on either side) equals 110 feet. Widening in excess of 110 feet may be required for slopes. These slopes may be provided for as slope easements and may be landscaped by the developer and included as part of the meandering 50 foot setback/landscaped area described in Conservation and Open Space Policy #9.

13. Access to the development will be by public road intersections including left turn channelizations constructed by the developer on River Road at the entrances to the subdivision. Design and construction shall be compatible with the widening of River Road as contemplated by Policy #12 above.

14. Internal road connections should be provided where feasible between the areas of the subdivision in order to minimize the need for River Road to provide a route for intra-subdivision traffic.

15. Road connections should be provided where feasible between the subdivision and adjacent subdivisions in order to minimize the need for subdivision traffic to utilize River Road.

16. The developer shall pay a development fee to the County for improvements to Highway 68. This development fee shall be $620.75 per residential unit (a total of $640,000.00, being 10.66% of the estimated cost of the two lane first phase of the Corral de Tierra bypass), and shall be payable as to each residential unit at the time the building permit for the residence is issued.

17. The maximum contribution to improvements to River Road shall be $1,400,000 (prior to indexing). This contribution shall be for a project to be designated by the County Public Works Department. A payment of 1/1031 of this amount shall be paid to the County at the time each residential building permit is issued. When 600 such permits have been issued the designated road improvement project shall be built. If the accumulated contributions are insufficient to fund the project, the developer shall then contribute the balance of the cost up to the above maximum obligation.

18. The development contributions provided in Policies 16 and 17 are based on 1983 dollars, and will be adjusted annually in accordance with the West Coast Engineering News Record General Engineering Cost Index. These development contributions, together with the dedications and improvements required by Policies 12 and 13 shall constitute the project's total required participation in the construction or financing of off-site roads and circulation facilities.

F. CONSERVATION AND OPEN SPACE

GOAL: To conserve and protect in open space those aspect of Las

EXHIBIT F

September 8, 2020

Via Electronic Mail

Monterey County Board of Supervisors
Via COB@co.monterey.ca.us

Monterey County Regional Fire District
Board of Directors
Via chiefurquides@hotmail.com
& dpriolo@mcrfd.org

Joe Sidor Associate Planner
Monterey County RMA-Planning
Via SidorJ@co.monterey.ca.us

RE: COMMENTS ON SEIR FOR RIVER VIEW AT LAS PALMAS I ASSISTED LIVING SENIOR CENTER FACILITY (PLN150372; SCH 2017031025)

Honorable Boards:

This letter comments on the Subsequent Environmental Impact Report ("SEIR") for the River View at Las Palmas I Assisted Living Senior Facilities ("Project"). The comments herein make clear there would be significant direct, indirect and cumulatively considerable impacts as a result of the Project which were not adequately analyzed, nor mitigated, in the SEIR. For those and other reasons as detailed herein, the SEIR is inadequate and violates the California Environmental Quality Act ("CEQA").

A. Monterey County and Monterey County Regional Fire District Will Be Held Liable for Approving the Project's Dangerous Condition

Given that the River Fire is still burning in the area of the Project site and the recent evacuation of Las Palmas I, fire safety must be considered in a manner to best protect the residents of existing development and future development. The SEIR's conclusion that the Project would not result in inadequate ingress/egress/emergency access is without substantial evidence in the record as further discussed in Section B of this letter.

The Government Code does not provide immunity for putting residents in jeopardy by approving a project with insufficient ingress/egress/emergency access in order to excise impact fees. In fact, Government Code section 835 states, "a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred." The court in *Osborn v. City of Whittier* (1951) 103 Cal.App.2d 609 explains that "if the officers or employees of the municipality had actual or imputed knowledge or notice of the dangerous condition and neglected to remedy it within a reasonable time after knowledge or notice, or neglected for a reasonable time after acquiring such knowledge or receiving such notice to take such action as might be reasonably necessary to protect the public against such dangerous condition, liability ensued."

The court in *Quelvog v. City of Long Beach* (1970) 6 Cal. App. 3d 584, 591 made clear:

> Section 818.2 of the Government Code excuses the City for failure to enforce laws that are being violated by others but it does not excuse the City for violating its duty, to avoid the creation of conditions that are dangerous to its citizens or the public generally. The City enjoys no immunity for its alleged affirmative actions and must be held responsible for the consequences of the same.

This letter is a notice to Monterey County and Monterey County Regional Fire District that the Project will result in dangerous conditions for Las Palmas I residents and Project occupants due to insufficient ingress/egress/emergency access. If the Project is approved, Monterey County and the Monterey County Regional Fire District will be held liable and responsible should there be harm from the dangerous conditions caused by the Project.

B. SEIR's Inadequate Wildfire Analysis in Violation of CEQA

"Wildfire" was added as a CEQA section effective January 1, 2019. Analysis under the following four criteria must be completed for projects located in or near State Responsibility Areas (SRA) or lands classified as very high fire hazard severity zones:

- A project's potential to substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, a project's potential to exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- Require the installation or maintenance of associated project infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and/or
- A project's potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The Project site is located within the State Responsibility Area ("SRA"). Chapter 18.56 of the Monterey County Code sets forth the requirements of any project within the SRA area. This is particularly important since there is only one nearby evacuation point to River Road for the Las Palmas I residents as well as for the sensitive occupants of the proposed large commercial senior complex. As further detailed below, there is inadequate ingress/egress/emergency access for the Project and as a result, the Project would expose people and structures to significant risk. Additionally, the Project occupants, most of them sensitive receptors, would be exposed to high pollutant concentrations from a wildfire as clearly demonstrated during the River Fire. And if fire were to occur on the Project site, as nearly did during the River Fire, not only would evacuation be a problem, but subsequent landslides, flooding, mudflows, slope instability, etc. would certainly be a problem, none of which were analyzed in the SEIR.

The Project is in violation of the Monterey County Code. **Monterey County section 18.56.060.5 requires the following: "The grade for <u>all</u> roads, streets, private lanes and driveways shall not exceed fifteen percent." The SEIR states, "A portion of the upper loop road and portions of four casitas are on slopes over 25 percent," which is consistent with this Monterey County Code section yet, the SEIR does not address the direct conflict with the code provision which is intended to protect lives and structures.**

The SEIR claims, the Project "would involve extending Woodridge Court at a grade of approximately 15 percent to provide primary vehicular access to the project site" without substantial evidence in the record. Conclusory statements unsupported by factual information will not suffice. (14 CCR § 15088(c).)

There is no engineered road design in the administrative record, and switchbacks would be required to meet the slope requirement, which would not only require additional grading (which was not analyzed in the SEIR), but also may not meet the roadway radius requirements set forth in Monterey County Code section 18.56.060.6. The impacts associated with the Project road construction were not analyzed in the SEIR and evaluated for consistency with Chapter 18.56 of the Monterey County Code because the Applicant failed to provide an engineered road design.

Additionally, the SEIR proposes an infeasible mitigation measure. "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. The mitigation measure not only requires the Project's emergency access to be located on property (between County Park Road and Woodridge Court) that does not belong to the Applicant, but it also requires that the Applicant install grass grid pavers in this area (not owned by him) in order to provide an all-weather surface for secondary/emergency access. The mitigation measure is infeasible because the Las Palmas I HOA, which owns the grass area, made clear that it will not agree to have the area used by the Project for emergency access. Yet, the SEIR relies on an infeasible measure to demonstrate the availability of emergency access for the Project.

Finally, the Project proposes to use one narrow and steep road connected to internal Las Palmas I streets leading into and out of the Project facility to River Road. Not considering the fact that the Project has no access rights to these internal streets owned by the Las Palmas I HOA, the Project's sensitive occupants, employees, and visitors will evacuate down a long and winding road onto Woodridge Court[1] and somehow merge with many of the existing 329 homeowners & families scrambling to leave at the Las Palmas I Road intersection in the event of a fire, flood or earthquake. This will clearly cause a traffic jam and increase safety risk at Las Palmas I internal narrow streets, Las Palmas Road and River Road.

[1] Woodridge Court connects to River Run Road, which connects to Las Palmas I Road and provides access to and from River Road. Woodridge Court and River Run Court are internal Las Palmas I private roads.

The health and safety of the Las Palmas I residents would be significantly impacted by the physical change resulting from the Project[2] which impacts were not addressed in the SEIR. This is a fatal flaw of the SEIR.

C. Improper Form of Environmental Review In Violation of CEQA

The SEIR's use of the EIR for the Las Palmas I Specific Plan ("Specific Plan") is improper and in violation of CEQA. The Specific Plan did not contemplate the use of Parcel Q for the Project, as clearly demonstrated by the Planning Commission's decision to include an amendment to the Specific Plan.

The court in *Save Our Neighborhood v Lishman* (2006) 140 CA4th 1288, held that application of CEQA's subsequent review provisions turned on the legal question whether a proposal amounted to a "new project" rather than a modification to a previously approved project. The Project is clearly a new project not contemplated in the Specific Plan.

The *Save Our Neighborhood* court concluded that the city violated CEQA in relying on the addendum rather than conducting an independent environmental because the current project was not a modified version of the earlier project and therefore Public Resources Code § 21166 was inapplicable. Similarly here, a large commercial complex was never contemplated in the Specific Plan; Parcel Q was specifically set aside for residential units. Due to the significant diversion from the Specific Plan, Monterey County should have prepared a separate EIR, because relying on an outdated EIR for the Specific Plan is not consistent with CEQA.

D. Improper Environmental Baseline and Standards of Significance in Violation of CEQA

Because of the improper reliance on the EIR for the Specific Plan, the SEIR provided fails to adequately define the environmental baseline and standards of significance. The CEQA Guidelines call for the environmental baseline to reflect conditions as they exist early in the CEQA process. They specify that the physical environmental conditions at the time the notice of preparation is published or, if there is no notice of preparation, at the time environmental review begins "will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (14 Cal Code Regs §15125(a).) The Guidelines also provide that in assessing a project's impacts on the environment, the lead agency should "normally limit its examination to the existing physical conditions in the affected area" at the same stage of the CEQA process." (14 Cal Code Regs §15126.2.)

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[2] A similar situation just occurred in West Chester, Pennsylvania on November 17, 2017 with a facility of approximately the same size as contemplated for RVLP. "At least 27 people were known to have been injured in a massive fire at the Barclay Friends Senior Living Community. Firefighters alone were unable to evacuate residents, many with mobility impairments". (http://6abc.com/2659822/)

The SEIR inadequately describes the physical conditions of the current Project area. Instead, it relies on an outdated EIR for the Specific Plan prepared in 1982. The physical conditions have changed over the past 38 years, yet the SEIR fails to recognize the same.

Of the most glaring example of an improper environmental baseline and standard of significance is the water supply analysis which relies upon the Las Palmas I Ranch Specific Plan's proposed water consumption. A new EIR would have considered the environmental baseline of Project site to be a vacant land with zero water consumption. The standard of significance would have been any additional increase in water drawn from the highly over drafted basin plagued with sea-water intrusion for which the Monterey County Board of Supervisors is currently considering prohibiting all new wells.

The reliance on an outdated EIR is a fatal flaw of the SEIR.

E. SEIR's Failure to Analyze Archeological and Cultural Resources Impacts

CEQA includes detailed standards governing an EIR's analysis of archaeological resources. (See Pub Res C §21083.2; 14 Cal Code Regs §15064.5(c)–(f).) Under the terms of AB 52 (Stats 2014, ch 532), analysis of tribal cultural resources as a category apart from historical and archeological resources is required in EIRs. AB 52 requires lead agencies to give written notice to California Native American tribes that have requested such notice and that are traditionally and culturally affiliated with the geographic area of a proposed project. (Pub Res C §21080.3.1(d).) If a tribe responds to the notice and requests consultation, that required consultation process may identify significant impacts to tribal cultural resources, mitigation measures, or project alternatives. (Pub Res C §21080.3.2.)

Identified archaeological sites CA-MNT-3, CA-MNT-4/267, CA-MNT-661, and CA-MNT-954 are located in proximity to the Project site. Investigations of the general area of the Project site concludes that the midden deposits represent significant archaeological information, with resources dating to A.D. 1000 to 1525 which remain unaffected by ranching practices. These sites have yielded evidence of human remains and past burials.

Yet, there has been no subsurface investigation of the Project site to assess the archaeological and tribal cultural resources potentially therein. Instead, Monterey County relies on an outdated report, which was prepared prior to the additional requirements for tribal cultural resource consideration. The presence of human remains adds to the significance of a cultural site, particularly under federal guidelines. Under those standards, a determination of eligibility for inclusion on the National Register of Historic Places is made using the criteria set forth in Title 36, Part 60-National Register of Historic Places.

Implementation of the proposed Project could result in the potential destruction or damage to previously undiscovered or unknown prehistoric sites, paleontological deposits, historic sites, and human remains during construction activities. This potentially significant impacts were not discussed and analyzed in the SEIR, and local tribes have not been consulted in violation of CEQA.

F. Project's Direct and Cumulatively Considerable Impact to Scenic Resources

CEQA's policy goals include providing for the enjoyment of aesthetic qualities, and the term "environment" is defined in the statute to include objects of aesthetic significance. (Pub Res C §§21001(b), 21065.) It is clear that the significant direct, indirect and cumulatively considerable visual impacts of the Project were not adequately analyzed, nor adequately mitigated to less than significant. The Project proposes to remove 80 mature Eucalyptus trees and scar the hillside by removing 60,000 cubic yards of soil for the Project. The view impacts are further exacerbated by the highly visible roads that would need to be constructed to provide access to and serve the large commercial complex, which impacts were not analyzed in the SEIR. The exposed and scarred hillside would site two large, highly visible structures, one at 27,000 square foot and 28 feet in height, and another. 21,600 square feet at approximately 30 feet in height. These would be prominently viewed from protected scenic highways and roadways. The Project structures clearly constitute ridgeline development.

State Highway 68 from State Highway 1 in Monterey to the Salinas River and River Road and Spreckels Boulevard are protected County Scenic roadways. All three roads are designated as Tourism Access Highways. The Project would be clearly visible and clash with the pastoral view and will indelibly scar the scenic beauty from the protected public views inconsistent with the following relevant General Plan policies:

> Policy T-3.1 Within areas designated as "visually sensitive" on the Toro Scenic Highway Corridors and Visual Sensitivity Map (Figure 16), landscaping or new development may be permitted if the development is located and designed (building design, exterior lighting, and siting) in such a manner that will enhance the scenic value of the area. Architectural design consistent with the rural nature of the Plan area shall be encouraged.
>
> Policy T-3.2 Land use, architectural, and landscaping controls shall be applied, and sensitive site design encouraged, to preserve Toro's visually sensitive areas and scenic entrances: a. River Road/Highway 68 intersection; and b. Laureles Grade scenic vista overlooking the Planning Area (Figure 16).
>
> Policy T-3.6 Large acreages in higher elevations and on steeper slopes shall be preserved and enhanced for grazing, where grazing is found to be a viable use.
>
> Policy T-1.6 Existing legal lots of record located in the critical viewshed may transfer density from the acreage within the critical viewshed to other contiguous portions of land under the same ownership, provided the resulting development meets all other Toro Area and General Plan policies.

There is really no practical and effective mitigation measure to mask this scarring of the hillside. The assertion by the Applicant that planting new vegetation can effectively compensate for removing 80 mature Eucalyptus trees and mask the long winding access road and large looming structures is simply not based in reality. To put it another way, this ridgeline development cannot realistically be hidden from public view by shrubbery or tree landscaping. The removal of the

Eucalyptus groves, coupled with the prominent location of multiple story facilities on an exposed elevated knoll, long winding access road, and paved roads to serve the large commercial complex would be clearly be visible both during the day and at night. Light nuisance for this 24-hour care facility will clearly be a significant impact. Accordingly, the sole resolution is to allow the Project site in the critical viewshed to transfer density in order to preserve the protected scenic views.

G. Project's Direct, Indirect and Cumulatively Considerable Impacts to Air Quality Inadequately Analyzed and Mitigated

The SEIR inadequately analyzes the air quality impacts associated with the Project. It fails to provide critically important information about the frequency, duration, and extent of the impact. (See, e.g., *City of Long Beach v City of Los Angeles* (2018) 19 CA5th 465, 482.) The SEIR also fails to correlate adverse air pollution effects with indirect health effects. In *Sierra Club v County of Fresno* (2018) 6 C5th 502, the California Supreme Court held that an EIR's discussion of the public health impacts from air pollution the project would generate was legally inadequate because it did not explain the likely nature and magnitude of those impacts or indicate why such information could not be provided.

Monterey County, particularly due to agriculture operations, is high in particulates. The area of the Project site is quite windy and excessive particulate matter from the Project construction, particularly the significant amount of grading (60,000 cubic yards of cut and 34,500 cubic yards of fill *and likely significantly more due to road construction*) in addition to the removal of 80 mature Eucalyptus trees would result in direct, indirect and cumulatively considerable particulate emission impacts as a result of the Project. Trucking significant amount of soil offsite (depending on truck capacity of 10 to 14 cubic yards) will require ~ 7,000 to 9,000 truck round trips and would substantially add to exhaust fumes that would directly and adversely impact air quality.

Finally, the extensive disturbance of the Parcel Q will result in significant exposure to virus Coccidioidomycosis. Monterey County is a Valley Fever endemic area. The Parcel Q site is undisturbed land, and as such, has a higher loading of this virus than cultivated farming soils. Disturbing almost 16 acres of soil for construction will inevitably pose great risk of spreading this virus (Coccidioidomycosis) to Las Palmas I residential community and beyond. In a study conducted in the nearby San Louis Obispo area, a solar farm construction site on virgin grazing land, produced 44 cases of VF among the workers at an approx.1.2% rate. (Emerg Infect Dis. 2015 Nov; 21(11) 1997-2005.) A significantly higher number of C. Immintis cases has been observed in Monterey County over the last 3 years, 77 in 2016 vs. 240 in 2019. (Monterey County Health Advisory, Edward Moreno, Health Officer,1-22-20) The SEIR fails to analyze the direct, indirect and cumulatively considerable air quality impacts, which would result in significant harm to Las Palmas I residents.

H. Project's Liquefaction, Landsliding, Erosion and Sedimentation Impacts Not Adequately Analyzed, Nor Sufficiently Mitigated

The Project site is located in the Coast Ranges Geomorphic Province, which is a discontinuous series of mountain ranges, ridges, and intervening valleys characterized by complex folding and faulting. The geologic structures within the Coast Ranges Geomorphic Province are greatly influenced by the San Andreas fault system.

Soil liquefaction occurs where saturated, cohesionless, or granular soils undergo a substantial loss in strength due to excess build-up of water pressure within the pores during cyclic loading such as earthquakes. Due to the loss of strength, soils gain mobility that can result in significant deformation, including both horizontal and vertical movement where the liquefied soil is not confined. Intensity and duration of seismic shaking, soil characteristics, overburden pressure, and depth to water are all primary factors affecting the occurrence of liquefaction. Soils most susceptible to liquefaction are saturated, loose, clean, uniformly graded, Holocene age, and fine-grained sand deposits. Silts and silty sands have also been proven to be susceptible to liquefaction or partial liquefaction.

Regional studies have identified the alluvial soils at the Project site as having a high potential for liquefaction. Lateral Spreading, Dynamic Compaction, and Seismic Settlement Lateral spreading are potential hazards commonly associated with liquefaction where extensional ground cracking and settlement occur as a response to lateral migration of liquefied subsurface materials beneath a slope, or even beneath level ground, particularly since, for this Project, an open topographic face is nearby.

Placement of new structures at the Project site upon extensive grading could result in structural damage and associated human safety hazards resulting from seismic ground shaking caused by earthquakes on nearby active and potentially active faults. The Project also proposes to significantly cut into the hillside and remove 80 mature Eucalyptus trees and thus would increase the likelihood of slope failure, landsliding and liquefaction hazard. This would be considered a potentially significant impact.

The SEIR failed to adequately analyze direct, indirect and cumulative considerable liquefaction, landsliding and erosion impacts as a result of the Project. These are real and known impacts in the Project area. For example, Las Palmas I historically experienced serious mudslides on its perimeter slopes below the Project site. As recently as February 2017, there was a severe mudslide near Country Park Road in the 20100 to 21056 area. This mudslide blocked drainage of a Las Palmas I storm drain nearby. Several adjacent homes were nearly flooded and only emergency efforts by neighbors and Salinas Fire Department personnel narrowly averted serious home damage.

I. Project Prohibited from Proceeding Under General Plan Policy T-4.1

The Project proposes to cover 190,000 square feet (4.36 acres) of highly permeable surfaces with impermeable surfaces (pavement, roads and buildings). Stormwater from the Project site would flow downhill into Las Palmas I drainage system. The Applicant has made (without

approval from the Las Palmas I HOA Board) an 8" pipe connection from a Parcel Q hillside location to the Las Palmas I HOA storm water drainage system. This LPI system is more than 30 years old and at capacity to meet its own needs and thus incapable of absorbing additional loading. Available information for the "Conceptual Storm Drain System" provided by the Applicant does not provide specifications and calculations to demonstrate that the existing system can adequately handle the stormwater load on site or to demonstrate capacity to discharge its own stormwater loading through evaporation and or percolation.

General Plan policy OS-3.3 requires that the County of Monterey establish criteria for studies of such hazard and other hazards posed by the Project as follows:

> OS-3.3 Criteria for studies to evaluate and address, through appropriate designs and BMPs, geologic and hydrologic constraints and hazards conditions, such as slope and soil instability, moderate and high erosion hazards, and drainage, water quality, and stream stability problems created by increased stormwater runoff, shall be established for new development and changes in land use designations.

It is clear that the implementation of the proposed Project would result in an increase in long-term surface runoff that may contain urban contaminants that would have an adverse impact on surface water quality. Implementation of the proposed Project would convert highly permeable undeveloped land area to an impermeable large commercial complex that would generate increased quantities of localized stormwater runoff. This would be considered significant direct and cumulative impacts.

Implementation of the proposed Project would result in an increase in long-term surface runoff that may contain urban contaminants that would have an adverse impact on surface water quality. The captured stormwater would eventually release into the river and stream system and the waterbody systems must be protected as set forth General Plan Policy OS-4.3:

> OS-4.3 Estuaries, salt and fresh water marshes, tide pools, wetlands, sloughs, river and stream mouth areas, plus all waterways that drain and have impact on State Monterey County General Plan Conservation/Open Space Element October 26, 2010 Page C/OS-9 designated Areas of Special Biological Significance (ASBS) shall be protected, maintained, and preserved in accordance with state and federal water quality regulations.

As currently proposed and mitigated in the SEIR, the Project is prohibited from development as set forth in General Plan Policy T-4.1 which states as follows:

> Land uses and practices that may contribute to significant increases of siltation, erosion, and flooding in the Toro area ***shall*** be prohibited.

Any inconsistency with the general plan must first need to be cured before the Project can be approved. The inconsistency is also evidence that the inconsistent Project feature will result in a significant environmental effect. An inconsistency indicates a likelihood of environmental harm

and thus requires a careful review of any potential impacts. An inconsistency also supports the conclusion that the underlying physical impact is significant.

J. Project's Direct and Cumulatively Considerable Impacts to Groundwater Resources and No Long-Term Water Supply Available for the Project

The Project site lies within the Salinas Valley Groundwater Basin. Over the years, the Salinas Valley Groundwater Basin has experienced overdraft, a condition where more water is pumped out of an aquifer than is recharged on an average yearly basis. This overdraft condition causes a decline in the water level, which allows seawater intrusion to occur or streams and rivers to go dry.

The proposed Project would be served by California Water Service Company ("CWSC"). Water for the Project is presumed to be procured from a well or wells located in the Spreckels area, along River Road in CWSC's Salinas Hills System, which pump groundwater from the 180/400-Foot Aquifer Subbasin of the Salinas Valley Groundwater Basin. The 180/400 Foot Aquifer Subbasin is subject to significant and unreasonable seawater intrusion due largely to long-term groundwater extraction in the inland portions of the Subbasin in excess of the sustainable yield. As a result, it has been identified by DWR as being in a critical condition of overdraft, and the Monterey County Board of Supervisors is currently deliberating on whether to disallow any new well in the Subbasin.

Over the years, many wells have gone out of production or have had to be redrilled deeper due to seawater intrusion. As discussed in detail later on, the SEIR does not describe the CWSC well or wells that would serve the Project and thus, it is not known whether there is a potential for the well(s) that serves the Project to go out of production. Seawater intrusion is the migration of ocean water inland into the freshwater aquifers. This condition is induced by pumping groundwater from the basin faster than the aquifers can be recharged. Seawater intrusion has been accelerated in the Salinas Valley Groundwater Basin due to decreased groundwater recharge and increased groundwater pumping.

Implementation of the proposed Project would result in the extraction of groundwater from the 180/400-Foot Aquifer Subbasin of the Salinas Valley Groundwater Basin, within which arsenic, total dissolved solids, and nitrates are of particular concern. Implementation of the proposed Project would result in a gross increase in groundwater pumping which would result in an increased long-term water demand on the Salinas Valley Groundwater Basin.

Because the SEIR failure to disclose the CWSC well(s) supplying water to the Project, the analysis of the water supply is incomplete, inadequate and fails to meet the requirements of CEQA The court in *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 822 ruled an EIR inadequate because the EIR failed to provide a description of the facilities that would have to be constructed to deliver water to the mining operation. Similar to the SEIR for the Project, the EIR in Santiago County Water District was ambiguous as to the ability of the water district to

meet the water requirements of the project, and it was silent about the effect of that delivery on water service elsewhere in the district's jurisdiction.

A detailed description of the Project's water supply source is particularly important since the Monterey County Board of Supervisors is currently deliberating to prohibit any new well in the 180-400 Subbasin due to the overdraft and seawater intrusion conditions. The precise location of well(s), water quality of the well(s) and back water well source must be included in the SEIR in order to adequately analyze the environmental impacts to water supply --- otherwise, "the ultimate decision of whether to approve a project requiring the preparation of an environmental impact report, be that decision right or wrong, is a nullity if based on an environmental impact report that does not provide the decision makers and the public with the information about the project that is required by the California Environmental Quality Act." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 822.)

The Applicant also failed to prove long-term, sustainable water supply exists for the Project as required under the following relevant sections of the General Plan policies:

> PS-3.1 Except as specifically set forth below, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development....
>
> PS-3.2 Specific criteria for proof of a Long-Term Sustainable Water Supply and an Adequate Water Supply System for new development requiring a discretionary permit, including but not limited to residential or commercial subdivisions, shall be developed by ordinance with the advice of the General Manager of the Water Resources Agency and the Director of the Environmental Health Bureau. A determination of a Long-Term Sustainable Water Supply shall be made upon the advice of the General Manager of the Water Resources Agency.
>
> PS-3.5 The Monterey County Health Department shall not allow construction of any new wells in known areas of saltwater intrusion as identified by Monterey County Water Resources Agency or other applicable water management agencies: a. Until such time as a program has been approved and funded that will minimize or avoid expansion of salt water intrusion into useable groundwater supplies in that area; or b. Unless approved by the applicable water resource agency. This policy shall not apply to deepening or replacement of existing wells, or wells used in conjunction with a desalination project.

Monterey County Water Resources Agency, the agency responsible for securing water supply for Monterey County, made the same comment to the Draft SEIR for the Project, which were inadequately addressed in the Final SEIR.

K. Direct, Indirect and Cumulatively Considerable Noise Impacts Insufficient Analyzed and Mitigated

The goal of providing Californians with "freedom from excessive noise" is included among CEQA's basic policies. (Pub Res C §21001(b).) Under the definition of the term "environment" in Public Resources Code §21060.5, noise is included as a physical condition that may be affected by a proposed project. The Guidelines definition clarifies this reference by using the term "ambient noise" to describe the physical condition that could be changed by a project. (14 Cal Code Regs §15360.)

Due to the elevation of the proposed Project site, commercial vehicles arriving and leaving 24/7 will gear down with attendant increased mechanical noise. The topography of the hills coupled with the canyon below would amplify this objectionable road noise. First responder units would arrive to the proposed senior care facility on an expected basis of 2-3 times per week as is typical for this type of facility. While the applicant claims, without any basis, that such emergency calls will not trigger operation of sirens, actual experience demonstrates that the drivers of emergency vehicles can and do operate these sirens. Again, such calls may occur at any time in a 24-hour period, the adjacent neighborhood will be subjected to such jarring noise when people are sleeping at night, and also, for those Las Palmas I shift workers, during their daytime rest periods. During operation, the large number of installed alarm and security devices required by the California Fire Code represent another major source of noise. The elimination of 80 Eucalyptus trees and brush as part of the Project would reduce the natural buffers from noise for the Las Palmas I residential community. None of the above factors were considered in the SEIR.

The Project would clearly generate noise to an unacceptable level inconsistent with the following General Plan policies:

> S-7.3 Development may occur in areas identified as "normally unacceptable" provided effective measures to reduce both the indoor and outdoor noise levels to acceptable levels are taken.
>
> S-7.4 New noise generators may be allowed in areas where projected noise levels (Figure 10) are "conditionally acceptable" only after a detailed analysis of the noise reduction requirements is made and needed noise mitigation features are included in project design.
>
> S-7.5 New noise generators shall be discouraged in areas identified as "normally unacceptable." Where such new noise generators are permitted, mitigation to reduce both the indoor and outdoor noise levels will be required.

Any inconsistency with the general plan must first need to be cured before the Project can be approved. The inconsistency is also evidence that the inconsistent Project feature will result in a significant environmental effect. An inconsistency indicates a likelihood of environmental harm and thus requires a careful review of any potential impacts. An inconsistency also supports the conclusion that the underlying physical impact is significant.

The court in *Berkeley Keep Jets Over the Bay Comm. v Board of Port Comm'rs* (2001) 91 CA4th 1344 rejected the EIR's exclusive reliance on a cumulative noise descriptor (the Community Noise Equivalent Level) as the sole indicator of the noise impacts of expanding cargo flight operations at an airport. The court found the impact assessment did not provide a meaningful analysis of the increase in the number of nighttime flights resulting from the project, the changes to noise levels in quiet residential areas that would result, and the community reaction to those changes in the nighttime noise environment. (*Berkeley Keep Jets, supra,* 91 CA4th at 1381.)

The same conclusion could be reached here. Currently, Las Palmas I I is a peaceful and tranquil neighborhood. Noise introduced by the Project would permanently disrupt the Las Palmas I quiet and peaceful residential neighborhood, which significant direct, indirect and cumulative impacts were inadequately analyzed and mitigated in the SEIR.

L. Project's Direct, Indirect and Cumulatively Considerable Impacts to Biological Resources

Under the mandatory standards of significance in 14 Cal Code Regs §15065(a)(1), when a lead agency is determining whether to prepare a negative declaration or an EIR for a project, it must find that the project will have a significant effect on the environment, and require that an EIR be prepared, the lead agency must analyze whether the project has the potential to reduce substantially the number or restrict the range of an endangered, rare, or threatened species. When an EIR is prepared, these standards are used to identify the potentially significant effects to be analyzed in depth in the EIR. (14 Cal Code Regs §15065(c)(1).)

Wildlife corridors refer to established migration routes commonly used by resident and migratory species for passage from one geographic location to another. Corridors are present in a variety of habitats and link otherwise fragmented acres of undisturbed area. Maintaining the continuity of established wildlife corridors is important to sustain species with specific foraging requirements, preserve a species' distribution potential, and retain diversity among many wildlife populations. A wide range of terrestrial wildlife species are known to occur in the immediate vicinity of the Project site, including American badger, mountain lion, bobcat (Lynx rufus), black-tailed deer (Odocoileus hemionus), and coyote (Canis latrans). Moreover, Tiger Salamander has been observed in the area of the Project property. The Project would have direct, indirect and cumulatively considerable impacts to biological resources which has not been adequately analyzed in the SEIR.

The Project is also clearly inconsistent with the General Plan policies specific to protecting biological resources, including:

> OS-5.24 The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat.

Any inconsistency with the general plan must first need to be cured before the Project can be approved. The inconsistency is also evidence that the inconsistent Project feature will result in a

significant environmental effect. An inconsistency indicates a likelihood of environmental harm and thus requires a careful review of any potential impacts. An inconsistency also supports the conclusion that the underlying physical impact is significant.

Thank you for this opportunity to comment on the SEIR.

Sincerely,
Las Palmas I Residents & Homeowners

Name: Amy Cavender Signature: Amy Cavender	Name: Mihoko Dreyer Signature: Mihoko Dreyer
Name: Rolf Gobets Signature:	Name: Christian Dreyer Signature: Christian Dreyer
Name: RAFAEL SANCHEZ Signature:	Name: DAVID FRYE Signature:
Name: Anne Sanchez Signature: Anne Sanchez	Name: Julie Sutliff Signature: Julie Sutliff
Name: ROBERT TANGONAN Signature:	Name: Patricia Berlin Signature: Patricia Berlin
Name: Debbie Tangonan Signature: Tangonan	Name: Cindy Fry Signature: Cindy Fry
Name: Tom Mercurio Signature:	Name: Antonette Gorach Signature: Antonette Gorach

Name: Andrzej Gorach Signature: Andrzej Gorach	Name: Erika Tumminelli Signature: Erika Tumminelli
Name: Marilyn Adams Signature: Marilyn Adams	Name: TETYANA MARGOLINA Signature: TMae
Name: Frederick Adams Jr. Signature: Frederick Adams, Jr.	Name: KENT TEGTMEIER Signature: Kent Tegtmeier
Name: MARC Rosen Signature: Marc Rosen	Name: Lisa Tegtmeier Signature: Lisa Tegtmeier
Name: Irene Rosen Signature: Irene Rosen	Name: Brian Tumminelli Signature: Brian Tumminelli
Name: JOSEPH L. OCCHIGRO Signature: Joseph L. Occhigro	Name: Amelia Freshwater Signature: Amelia Freshwater
Name: Patricia M. Bailey Signature: Patricia M. Bailey	Name: Mary Kereakes Signature: Mary Kereakes
Name: Nancy Montana Signature: Nancy Montana	Name: Greg Lanier Signature: Greg Lanier

Name: Jayne Carolan Signature: Jayne Carolan	Name: Celine Dalby Signature: C. M. Dalby
Name: Eveline Clark Signature:	Name: Veronica Ramirez Signature:
Name: AIAN Anthony Signature: Alan S. Anthony	Name: LUIS RAMIREZ Signature:
Name: Myra Barahona - Anthony Signature: Myra Barahona - Anthony	Name: Jeannie Warzycki Signature: Jeannie Warzycki
Name: M. J. Kulow Signature: M. J. Kulow	Name: Francoise Requeiro Signature: Francoise Requeiro
Name: Diane Kulow Signature: Diane Kulow	Name: LYNN DITTRICH Signature: Lynn A Dittrich
Name: Joshua Freshwater Signature:	Name: Rendell Requeiro Signature: R. Requeiro
Name: David G. Dalby Signature: David G. Dalby	Name: Jacqueline Forsythe Signature: Jacqueline Forsythe

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Name: Amanda Puck Signature: Amanda Puck	Name: TOMOKO OGAKI Signature:
Name: Chris Puck Signature:	Name: Albert R Smith Signature:
Name: GREGORY CHEE Signature:	Name: LAURA D SMITH Signature:
Name: NASIR UDDIN Signature:	Name: Russell D. Schwarz Signature:

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Name: Theresa Sonniksen Signature: Theresa Sonniksen	Name: William Donati Signature: William Donati
Name: Dareg Cardinale Signature: Dareg A Cardinale	Name: JACOB OROZCO Signature:
Name: JEFFREY DITTRICH Signature:	Name: DESIREE OROZCO Signature:
Name: Robin Mathews-Johnson Signature:	Name: Sandra DePaoli Heath Signature: Sandra DePaoli Heath
Name: Mark D. Miller Signature: Mark D. Miller	Name: Myeongju Miller Signature:
Name: Kathy Antle Signature: Kathy Antle	Name: Mark Yamaguchi Signature: Mark Yamaguchi
Name: OTAVIO BERNARDO Signature:	Name: Leila Bernardo Signature: L Bernardo

Name: Gladys Allen Signature: Gladys Allen	Name: RITA MOSS Signature: Rita Moss
Name: Jim Kirby Signature: Jim Kirby	Name: MADHAV MUKUNDAN Signature:
Name: Sean Fagan Signature:	Name: ROBERT ALLEN Signature:
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Name: Julia Yamaguchi Signature:	Name: Leonid Ivanov Signature:
Name: Janet Barstad Signature:	Name: Ralph Sutliff Signature:
Name: Signature:	Name: C. Denise Benoit Signature:
Name: Jocelyn Driskill Signature:	Name: Stephen L. Dodd Signature:
Name: Isabela Bernardo Signature:	Name: Adam Kirk Signature:
Name: David Ratliff Signature:	Name: Takako Sugawara-Kirk Signature:

Name: Thomas Merrill Signature:	Name: Lan Clayton Signature:
Name: Tanya Dubrul Signature:	Name: Keith Hedlund Signature:
Name: Tari Usale Signature:	Name: Avi Lewis Signature:
Name: Ted UGALE Signature:	Name: Anita Cochetti Signature:
Name: Signature:	Name: Jamie Bellew Signature:
Name: Amanda Wolverton Signature:	Name: Robert Bellew Signature:
Name: Forrest Wolverton Signature:	Name: Chad Pattullo Signature:
Name: Signature: Marcus Booker	Name: Yvonne Pattullo Signature:

Name: Darrin Kirk Signature: Darrin Kirk	Name: Cynthia Grover Signature:
Name: Wilbur Lee Signature:	Name: Scott Cooper Signature: Scott A Cooper
Name: Cordelia Lee Signature: Cordelia	Name: Kimberly Lang Signature: Kim Lang
Name: Martin R. Johnson Signature: Martin R. Johnson	Name: Nick Ferrari Signature:
Name: Roberta Pastorino Signature: Roberta Pastorino	Name: Megan Ferrari Signature:
Name: Melody McDonald Signature: Melody McDonald	Name: Carol Stanley Signature: Carol Stanley
Name: MARIA F. GONZALES Signature: mfgonzales	Name: Heather Martin Signature: Heather Martin
Name: Sheila Keiffer Signature: Sheila Keiffer	Name: Joseph Mann Signature:

Name: Chad Guaccioli Signature:	Name: MARGARET MCINTOSH Signature:
Name: ARMANDO ZENTENO Signature:	Name: JANET JONAH Signature:
Name: Melissa Fanning Signature:	Name: Wendy Waters Signature:
Name: Jennifer M. Lukacik Signature:	Name: Jeremy Barton Signature:
Name: Javier Aldape Signature:	Name: Vincent Cardinale Signature:
Name: Tara Baker Signature:	Name: Angie Cardinale Signature:
Name: TONY Baker Signature:	Name: Donald M. Warburton Signature:
Name: BOB EVANS Signature:	Name: Sam Escamilla Signature:

Name: Joe Martin Signature: Joe Martin	Name: Laurie Fibus Signature: Laurie Fibus
Name: Samantha Moser Signature: Samantha Moser	Name: Maureen Brandes Signature: Maureen Brandes
Name: Corey Alm Signature:	Name: Ed Brandes Signature: Edward Brandes
Name: Adrian Johannsen Signature: Johannsen	Name: Jennell Brockenstedt Signature:
Name: Babette J. Black Signature: Babette J. Black	Name: SUE MCFERON Signature:
Name: Mary Koch Signature: Mary Koch	Name: Becky Rodriguez Signature: B. Rodriguez
Name: Leslie LERDA Signature: Leslie Lerda	Name: Rita Ermini Signature: Rita Ermini
Name: Pamela G. Keenan Signature: Pamela G. Keenan	Name: Joe Mitchell Signature: Joe Mitchell

Name: Pankaj Patel Signature:	Name: Teofilo Ordonez Signature: TEOFILO Ordonez
Name: JACK LEVY Signature:	Name: Nelia O. Ordonez Signature: Nelia O. Ordonez
Name: Helga Dresser Signature:	Name: Lindsay Momiza Signature:
Name: Henry White Signature:	Name: Emogene Jenkins Signature: Emogene Jenkins
Name: Joe Parrish Signature:	Name: Julie Freese Signature:
Name: Marc Thornton Signature:	Name: CARL FREESE Signature:
Name: Cathy Thornton Signature:	Name: Anthony Freese Signature:
Name: RICH ORDONEZ Signature:	Name: Yukiko Yonemitsu Signature:

Name: Angela Caraccioli Signature:	Name: Kayle Todd Scranton Signature:
Name: Michelle Susman Signature:	Name: Robert Scranton Signature:
Name: Kurt Krieg Signature:	Name: Nancy Bingaman Signature:
Name: Nancy Tran Signature:	Name: Mark Bingaman Signature:
Name: Elyse Trefts Signature:	Name: Scott Porter Signature:
Name: Jane Caesteeker Signature:	Name: Mary Jane Scranton Signature:
Name: William Susman Signature:	Name: Nicole Neilson Signature:
Name: Stephanie Trost Signature:	Name: Mark Neilson Signature:

Name: Ricardo Ledesma Signature:	Name: Signature:
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Name: Signature:	Name: Signature:

References:

(Bernardo, 2020) Fire Code Requirements (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Schwanz, 2020) Fire Danger (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Ratliff, 2019) Emergency Evacuation (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Dalby, 2020) Stormwater Removal (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Crawford, 2020) Air Quality Concerns (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

(Gobets, 2020) Visual Impact (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

https://www.waterboards.ca.gov/rwqcb3/water_issues/programs/tmdl/docs/salinas/lower_fecal/sal_fc_tmdl_appndx_c_spillshomeless.pdf (see pp.5/11)

Dalby Report (As entered into the record for October 2019 & February 2020 Planning Commission Hearings)

RVLP DSEIR

RVLP FSEIR

Received by HCD-Planning
on July 20, 2021; sent during
the public hearing, yet after
closure of public comment.

Sidor, Joe (Joseph) x5262

From: doug@jhwarch.com
Sent: Tuesday, July 20, 2021 2:48 PM
To: publiccomment
Subject: Item 19. PLN 150372 Riverview at Las Palmas

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]
As a 17-year resident on Country Park Road, at the risk of being tarred and feathered by my HOA:

Riverview will have much less impact on us than other potential developments, simply sharing our streets from the stoplight to the driveway of Riverview. Views, dark sky, etc, are all mitigated by other factors. It's not a "ridgeline development". The added vehicles are likely a fraction of the total current traffic, and less than other viable development.

In reality, three homes will be directly impacted by more vehicles going by their front door, but have mitigating factors:
(1) They are on the one street between River Road and all the homes in Parkside, so current conditions already prevent some uses that other streets enjoy.
(2) Owners were aware of potential development when they bought the homes.
(3) Those homes appear to be occupied by renters, who are by definition less vested, and can more easily find alternative housing if the new condition is not to their liking.

Please also consider a future traffic mitigation condition by connecting to River Road through the commercial area of Ferrini Ranch. With easements directed by the County, it would offer a better primary path to River Road at such time Ferrini Ranch is developed. The connection through LP1 would be maintained as a secondary way out of the property, useful in emergencies.

Please find IN FAVOR, to increase available senior housing in our County, to help make other housing available to families.

Douglas Roberts

Received by HCD-Planning
on July 16, 2021.

Sidor, Joe (Joseph) x5262

From: Lorenzana, Julian x3077
Sent: Friday, July 16, 2021 2:05 PM
To: 100-BoS Everyone; McKee, Charles J; Girard, Leslie J. x5365; Bokanovich, Karina T. x5113
Cc: Sidor, Joe (Joseph) x5262; Spencer, Craig x5233; Lundquist, Erik
Subject: FW: Urgent message for Board of Supervisors

Hello good afternoon,

The below e-mail was sent to me directly, but was intended to be sent to the Clerk of the Board's inbox. This is in regards to River View at Las Palmas.

Thank you,

Julian Lorenzana
Board of Supervisors Clerk
County of Monterey Clerk of the Board
Government Center, 168 West Alisal Street, Salinas Ca. 93901
(831) 796-3077 lorenzanaj@co.monterey.ca.us

From: Marc Rosen <mrosen831@gmail.com>
Sent: Friday, July 16, 2021 10:37 AM
To: Lorenzana, Julian x3077 <LorenzanaJ@co.monterey.ca.us>
Subject: Urgent message for Board of Supervisors

Parcel Q vote on July 20

Board of Supervisor Members:

First, thank you for your service.

We ask you to give careful consideration to your upcoming vote on Parcel Q. You will or have heard significant arguments **that it is not an appropriate location** for a luxury 100+ unit three-story assisted living facility. **The prior vote by the Planning Commission was very close—indicating disfavor by several of its members.**

Providing good, well-run Assisted Living facilities is a worthy objective. The right location for such a facility is the key, and what you, as our elected representative, is asked to decide.

Are there other possibilities?

You may be thinking that these Las Palmas residents "just don't want the facility in their backyard." It is literally in our backyard. And that is the problem. **But it is a problem for the proposed residents of the assisted living center, their families, and the staff who will work there, as well as the families of Las Palmas Ranch.**

There are currently several other parcels of land currently for sale, as well as vacant large retail facilities that could be re-developed. They can be compared to Parcel Q which is also currently on the market for $6.8 million dollars. There may be other appropriate properties that could be available, as well.

Wouldn't it be better to select a property that has no water, traffic, fire, easement, or conforming, issues that is closer to medical and emergency services frequently needed by assisted living residents? Wouldn't such a property be more appropriate, more affordable, and require fewer mitigations?

How can anyone mitigate the fire danger? We had to evacuate our Las Palmas home for a week last year. When River Rd. flooded in the rainstorms, we could not enter or leave our home. How would ambulances, and fire trucks provide emergency services when they have only a one-lane entry to Parcel Q through an easement that is owned by Las Palmas Ranch? It could be a disaster!

Mitigations?

You may hear from the developer that traffic, noise, safety, lighting, etc. problems can be **mitigated.** ***What is mitigation? It is an attempt to reduce an existing problem.*** The problem may be reduced **if sufficient resources are ALLOCATED. But please note--** there is **no guarantee that the mitigations will work as well as submitted on the paperwork.**

The best mitigation is to approve a location that has minimal problems to be mitigated.

The county originally approved Parcel Q appropriately for 3 residential homes. Las Palmas Ranch is a residential community that your predecessors approved for single family dwellings. That is the appropriate use. NO MITIGATIONS ARE REQUIRED. We ask the Board of Supervisors to follow the existing specific plan and the law.

Please, for the health and safety of assisted living residents, their staff, and the families of Las Palmas Ranch, reject the Parcel Q assisted living development.

Thank you for your consideration.

Marc and Irene Rosen

Board of Supervisor hearing July 20, 2021

My name is Anne Sanchez and my husband Rafael and I are original owners of our home at Las Palmas 1 where we have lived for 31 years. We were fortunate to be able to buy our home when we were both civil servants working for the County and are now retired. My husband worked for the Department of Environmental Health in Santa Cruz and I was an Analyst for the Monterey County Health Department before becoming a consultant and instructor at Hartnell Community College and CSUMB.

We live in a diverse, yet cohesive community consisting of hard working families who have sacrificed to live in this beautiful area. The prices have certainly escalated since we purchased our home. In many families both parents are working, some residents work from their home and others work night shifts. Many of us have lived here so long that we are now retired. Hopefully, my husband and I plan to spend the rest of our years here.

While we understand the need for housing in general, and senior housing specifically, this proposal will not ameliorate the situation. It is an upscale development that will be unaffordable for the majority of folks who need it. Many of us have spent numerous volunteer hours, as well as our own personal resources to oppose this development for the many reasons you have already received. In addition, we have the additional issue of the fire hazard which poses a huge threat to our safety should another evacuation be necessary. The proposed development is totally inappropriate for our rural, residential community and strongly recommend you deny it. Thank you.

Sidor, Joe (Joseph) x5262

From: ClerkoftheBoard
Sent: Thursday, July 15, 2021 1:44 PM
To: Ralph Sutliff; ClerkoftheBoard
Cc: Sidor, Joe (Joseph) x5262; Spencer, Craig x5233; Dugan, John x6654; Lundquist, Erik
Subject: RE: River View at Las Palmas (PLN150372)

Hello good afternoon,

Below is an e-mail that the Clerk of the Board received regarding: River View at Las Palmas project (PLN150372).

Thank you,
Julian Lorenzana
Board of Supervisors Clerk
County of Monterey Clerk of the Board
Government Center, 168 West Alisal Street, Salinas Ca. 93901
(831) 796-3077 lorenzanaj@co.monterey.ca.us

From: Ralph Sutliff <ralphs1944@comcast.net>
Sent: Tuesday, July 13, 2021 7:13 PM
To: ClerkoftheBoard <cob@co.monterey.ca.us>
Subject: River View at Las Palmas (PLN150372)

Dear Monterey County Board of Supervisors:

We are writing as residents of the Las Palmas I neighborhood to express our strong opposition to the River View at Las Palmas project (PLN150372) as proposed, and request that you deny the proposed amendment to the Las Palmas Ranch Specific Plan and the Combined Development Permit for the project.

Our primary concern for the proposed development is centered in the safety of the residents of the development and of Las Palmas I. Fires are of a growing concern throughout California. As of July 11 th, Cal-Fire has reported 4,163 fires year to date, versus 3,645 fires as of the same date last year, and a five-year average for the same time period of 2,906. Today's report from Cal-Fire lists 11 active fires. With the development proposing to use only existing streets in Las Palmas I as the sole ingress and egress route, the development will be restricted to one way in and one way out. With fires becoming increasingly likely, plus the heightened risk of limited access to and from the development in the event of evacuation, both the proposed development and the residents of Las Palmas I would be exposed to an unacceptable level of risk in the event of a fire or other natural disaster. Imagine the gridlock on the proposed small road up the hill as evacuees trying to leave are met with emergency vehicles arriving to try to control a fire. Please remember that proposed self-serving plans by the developers may catastrophically differ from the reality of a fire in this environment.

Related to the above risk is the availability of water to effectively fight a fire. California's severe drought continues, with no relief in sight. Along with most of the state, Monterey County is identified as under Extreme Drought conditions and Governor Newsome had issued proclamations regarding voluntary limitations of water use. Local access to sufficient water to effectively combat a fire may be lacking if the need arises. One would hope that the water studies that were done in support of the project have been conscientiously revisited to take the continued and increasingly extreme drought into account. Projected long-term water supply, or the lack thereof, may look much different now than when the original water studies were performed.

We urge you to vote against this proposed development. We believe that you and your representatives have heard these concerns addressed from time to time over the past year or more. Should a fire or other natural disaster befall this project, possibly resulting in loss of life, the Board of Supervisors would certainly be subject to valid questioning as to support for the approval of the project if that is your eventual decision. Our concerns are not far-fetched "what if" scenarios, and I hope you give them your full and close attention. Thank you for your consideration.

Sincerely,

Ralph and Julie Sutliff
17798 Riverbend Road
Salinas, CA 93908

Dear Supervisors,

Approve Riverview at Las Palmas. This will serve a large area of the county which now has NO three component elder care facility.

As soon as Riverview is built it will be filled. Much needed.

Nancy Iverson

Nancy Iverson

Nancy Iversen
21091 Old Ranch Ct
SALINAS CA 93908

$0.51 US POSTAGE
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Aug 17 2021
[illegible] CA 950[illegible]
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18 AUG 2021 PM
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MONTEREY COUNTY
2021 AUG 20 PM 1:02
CLERK OF THE BOARD
CASANDRA QUINTERO
DEPUTY

Monterey County Admin Building
c/o County Clerk
168 W Alisal St, 1st Floor
Attn: All 5 Supervisors
SALINAS CA 93901

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Bruce A. Clark.

23605 Teagan Circle, Laguna Niguel CA 92677-1688
Office # 949-558-5235 Cell / Text; # 831-212-2486 bcclark911@gmail.com

August 25, 2021

Received by HCD-Planning
on August 26, 2021.

RE: Proposed River View at Las Palmas PLN # 150372

Dear Monterey County Fire District Members and Monterey County Board of Supervisors:

This letter is in response to the previous Monterey County Board of Supervisors Meeting on July 20, 2021; and my professional findings related to Fire/Life Safety factors of the proposed River View development PLN # 150372.

I have grave Life Safety concerns based on the proposed change in land use. Please Note, these findings are based on the information given and presented to me at the time of this report and my 40 plus years of experience in Fire Safety. My resume is enclosed with this letter.

1. Care and housing of Seniors, Dementia and Alzheimer patients and the proposed facility's dangerous location - Patient security and safety evacuation access and egress in case of a fire and or other un-specified emergencies, which is already difficult and labor intensive due to the patients' conditions, will be further constrained due to the location of the facility on a hilltop, with steep and winding roadway as the only egress route. The situation to be created by the facility's siting may increase fatalities and aggravate injuries and illnesses during a disaster.

2. Access and Egress Roadways that are extremely steep for vehicle, pedestrian and their possible need of escape - The roadway to the facility would clearly not meet the current code/standard of no greater than 12-15%. My estimation is that the current proposed roadway elevation exceeds 22-25% grades. The steep and winding roadway is the only way in and out of the facility, and in the event of an emergency, fatalities and aggravated injuries and illnesses would occur if this roadway is compromised. Also, resources that could be used elsewhere would need to focus on the difficult and labor intensive evacuation of Seniors, Dementia and Alzheimer patients. The facility would present a significant and unnecessary evacuation challenge to the entire community in the event of an emergency. Even if properly evacuated, locating a temporary shelter for the patients would be difficult – having this facility located in a minimal risk area (e.g., within City centers) is the most appropriate land use planning in order to reduce the likelihood of the need for evacuation.

3. There are no secondary access and/or egress roadways and/or escape means from the proposed facility. The main access roadway limits the escape routes and emergency vehicle access/egress. Should the roadway become compromised, Seniors, Dementia and Alzheimer patients could potentially become trapped at the facility without electricity, water or other basic needs or need to evacuate on foot, which would be logistically challenging, particularly for patients with mental illness or are non-ambulatory. Evacuating patients with disabilities, the aging population, and people with medical conditions and hindered mobility would be difficult and not readily possible, and those patients may be left behind and be disproportionately affected.

4. The ability to assure at least a 100-foot separation from combustible trees and foliage to the proposed structures - As with the Tubbs (Santa Rosa Fire in 2017) even with minimal roadway grades and separation of combustibles and care facilities; escape/survival from wildfires, care facilities' patients had to be evacuated on foot (self-evacuation). This would not be practical given the existing topography and the conditions of the Seniors, Dementia and Alzheimer patients, particularly those who are non-ambulatory, residing at the facility.

5. Shelter in Place criteria will not be effective having to safely control the movement of Dementia, Alzheimer, and Seniors with limited mobility and cognitive abilities, with likely staff and resource limitations during an emergency.

Due to already difficult and labor-intensive logistics of evacuating Seniors, Dementia and Alzheimer patients, sound land use planning calls for siting such facilities in areas that are easily accessible by large engines and multiple vehicles (ambulances) with multiple points of ingress and egress. The proposed facility clearly does not meet those criteria.

Sincerely,

Bruce Clark

Bruce Clark

Enclosure

CC: Neighbors for Las Palmas
Las Palmas Homeowner's Association
Joe Sidor, Monterey County Planning Department

Entrance Road to proposed Riverview at Las Pamas

Santa Rosa Hospital Evacuation, Tubbs Fire 2018

Bruce A. Clark.

23605 Teagan Circle, Laguna Niguel CA 92677-1688
Office # 949-558-5235 Cell / Text; # 831-212-2486 bcclark911@gmail.com

Curriculum Vitae

Dedicated to education, Training and Personal Development with a focus on helping others.

Education
Master's Degree, University of La Verne, May 1989
California Teaching Credential, 1988 to present
Bachelor's Degree, University of La Verne 1985
Wildland Command Training and ICS Specialist Course (ICS 100, 200, 300, 400)

Honors and Awards
Employee of the Year, Central Fire District, 2007
Capitola/ Soquel Chamber of Commerce, Man of the Year, 2005
Santa Cruz County Red Cross Accommodation for Service, 2002-2008
Senator Sam Farr, US Congressional Service Award, 2006
John Laird, California Senate, Service Award, 2005
City of Chino Life Saving Award, 1978
Chair, Mt San Antonio College Fire Technology Advisory Committee 1999-2001

Work Experience & Accomplishments.
Firefighter 1972-1975
Firefighter Paramedic 1975- 1985
Engineer/Paramedic 1978-1982
Captain/Paramedic 1982-1986
Battalion Chief 1986-2001
Fire Chief 2001-2010
Adjunct Professor/Instructor, Mt San Antonio College, 1988-2001
Adjunct Professor Asilomar State Fire Officer Training Program, 1989- 2010

Work Experience Highlights & Accomplishments
Santa Cruz County Area Coordinator for EOC Command, 2006-2009
Creation of 3 Sections of the Chino Valley Fire Master Plan, and revisions 1993-2001
Strike Team Leader, Division/ Group Supervisor for Major Fire Incidents
Incident Commander for major, local, regional disasters and Wildland Fire emergencies
Developed and implemented the Central Fire District Master/ Strategic Plan 2004-Present
Rewrite of the Central Fire Districts Personnel Policy Rules and Regulations, 2007-2009
Senior Consultant BEMA and Associates, Public Safety Consulting Firm
Developed the Financial, Operational and Strategic Plan for the City of Mountain House 2014

Volunteer Experience
Chino Valley Fire Citizens for Fire Safety, member at large 1995-2001
American Red Cross, Board Member (Treasure/Secretary) Santa Cruz Co. 2004-2009
Co-Founder (Treasure, Secretary, Vice President, President) Capitola Public Safety Foundation
Established 2004/05 to 2015
Emeritus, Past President Capitola Public Safety Foundation
Disaster Recovery Volunteer, State of California- Major Emergency Relief and Assistance 2010 -Present
5th Marines Division Support Group Volunteer

Personal Interests
Participate/volunteer in various community-outreach and charity fund raising events
Golf, Hiking, Biking and spending quality time with my wife and friends

Personal and Professional References available on request

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

September 3, 2021
By Email Only

Our File No: 4813.001

Wendy Askew, Chair
Monterey County Board of Supervisors
168 West Alisal
Salinas, CA 93901

RE: River View at Las Palmas

Dear Chair Askew and Members of the Board:

At the August 31, 2021, meeting Ms. Christine Kemp stated that your Board had previously adopted a resolution of intent to deny the River View project. That is not correct.

We confirmed with Mr. Craig Spencer that on July 20th, a motion to deny the River View project failed (2-2) and then a motion to continue the hearing to August 31st passed 4-0. The Board did not, contrary to Ms. Kemp's statement, adopt a resolution of intention to deny the River View project.

We felt it necessary to bring this to the Board's attention and to correct the record.

Sincerely,

Dale Ellis
Director of Planning and Permit Services

cc: Clients
Joe Sidor
Erik Lundquist
Wendy Strimling, Esq.
Christine Kemp, Esq.

Received by HCD-Planning
on September 7, 2021.

Sidor, Joe (Joseph) x5262

From: Kemp, Christine <CKemp@nheh.com>
Sent: Friday, September 3, 2021 5:10 PM
To: 'dale@alombardolaw.com'
Cc: ClerkoftheBoard; Lundquist, Erik; Sidor, Joe (Joseph) x5262; Spencer, Craig x5233; Strimling, Wendy x5430; Angela Love (Angela@alombardolaw.com)
Subject: FW: River View at Las Palmas
Attachments: L-BOS.09.03.21.pdf

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dale,

I clearly intended to say the Board made a motion for an intent to deny, if I, in fact, misspoke. The motion was, in fact, made but needed the 5th vote. I would not know knowingly misrepresent what occurred.

My point was to not lose the momentum of comments and concern expressed by the public and Board members warranting a denial, if the matter were continued. Following the July 20th hearing, all that was needed was for Supervisor Askew to view the Board 7/20 hearing and weigh in on the project to break the tie vote.

Please provide this clarification to the Board, as well.

Christine

Christine G. Kemp
NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation
333 Salinas Street
P.O. Box 2510
Salinas, CA 93901
(831) 424-1414 ext. 271
(831) 424-1975 (fax)
ckemp@nheh.com
www.nheh.com

Serving the Central Coast Since 1928

From: Angela Love [mailto:Angela@alombardolaw.com]
Sent: Friday, September 3, 2021 2:30 PM
To: cob@co.monterey.ca.us
Cc: Sidor, Joe (Joseph) x5262; Wendy S. Strimling (strimlingw@co.monterey.ca.us); Lundquist, Erik; Kemp, Christine
Subject: River View at Las Palmas

Dear Clerk of the Board,

Attached is correspondence from Mr. Ellis dated today (September 3rd) regarding the above subject matter for consideration by the Supervisors. This is being sent by e-mail only.

Sincerely,

Angela M. Love
Legal Assistant
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
144 W. Gabilan St.
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
Email: angela@alombardolaw.com