Exhibit J

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Michael W. Stamp
Molly Erickson

STAMP | ERICKSON
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June 12, 2017

Mary Adams, Chair, and Members of the Board of Supervisors
County of Monterey
168 West Alisal Street
Salinas, CA 93901

Re: Support for Planning Commission recommendation to deny PLN140089 subdivision project, June 27, 2017 meeting

Dear Chair Adams and Supervisors Alejo, Parker, Phillips and Salinas:

We represent a group of business owners, employees, and residents who, along with the Carmel Valley Association, oppose the project and ask you to support and affirm the Planning Commission's recommendation. We raise and incorporate all issues presented by us and others to the Planning Commission, as if fully set forth herein. Many comments are included in your packet.

The proposed subdivision violates the County General Plan and there is only one result possible: denial. (Planning & Zoning Law, Gov. Code § 65000 et seq.) The project does not comply with express language in General Plan policy LU-1.19 and thus must be denied. Subdivisions which are inconsistent with the General Plan subvert the integrity of the planning process. To make matters worse, the EIR did not adequately disclose the inconsistency with the policy.

The EIR admits that the project would have significant and unavoidable impacts on traffic. On that point alone this County has absolute discretion to deny project and the County's decision to deny it on that basis will not be overturned. (See CEQA Guidelines, §§ 15042, 15002, subd. (h)(5); see Pub. Resources Code, § 21081.) To top it off, the EIR underestimates the traffic impacts because the EIR incorrectly claims that Highway One is a so-called "urban street." Highway One in the Carmel area does not meet the specific defined characteristics of an "urban street": it has no sidewalks, no bicycle lanes, no dedicated transit lanes, very few public buses, and contains the only three stop lights in an approximately 100-mile stretch.

The project is seeking to be treated preferentially and inconsistently with the site's zoning and with other properties within the same zone. The project seeks spot zoning for no good reason and approving it would be inconsistent with the law.

Request

The Board should affirm the Planning Commission recommendation to deny the project and direct staff to return to the Board on July 11 with a draft resolution identifying all of the reasons and evidence that supports denial. Thank you.

Projects that are denied do not need to comply with CEQA, and thus the Board should not certify the flawed EIR.

Very truly yours,

STAMP | ERICKSON

Molly Erickson

MONTEREY COUNTY PLANNING COMMISSION
MAY 10, 2017
AGENDA ITEM NO. 1

Additional Correspondence

CARMEL RIO ROAD LLC (CLARK) PLN140089

Contact Info:
Bob Schubert, Senior Planner
Resource Management Agency Planning
168 W. Alisal St., 2nd Floor
Salinas, CA 93901
(831)755-5183 or schubertbj@co.monterey.ca.us

Schubert, Bob J. x5183

From: Richard Rosenthal <rrosenthal62@sbcglobal.net>
Sent: Wednesday, May 03, 2017 1:26 PM
To: Schubert, Bob J. x5183
Cc: Richard H. Rosenthal
Subject: PLN140089 - Carmel Rio Rd Subdivision: PLN 140089

Bob: Please be advised that Save Our Peninsula is concerned that the above referred to project is inconsistent with many of the Carmel Valley Master Plan policies regarding traffic and land use. In addition the EIR fails to adequately discuss the project's impacts to traffic, air quality, hydrology and impermissibly defers mitigation measures for hydrology and run off.

Please pass these concerns along to the Planning Commission

Thanks,

Law Office of Richard H. Rosenthal
P.O. Box 1021
Carmel Valley, CA. 93924
831-625-5193

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 140089 #1
DATE RECEIVED 5/3/17
SUBMITTED BY VIA: public email
DISTRIBUTION TO DATE: PC, email
DATE OF HEARING: 5/10/17

Schubert, Bob J. x5183

From: Lauryn Nichols <mslsninc@gmail.com>
Sent: Thursday, May 04, 2017 8:50 PM
To: Schubert, Bob J. x5183
Cc: president@carmelvalleyassociation.org
Subject: NO DEVELOPEMENT IN CV

Good Evening Mr. Schubert,

I felt so silly writing you so late in the game. I know that all emails were due on May 2nd which is Tuesday. Unfortunately I was working and forgot about the deadline until now. I just wanted to at least make the gesture and email my thoughts on the Val Verde Drive development.

I have lived in Carmel Valley Village my whole life (I am 27, almost 28) and I **LOVE** Carmel Valley! It is a beautiful rural area tucked in away from busy towns that are fairly close by. Resources are scarce in general, especially with all this talk about a future "super drought" so why would we keep building more and more? The community has a responsibility to protect the natural resources we have here in the Valley and people are already coming from around the world to visit its beautiful ambiance, delicious restaurants and wine tasting rooms. There is no need for further buildings in my opinion.

I think Carmel Valley and its community need to focus on conservation of land and keeping this area unique and special. We are already changing and with this we cannot go back, but we can help the now. Now it is important to think about all the animals, beautiful land and the fresh air we offer to all the residents of Carmel Valley Village.

Carmel Valley is a place where all these developers want to build.... but Carmel Valley needs to stay a "village" and be around for years to come and for people to see and enjoy! :)

Thank you so much for your time! I apologize again for my late response!

Kindest Regards,

Lauryn Nichols
(Life-long Carmel Valley Resident)

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 14000 #1
DATE RECEIVED 5/8/17
SUBMITTED BY/VIA public email
DISTRIBUTION TO DATE: public email
DATE OF HEARING: 5/10/17

Schubert, Bob J. x5183

From: LandWatch ED <execdir@mclw.org>
Sent: Friday, May 05, 2017 3:02 PM
To: Schubert, Bob J. x5183
Cc: Janet Brennan
Subject: LandWatch comments on FEIR for Carmel Rio Road subdivision (aka Val Verde project)
Attachments: LandWatchComments_CarmelRioRoadFEIR_FINAL.pdf

Bob,

Based on LandWatch's review of the Final Environmental Impact Report (FEIR) and earlier review of the Draft Environmental Impact Report, we urge the Monterey County Planning Commission to deny the Carmel Rio Road subdivision (aka Val Verde project). Please share our comments (attached) with Planning Commission Chair Cosme Padilla and the other planning commissioners.

Please confirm receipt of LandWatch's letter. Thank you.

Regards,

Michael

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

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HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 140680 #1
DATE RECEIVED: 5/5/17
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LandWatch
monterey county

May 5, 2017

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

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

Dear Chair Padilla and Planning Commissioners:

LandWatch has the following comments on the Final Environmental Impact Report (FEIR) for Carmel Rio Road subdivision (aka Val Verde project):

The project is inconsistent with Carmel Valley Road Policies.

In comments on the DEIR, we found the project inconsistent with CV-2.17 policy because it would exceed the thresholds for various segments on Carmel Valley Road. The FEIR (p. 2-4) found the project consistent with the policy because an EIR had been prepared. The FEIR failed to respond to the following DEIR comment:

> In similar findings regarding traffic for Rancho Canada Village, staff found the project consistent with the policy since an EIR was prepared for the project. In effect, this strained interpretation of the policy intended to manage Carmel Valley traffic would permit the County to deny approval of small projects for which no EIR is prepared but permit approval of large projects for which EIRs are prepared. Such an interpretation is absurd as a matter of policy. Furthermore, such an interpretation violates the requirements that circulation policies by consistent with land use policies because it permits land uses that are not supported by transportation systems. **Inconsistency with this policy should be identified as significant and unavoidable**.

The project is inconsistent with General Plan policies that require a Development Evaluation System.

In response to our comment regarding inconsistency with the Development Evaluation System (FEIR, p. 2-42), the FEIR references an "interim system" which it has used for several recent projects. While finding consistency with a jerry-rigged system, it ignores inconsistency with the basic requirement for 30% affordable housing.

The County has not yet implemented General Plan Policy LU 1.19, which mandates preparation of a Development Evaluation System ("DES") "to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments of five or more lots or units and

developments of equivalent or greater traffic, water, or wastewater intensity." The DES applies to this Project because it is not within a Community Area, Rural Center, of Affordable Housing Overlay district.

General Plan Policy LU 1.19 mandates that the County establish the DES "within 12 months of adopting this General Plan," i.e., by October 26, 2011. The DES is now *six years* overdue. Planning staff did not bring the first workshop proposal for the DES to the Planning Commission until July 31, 2013. The Planning Commission did not review the proposal in detail. Instead, based on a discussion led by Commissioners Diehl, Vandevere, and Brown, the Commission provided direction to staff to return with specific comments to staff regarding the scope and content of the DES.

The DES is a mandatory requirement of the General Plan and a critical constraint on sprawl development. **Projects subject to the DES cannot be approved until the County establishes the objective, systematic scoring system that Policy LU 1.19 requires.** Accordingly, the County should not approve this Project until it implements its General Plan by establishing the DES and evaluating this Project with the DES.

Relevant provisions of the DES

The DES must be an objective and predictable scoring system to determine which projects may be approved. Thus, it must be "a pass-fail system and shall include a mechanism to quantitatively evaluate development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development."

The DES is required to include evaluation criteria, including but not limited to the following:

a. Site Suitability
b. Infrastructure
c. Resource Management
d. Proximity to a City, Community Area, or Rural Center
e. Mix/Balance of uses including Affordable Housing consistent with the County Affordable/Workforce Housing Incentive Program adopted pursuant to the Monterey County Housing Element
f. Environmental Impacts and Potential Mitigation
g. Proximity to multiple modes of transportation
h. Jobs-Housing balance within the community and between the community and surrounding areas
i. Minimum passing score

Since the DES must be objective, quantitative, and predictable, and must create a pass-fail system with a minimum score, the County must devise a scoring system that implements at least the criteria enumerated in LU Policy 1.19.

LU Policy 1.19 also provides specific criteria for affordable housing for residential development subject to the DES, i.e., any project of five or more units outside Community Areas, Rural Centers, and Affordable Housing Overlay districts. These affordable housing requirements are as follows:

1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units to be considered

2) If the project is designed with at least 15% farmworker inclusionary housing, the minimum requirement may be reduced to 30% total.

The purpose of the DES is to avoid sprawl development and encourage development that meets General Plan aspirational goals.

LU 1.19 is an important form of mitigation to avoid impacts associated with sprawl development. The announced purpose of LU 1.19 was also to ensure that the Community Areas and Rural Centers remain the priority areas for growth and that only 20% of future growth occurs outside these designated growth areas. See, e.g., 2010 General Plan FEIR, Master Response 2.1.2.

When the Planning Commission reviewed and rejected staff's initial version of the DES, they provided essential guidance that illuminated the purpose of the DES.

- The DES is not a device for determining whether a project is consistent with the General Plan. If a project is not consistent with the General Plan, it should not even be reviewed under the DES.
- The DES must be designed to screen out all but the exceptional projects that justify departing from the goal of focusing growth in Community Areas and Rural Centers.
- The DES must be designed to implement the General Plan goal to limit growth outside these areas 20% of overall growth.
- The DES must provide a pass/fail system, with a minimum passing score.
- The DES must provide objective criteria.
- Projects should be rewarded for meeting the General Plan's aspirational goals and exceeding its minimum standards.

The County should move to establish the DES promptly, and it should not deem applications complete or approve projects subject to the DES until it establishes the DES.

The County has a mandatory duty to establish a DES, and to do so timely, since LU Policy 1.19 states that it "shall be established within 12 months." Accordingly LandWatch asks that the County ensure that implementation of LU 1.19 be made a priority.

LU Policy 1.19 provides that the development projects subject to its provisions must meet the minimum passing score of a DES. Approval of such projects without scoring them through a DES, which must be established as a "systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments," would be inconsistent with the General Plan.

In short, establishment of the DES is an essential prerequisite to approving projects subject to LU Policy 1.19. Until the County establishes a DES, approving a residential project of 5 or more units, or a development of equivalent traffic, water or wastewater intensity, outside a Community Area, Rural Center, or Affordable Housing overlay would be *ultra vires* because the County is powerless to issue permits that are inconsistent with the General Plan.

Until the DES is established, LandWatch asks that the County refrain from deeming any development application for a project subject to LU 1.19 complete or from approving any such project.

The FEIR does not adequately address air quality impacts.

In comments on the DEIR, we stated that temporary emissions of Toxic Air Contaminants could have significant impacts on sensitive receptors and that a quantitative assessment using an accepted model to specifically address diesel exhaust emissions should be undertaken noting that the Carmel Middle School

is 500 feet east of the project (FEIR p. 2-27). The FEIR found that such an analysis is not warranted due to the short-term duration of construction and related diesel exhaust emissions. (FEIR P. 2-32).

"Health Effects of Diesel Exhaust", a fact sheet by Cal/EPA's Office of Environmental Health Hazard and the American Lung Association states:

> Exposure to diesel exhaust can have immediate health effects. Diesel exhaust can irritate the eyes, nose, throat and lungs, and it can cause coughs, headaches, light-headedness and nausea. In studies with human volunteers, diesel exhaust particles made people with allergies more susceptible to the materials to which they are allergic, such as dust and pollen. Exposure to diesel exhaust also causes inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks.

The EIR is inadequate because if fails to address diesel exhaust emissions with a quantitative assessment using an accepted model to specifically address diesel exhaust emissions. Diesel engines are a major source of fine-particle pollution. The elderly and people with emphysema, asthma, and chronic heart and lung disease are especially sensitive to fine-particle pollution. Numerous studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks and premature deaths among those suffering from respiratory problems. Because children's lungs and respiratory systems are still developing, they are also more susceptible than healthy adults to fine particles. Exposure to fine particles is associated with increased frequency of childhood illnesses and can also reduce lung function in children.

The FEIR's air quality consistency analysis is inadequate.

Air Quality Consistency is used to determine if a project would have a significant impact on regional air quality. The Monterey Bay Area Resource District (MBARD) has adopted specific procedures to determine consistency with its Air Quality Plan. The procedures require that approved and unconstructed projects be identified. The analysis in the DEIR assumed that there are no approved and unconstructed projects in unincorporated Monterey County. Our comments identified 9 such projects that should have been used in the analysis (FEIR P. 2-27). The FEIR did not include a revised consistency determination to address this inadequacy.

The FEIR fails to address construction traffic adequately.

The FEIR includes information on construction traffic, which was not included in the DEIR. It finds that there would be 1,596 truck trips needed to move 11,168 cubic yards of fill to the site. It further finds construction traffic would be less than the project's operational AM and PM peak hour traffic. (FEIR P. 2-41)

The FEIR fails to identify circumstances unique to construction traffic such as delay, impact on traffic flow, etc., and it fails to identify trip length or the roadways that would be used to transport the fill. Construction traffic would add new trips to the already overburdened road system. Without data from an accepted traffic model to show otherwise, construction traffic should be found to have significant cumulative and unavoidable impacts on Carmel Road and segments of Highway 1 similar to the findings for operational traffic.

Impacts of the proposed CSA Flood Control Project not addressed

A CSA 50 flood control project includes a levee adjacent to Val Verde Drive. The potential impacts of the levee on project access and designed were not addressed in either the DEIR or the FEIR.

In conclusion, we urge the Planning Commission to find the FEIR for Carmel Rio Road subdivision inadequate and not recommend its certification to the Board of Supervisors.

Sincerely,

Michael DeLapa
Executive Director

Nickerson, Jacquelyn x5240

From: schachtersj@comcast.net
Sent: Tuesday, May 9, 2017 4:14 PM
To: Amy D Roberts; Ana Ambriz; Cosme Padilla; Don Rochester; Jose Mendez; Keith Vandevere; Luther Hert; Marth Diehl; Melissa Duflock; Paul Getzelman
Cc: Nickerson, Jacquelyn x5240; Schubert, Bob J. x5183; Walton, Priscilla; Mary Adams
Subject: Letter from Carmel Valley Association on Val Verde Project
Attachments: cva val verde letter.docx

Dear Planning Commission:

Attached is a letter from Priscilla Walton, President of the Carmel Valley Association, concerning the Val Verde project to be discussed at tomorrow's meeting.

Thank you for your consideration of these comments.

Sincerely,

Sandra Schachter, Secretary, CVA

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 140084, #1
DATE RECEIVED: 5/9/17
SUBMITTED BY/VIA: public, email
DISTRIBUTION TO/DATE: PC, email 5/10/17
DATE OF HEARING:

Carmel Valley Association

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

May 9, 2017

Chair Don Rochester and Planning Commissioners
County of Monterey
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

Subject: Deny Carmel Rio Road LLC (Val Verde) Subdivision Project and Deny Certification of EIR (PLN140089)

Dear Chair Rochester and Planning Commissioners:

The Carmel Valley Association team of volunteer reviewers has reviewed parts of the Final EIR released late last week by the County. This letter supplements our earlier comments.

The project is inconsistent with Carmel Valley Master Plan policies and General Plan policies designed to protect sites such as this one. The Planning Commission wisely denied the applicant's subdivision proposal last time, and we recommend that you do so again. There is no support for the proposal.

This project violates General Plan, Carmel Valley Master Plan and Zoning Policies that include the following areas: land use, air quality, traffic and circulation, aesthetics, hydrology, and water quality.

Land Use: The project is inconsistent with Carmel Valley Master Plan, the County General Plan policies and Zoning requirements.

This project violates CVMP Policy and the County Zoning Code Section 21.14.050.

Policy CV-1.10 allows one residential unit per acre in the Val Verde Drive area. The policy may allow 2 units per acre **if clustered.** Further it may allow a density of 4 units per acre if a minimum of 25% are developed for low and moderate income/workforce housing.

This project is not "a clustered" residential development. Rather this is a typical suburban unit development. The market-rate units are spread throughout the entire site. The minimum building site allowed is one acre. (§21.14.060.) The subdivision proposes lots (building sites)

MAIL P.O. Box 157, Carmel Valley, CA 93924
WEB www.carmelvalleyassociation.org | EMAIL president@carmelvalleyassociation.org

of 0.25 acre to 0.38 acre. This is smaller than the required minimum building site of 1.0 acre. The subdivision cannot be approved consistent with the Zoning Code, Title 21.

Zoning Code section 21.14.050.A limits density of residential units in LDR zones to "a maximum of 4 on any lot and not exceeding the zoning density of the property." The applicant proposes to place the 7 inclusionary units on one lot.

• The project is inconsistent with the CVMP Master Plan and Policy Zoning Code because it allows a density of more than 4 units per acre in the LDR zone.

The project also clearly violates County Inclusionary Housing Requirements. The County has specific requirements for the affordable housing units to be integrated throughout the project rather than cramming them into one lot, as this project does. The intent is to scatter the inclusionary housing so that it is part of the overall comprehensive development and does not stand out. This project basically promotes a "lower income housing lot" that is readily identifiable within the project. This is in direct contradiction to the County's intent of integration.

•The project is inconsistent with County inclusionary housing requirements and good design planning.

The Project is inconsistent with General Plan Policy LU-1.19 and Policy CV-1-6. The 2010 General Plan Policy LU-1.19 requires that residential development in Rural Centers must incorporate the following minimum requirements of 35% (25% inclusionary; 10% Workforce) affordable/workforce housing for project of five or more units. The project does not provide 35% affordable housing as required by LU-1.19 or 50% affordable housing as encouraged by CV-1.6(a). The project provides only 22.6% at the site. Thus, it does not meet the requirements for preference or approval.

•The project is inconsistent with General Plan Policy LU-1.19 and CVMP Policy CV-1.6

When the RCV's 130 new units and 8 new secondary unit as the County has done up until this week, the remaining units in the Carmel Valley Master Plan unit cap appears to be at most 28 according to the County's long standing calculations.

The County's brand new analysis of the number of units to be debited from the new unit cap is inconsistent with the County's past actions and inconsistent with CVMP policy CV-1.6, subdivision (c). Policy CV-1.6 states: "For purposes of the new residential unit cap set forth in this policy, the term "unit" or "units" means <u>lots created by subdivision</u> (including

condominiums), accessory dwelling units, single family dwellings beyond the first single family dwelling on a lot, and apartments." Thus, each lot "created by subdivision" and each new "apartment" is counted as a new unit that should be subtracted from the cap. Subdivision (c) clearly states that only units added on "qualifying existing lots," which are lots greater than 5 acres as stated in subsection c, shall not count as part of the total unit cap.

In its new analysis, the County now counts the Rancho Canada Village's 130 new units as only 125 unit because the County argues there could be some sort of "credit" of 5 units for "existing lots," even though these lots do not qualify pursuant to the policy CV-1.6, subdivision (c). These lots neither exist nor qualify because they have been subdivided. The exception for lots of 5 acres or more is a benefit and bonus for those lots as they exist. Those lots do not get the benefit if they subdivide smaller than 5 acres because they would no longer be "existing 5-acre lots." The County's new argument and new math is not rational and is inconsistent with the plain language of CV-1.6.

• *The County has introduced a new interpretation of the unit cap that is not consistent with the CVMP policy and the County litigation settlement with CVA.*

Traffic & Circulation: The Traffic and Circulation components of the project violate CEQA and County General Plans.

General Statement on the violations of CEQA and General Plan:

CEQA Guidelines state that in response to public comments, "major environmental issues raised when the Lead Agency's position [expressed in the DEIR] is a variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, rezoned analysis in response. Conclusory statements unsupported by factual evidence will not suffice." (CEQA Guidelines §15088.5(c).)

Responses by the FEIR to CVA's comments on the traffic assessment in the DEIR fail systematically to meet this CEQA requirement. The responses are not complete, and are inadequate, and the reasons, evidence and factual support for the Lead Agency's positions quite clearly are not disclosed in good faith, as our replies below demonstrate in sufficient detail, and with sufficient evidence to require revision and recirculation of the DEIR, and consequently substantial revision of the relevant portions of the FEIR.

According to CEQA, the EIR "shall include ... relevant information sufficient to permit full assessment ... by members of the public." (CEQA Guidelines 15147) "An EIR is an informational document which will inform ... the public generally." (CEQA Guidelines §15125.) Therefore the responses to comments from the public must be written and directed to the public with full understanding that many (and probably most) commenters are not professionals in the relevant disciplines of environmental analysis, and will justifiably expect reasoned, intelligent responses that draw reasonable inferences from the comments, and that sensibly connect the import and evidence provided by comments with conditions and impacts toward which they are directed.

Evasion and obscuring of the evident significance and meaning of public comments, or of the evidence supporting them, is not warranted by CEQA in any way. Yet such evasion and obscuring is a central of the FEIR responses to CVA's comments on traffic.

The FEIR responses to CVA comments on the traffic conditions in the project's vicinity **violate CEQA**, and because many of CVA's comments refer directly to violations of CVMP and General Plan provisions, certain of the **FEIR responses also effectively promote or advocate violation of the County's own plans and ordinances**.

As a result, this **FEIR must not** be certified: CEQA Guidelines require that (emphases ours) "**Prior to approving** a project the lead agency **shall certify** that: (1) The final EIR has been **completed in compliance with CEQA**; (2) ... the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) the final EIR reflects the lead agency's **independent judgment and analysis**." (CEQA Guidelines §15090.) An EIR that is **not complete, not adequate**, and which demonstrates **lack of good faith effort at full disclosure** (all of which are shown in the comments to be present in this FEIR) is not "completed in compliance with CEQA" and cannot be certified under CEQA. According to CEQA Guidelines' discussion of certification, "the decision body itself must consider the information in the EIR."

Some specific examples of the problems in the EIR:

1. CVA Response 8.7 (Comment 7): "The commenter notes that the proposed project would exacerbate existing degraded traffic
conditions. .... Refer to Section 4.14, *Transportation and Circulation,* of the DEIR for a complete analysis of the project's impacts on the local circulation system."

CVA's position is that on the ***contrary*** the "complete analysis" in the DEIR (Section 4.14, traffic) is ***not*** *complete* and contains ***substantial errors and falsehoods***. The DEIR's ***incompleteness and extensive inaccura*****cies gave rise to the considerable length, detail and evidence contained in the CVA comments on the DEIR**, "based to the extent possible on scientific and factual information" (CEQA Guidelines §15064), demonstrate incontrovertibly the EIR's inadequacy and incompleteness. This response **does *not* constitute the "good faith reasoned analysis" that CEQA requires.**

The clear intent of the CVA comment is to emphasize that **existing traffic conditions, according to information on traffic in the DEIR, already are unacceptable, unavoidable and that the project will make them still worse.** Furthermore, existing conditions that are "unacceptable" refer to current violations of standards stated in the CVMP and/or the County General Plan, which unquestionably are significant environmental issues as discussed in CEQA Guidelines.

• The County violate CEQA with its dismissive response, "The comment is noted". This response does *not* meet CEQA requirements as stated in CEQA Guidelines: "[C]omments must be addressed in detail giving reasons why specific comments ... were not accepted." (CEQA Guidelines §15088.)

2. CVA Reply to Response 8.8 (Comment 8): "The commenter states that the project, in addition to other development projects, will add more trips to an already congested area. The commenter also states that the DEIR does not adequately disclose, consider, and mitigate the additional trips that will occur during construction. The comment is accurate in that the project, and other development projects, will add more trips to the project area. The DEIR identifies the project's significant and unavoidable impacts. Refer to Response 4.17 for a discussion of construction-related impacts. As noted therein, such impacts would be less than significant."

The CVA comment in fact is correct, and the response in the FEIR is incomplete and inadequate.

CEQA requires, among other things, that the *response explain in good faith why* existing conditions, currently "unacceptable" according to County planning documents, would become acceptable in future scenarios (cumulative effects), when traffic certainly would be made still worse (exacerbated). CEQA requires that the *response* address in good faith the reasons why the impeded emergency services and of other local traffic as a result of undertaking the

project. CEQA requires that the *response* show in good faith and with reliable evidence why adding 300 daily auto trips and 4,000 vehicle trips during construction would be considered acceptable in considering approval of the proposed project, given that existing traffic conditions are not acceptable.

• The FEIR response fails to meet these requirements. The comment specifically raises these issues; CEQA requires the County to respond with "<u>good faith reasoned analysis</u>", *not* with the evasion and obfuscation that constitute the FEIR response.

This is further confirmed by reference in the response to the earlier Response 4.17 (to LandWatch comments in Letter 4) which itself is inadequate. The response is **conclusory, violating CEQA standards for EIRs**; it uses projected peak hour auto traffic as a standard against which to measure an estimated 58 days of day-long construction traffic, which is an inadequate claim unsupported by pertinent reliable evidence related to construction traffic. Furthermore, this new assertion about construction traffic was unavailable to the public during the public comment period. And there is no guarantee or reason that the 58 days is a reliable estimate, and there is no condition limiting the construction traffic to 58 days. The reality of construction is that the actual amount of time would be far longer than 58 days and stretched out over longer period.

3. FEIR Reply to Response 8.9 (Comment 9). "The commenter provides a list of study road segments that show significant project impacts or unacceptable levels of service and under which scenario they first appear. The comment is noted. However, the commenter erroneously lists the LOS for eastbound segment #14 under cumulative conditions as LOS F, while the traffic study reports LOS E."

The obvious meaning of the CVA comment is that an excessive number of road segments in the vicinity of the project operate at unacceptably poor levels of service; thresholds and standards stated in the General Plan and CVMP would be violated not once but many times over, in number that exceeds any reasonable environmental level of tolerance. To propose further contributions to traffic degradation in the area by proposing new vehicle trip-generating projects, is to propose not only even more numerous and greater violation of the CVMP (and County General Plan), but effectively to nullify the traffic planning and enforcement processes. The project cannot go forward without extraordinary and clearly unacceptable violation of the laws and protections put in place to protect Monterey County residents and businesses, and to assure their reasonable expectations of safe and trustworthy publicly owned infrastructure.

The clear meaning of the CVA "list" (in tabular form, prepared from the DEIR tables) provided in the CVA comment is that eight (8) two-way segments (1, 2, 3, 6, 7, 11, 13, 14) potentially affected by the project operate now at unacceptable levels, or that thirteen (13) one-directional segments (which is how they are listed in the DEIR), have unacceptable LOS ratings with segments 1, 2, 3, 13 and 14 each operating in unacceptably in both directions, and segment 11 in one direction only. Of these, segment 2 on Highway 1 was reported in the DEIR entirely erroneously as operating at LOS C in both directions, whereas in fact the level of service based on measurement of actual vehicle trips – of actual traffic -- long has been known to be LOS F as recent level of service measurements have confirmed.

There are two clerical errors in the CVA table that was submitted with the CVA comments. They are corrected as shown below and do not diminish the meaning and substance of the table:

seg	direction	1st unacceptable scenario	LOS	2nd unacceptable scenario	LOS
11	northbound	existing	E		
13	eastbound	existing	D		
1~~4~~ 3	westbound	existing	E	cumulative	F
14	eastbound	existing	D	cumulative	~~F~~ E
14	westbound	existing	E	cumulative	F
1	northbound	existing	D		
1	southbound	existing	D		
2	northbound	bckgnd	F		
2	southbound	existing	F (although falsely reported in DEIR as **C**)		
3	northbound	existing	F		
3	southbound	existing	E		
6	both	existing	E		
7	both	existing	E		

With respect to the meaningful content of table concerning segments 1 – 4, the DEIR did not in fact assess vehicle trips on the relevant segments of Highway 1 at all. That is, Highway 1 LOS ratings for this report were not based on the number of vehicles moving along the road

per unit time as is necessary to learn the actual level or intensity of roadway congestion. Instead the report was based only on two fixed features of the highway that do not change over time except as a result of major changes in roadway design, namely the numbers of full stops vehicles execute per mile of roadway, and the proportion of intersections with left-turn lanes along the section of highway under study. This is not a measure of traffic but of highway design features, and is entirely independent of traffic. The method, called MMLOS or multimodal level of service for urban streets, when used on existing roads, cannot measure any changes in rate of vehicle flow, and automatically will yield the same automobile LOS value for existing, background and cumulative conditions. The method is wholly inappropriate for environmental reporting, and is useless in that application. Yet it was used here throughout the EIR and consulting traffic analysts' unwarranted references to the Highway 1 analysis to the Rancho Canada Village traffic study, which itself was a false and misleading representation of traffic between Ribera Road and Carpenter Street on Highway 1. This falsity was explained in considerable detail in the CVA comments on Rancho Canada Village, but evidently ignored by the County's Public Works and Planning departments.

•The FEIR response confirms violations of CVMP standards are shown in an additional table on intersections analyzed in the CVA comment labeled by the responders as part of Comment 9, and similar CVA comments reference the table, as well. The appropriate points are made above.

The County allocated too little time from the date of the FEIR release prior to the Planning Commission hearing. The short time allotted makes it impossible to conduct a complete and fair examination of the FEIR's responses to CVA's comments on the DEIR, let alone the responses to other comments.

In the limited time available in the three business days since the release of the FEIR to review it, it is fair to say that the FEIR does not even begin to satisfy the meaning and intent of CEQA and of the General Plan, including the CVMP. Numerous items in the DEIR and FEIR are wholly inaccurate, inadequate, incomplete, and clearly intentionally false, as has been repeatedly observed elsewhere as well as above. This FEIR is a particularly stunning example of bogus environmental claims and of evasion of accountability. It is an embarrassment to all who seek and value truth in government, as shown in our comments during the CEQA process.

Much more would be disclosed were the County to promote, accept and carry out truthful environmental reporting, and utilize a planning process that were faithful to County residents rather than one susceptible to accommodation to special influence.

• *We have supplied in our extensive comments on the EIR, fully irrefutable evidence to support our contention that it would be unlawful under CEQA to either certify the FEIR or to approve the Carmel Rio Road Subdivision.*

Hydrology and Water Quality. This project will increase the numbers of families by 31 who would live in a known high-risk flooding area. The lower river area has flooded 22 times in the last century, according to County records.

The FEIR claims "mitigation to reduce the extent of the runoff the maximum extent feasible" would ensure that the proposed project would not violate water quality standards or degrade water quality standards or waste discharge. The County provides insufficient information regarding feasible mitigation measures and who and on what basis would judge the "feasibility" of measures, which is an important issue given the County's recent actions with regard to interpreting feasibility.

The FEIR is inadequate because it fails to explain and quantify what they "the maximum extent feasible" and what impacts would remain.

Flooding: The FEIR still does not explain and identify in detail the specific measures that would mitigate the downstream impacts that all project aspects would have. The County's 2014 CSA 50 report states a "key deficiency" in the area's existing drainage system. The north side of the Carmel Valley drains into this area and has caused prior flooding. The addition of 31 homes means that the 7.9 acres of agricultural land that can presently absorb some of the rainwater and drainage flows would be eliminated.

Groundwater: The Carmel Valley Alluvial Aquifer suffers from water table loss every year and is overdrafted. The water supply cannot be counted on as a long term sustainable water supply. County General Plan Public Service goals and policies require a long term sustainable water supply. The applicant's proposes to pump from two wells to provide domestic and exterior water for the 31 units. Wells would pump from the aquifer thus it will contribute to overdraft. Exceeding water demand would further harm the river and habitat. The County has not required a mitigation that limits the groundwater pumping at the site. The applicant does not propose any effective cap or limits on water use. There is still no evidence or plan to

guarantee that the 31 new residents would not exceed the water demand.

Agriculture: The project would eliminate the current agricultural use of the project area. CVA reiterates that keeping the site in agricultural production would adhere to CVMP Policy CV-1.1 to maintain the rural and the agricultural character. That policy should prevent this proposal to turn productive agricultural acreage into further urban sprawl. This project would adversely impact the rural nature of the Carmel Valley. It has been in agricultural production growing local organic produce. Keeping it in agricultural use minimizes traffic by reducing the trucking in of agricultural products from outside that result in increasing traffic.

The project would not comply with the Master Plan Policies CV-6.2 and CV-6.3 requirements for protecting agriculture:

> "Gardens, orchards, row crops, ... farm equipment, and farm buildings are part of the heritage and the character of Carmel Valley. This rural agricultural nature should be encouraged .... "
>
> "Croplands and orchards shall be retained for agricultural use..."

The surrounding properties to the north and south of the proposed project are consistent with the rural character combining open space, equestrian uses, woodland habitat and low-density single-family residences. This site is not an urban infill area. The CV Master Plan visionary planning approach urges saving and integrating local farms to maintain the rural character of the Carmel Valley. The project is in direct contradiction to this goal and rather would recreate the intense urban sprawl that has destroyed many beautiful rural communities.

REQUESTED ACTION:

The Carmel Valley Association asks the Planning Commission to recommend:

1. Denying the project because it does not comply with the County General Plan, Carmel Valley Master Plan, Zoning Ordinance, County Inclusionary Housing policies, and unacceptable impacts on land use, traffic, water, flooding hazards, and all other issues identified by the public and Commissioners.

3. Not certifying the EIR. CEQA compliance is not required for projects that are denied, and thus there is no need to approve the EIR.

The Carmel Valley Association and its members thank you.

Sincerely,

Priscilla H. Walton, President, Carmel Valley Association

Cc: Supervisor Mary Adams, 5th District

Timothy D. Sanders
25075 Pine Hills Drive
Carmel, CA 93923

May 9, 2017

Replies to County FEIR responses to CVA comments (Letter 8) on the **Carmel Rio Road Subdivision**:

GENERAL:
VIOLATIONS OF CEQA AND OF COUNTY PLANS

The County's responses in the FEIR to CVA comments on traffic analysis in the DEIR are incomplete and inadequate, and they do not satisfy the CEQA requirement that the County "must use its efforts to find out and discloses all that it reasonably can" concerning the environmental effects of traffic existing in the area or generated by the project. (See, e.g., CEQA Guidelines 15144) Comparison of the County responses in the FEIR, themselves, with the CVA comments, the DEIR, and CEQA Guidelines, constitutes substantial evidence of this assertion. The discussion below provides further evidence.

CEQA Guidelines state that in response to public comments, "major environmental issues raised when the Lead Agency's position [expressed in the DEIR] is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual evidence will not suffice." (CEQA Guidelines 15088.5(c))

Our replies below to the County's responses in the FEIR demonstrate, with sufficient and substantial evidence to require revision and recirculation of the DEIR, and consequently substantial revision of relevant portions of the FEIR, that responses by the County systematically fail to meet this CEQA requirement. As indicated above, the responses are not complete, are not adequate under CEQA; also the reasons, evidence and factual support for the Lead Agency's

CEQA Guidelines' discussion of certification, "the decision body itself must consider the information in the EIR."

EVALUATION OF RESPONSES IN LIGHT OF CEQA GUIDELINES 15088.

Time constraints on citizen participation, imposed largely by the short period provided for public review of the FEIR, have made it impossible for CVA to compose the full written response to highly flawed County formal responses in the FEIR that. Having carefully read the FEIR, however, we offer the following sample replies in outline form, to confirm the validity of the remarks above; *all* the County responses are inadequate and the sampling is merely a way of abbreviating our reply and does not represent priorities in selection:

Reply to Response 8.7
Principle points expressed in comment: Existing (baseline) traffic on local roadways already is excessive, partly at LOS F; traffic from project will worsen already overly congested situation with mitigations not feasible; new traffic will impede movement of emergency services.
Response: Unresponsive. Trivially repeats portion of comment. Uselessly states that comment is noted. Uselessly refers commenter back to portion of DEIR that was the basis for making the comment. Does not respond at all to substance of comment, to its substantive validity in relation to the project, or to the condition of baseline traffic (except dismissively that the commenter characterizes it as "degraded"), or emergency access issues. *No substantive response supported by any substantial evidence. Incomplete, inadequate and hardly good faith response under CEQA. Not a legitimate response.*

Reply to Response 8.
Principle points expressed in comment: Refers to cumulative effect and specific number of daily trips that would be added to existing traffic; specifies magnitude of contemporary nearby very much larger project (recently approved but under litigation) and commercial project; refers to consequent delays, business risks and other adverse results; notes that construction traffic is not analyzed.
Response: Unresponsive. Trivially partially summarizes the comment; vaguely and unnecessarily states the meaning of cumulative, with no quantitative or substantive content; trivially states that DEIR identifies project's significant and unavoidable impacts, with no specific information about the character or quality of those identifications; refers readers to County response to a different comment letter from a different source, with information in that response that was not contained in the DEIR and the commenter could not possibly have seen (is not a part of the DEIR so response is not a response to DEIR comment), with no indication of the quality or character of the referenced information, stating the conclusory proposition that it implied no significant impact. *No substantive response supported by any substantial evidence. Incomplete, inadequate and hardly good faith response under CEQA. Not a legitimate response.*

.
.
.

Reply to Responses 12, 13.
Principle points expressed in comment: Refers to substitution of flawed Rancho Canada Village Highway 1 traffic study and its seriously flawed associated LOS values for Carmel Rio Road Highway 1 analysis (in particular, critically important 3-lane segment 2); notes that the substitution replaces known LOS F on Highway 1 with an entirely not-credible LOS C; notes that the study (also known as the CCTC study) produces fundamentally wrong results that should not be used or quoted; requests analysis of CCTC study and acknowledgement of its deficiencies for this application; requests justification for use of results of MMLOS, LOS+ and explanation in terms of traffic counts; describes principal data demands for MMLOS; provides references to NCHRP documents not referred to in DEIR.
Response: Nonresponsive. Summarizes and repeats briefly some general and minor issues raised in comments; attempts to shift responsibility for use of the flawed method to County Public Works staff (both Response 8.12 and 8.13); refers commenter to Rancho Canada Village FEIR; supplies not substantive information or argument whatsoever on the issues raised; utterly fails to meet CEQA requirements for responses to comments (CEQA Guidelines 15088). *No substantive response supported by any substantial evidence. Incomplete, inadequate and hardly good faith response under CEQA. Not a legitimate response.*

Again, these samples are representative, not exhaustive or prioritized. **All of the County responses are incomplete, inadequate and are provided without evident good-faith full disclosure.**

Respectfully,

Timothy D. Sanders

Timothy D. Sanders
25075 Pine Hills Dr.
Carmel, CA 93923

DENY THE VAL VERDE SUBDIVISION

PROPOSED BY

CARMEL RIO ROAD LLC

Recommendation:

1. **Deny application.**
2. **Do not certify EIR.**

NO SUPPORT.

- Nobody supports or wants this project … except applicant, who wants to sell 24 units for $1.4 - $1.6 million each.
- **No support** from businesses, residents, LUAC.
- **43 letters in opposition** to Planning Commission.

STRETCHES COUNTY PLANS AND CODES

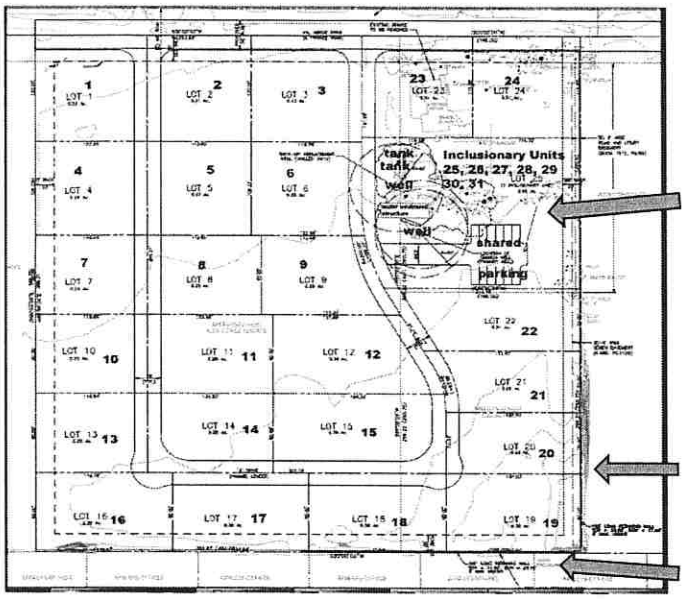
PAST THE BREAKING POINT

- Does not comply with Carmel Valley Master Plan.
- Does not comply with General Plan.
- Does not comply with Zoning Code.
- Does not comply with Inclusionary Housing requirements.
- Spot zoning -- not in the public interest, public would not benefit.

TOO MUCH SPECIAL TREATMENT

- **Zoning Ordinance Amendments of Sections 21.14.050.A, 21.14.060.A and 21.14.060.B** by ... adding **EXCEPTIONS** to **EXCEED** 4 units/acre on a lot, create lots **UNDER THE MINIMUM** one acre building site size, and **EXCEED** the maximum development density...; *(= SPOT ZONING)*
- **Combined Development Permit** ...subdivision to allow...**31** units... **24 single-family lots and one parcel with seven inclusionary units**;
- **Use Permit pursuant to Section 21.12.050.A to allow seven units on Lot 25**;
- an **Administrative Permit and Design Approval** for development in the "S" (Site Control) and "D" (Design Control) zoning districts.

Lots 1 to 24:
24 spread-out non-clustered market rate houses of 1800 s.f. each



Lot 25:
7 inclusionary units of 860 s.f.
plus
Two water tanks
Two wells
Water treatment structure
Shared parking lot

150' LONG RETAINING WALL
6' MAX HEIGHT

300' LONG RETAINING WALL
4' MAX HEIGHT

INCONSISTENT WITH CARMEL VALLEY MASTER PLAN SITE-SPECIFIC POLICY CV-1.10

"The Val Verde Drive area is planned for residential use at a basic density of one (1) unit per acre. With suitable clustering, up to two (2) units per acre may be allowed. However, a density of up to four (4) units per acre **may** be allowed **provided** that at least 25% of the units are developed for individuals of low and moderate income or for workforce housing. . . .

COUNTY GENERAL PLAN GLOSSARY DEFINES "CLUSTERING":

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

AFFORDABLE UNITS ARE TO BE PERCENTAGE "OF THE TOTAL NUMBER OF UNITS APPROVED"

- "To satisfy its inclusionary requirement on-site, a residential development must construct inclusionary units in **an amount equal to or greater than**" the specified "percent **of the total number of units approved** for the residential development" (County Code, § 18.40.070.A – "On-site units.")
- "Residential development, means any project requiring any subdivision of land . . ." (County Code, § 18.40.050.A)

GENERAL PLAN POLICY LU-1.19 APPLICABLE TO THIS SITE

"Residential development **shall incorporate the following minimum requirements** . . . :

1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units . . ."

⇩ **No.** This project is ***not consistent*** with GP policy LU-1.19. Provides only 22.6% affordable/workforce.

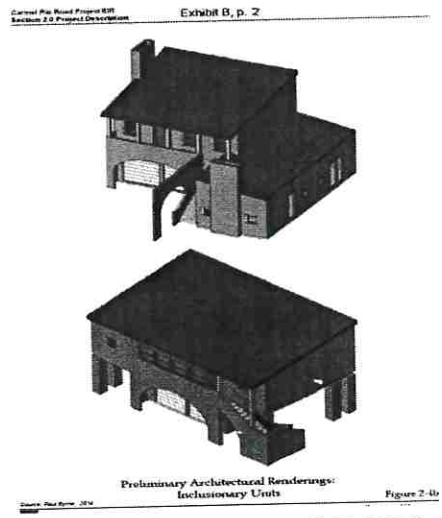
INCONSISTENT WITH SITE-SPECIFIC POLICY CV-1.10

- Can build: 7 units. **No.** ***Wants: 31 units.***
- Allowed density up to 4 units/acres. **No.** ***Wants 7.7 units/acre.***
- Required to cluster development. **No.** ***Refuses.***
- 35% means 10.8 inclusionary units. **No.** ***Proposes only 7 units.***

DENSITY AND DESIGN *NOT CONSISTENT* WITH RURAL CHARACTER (CVMP POLICY CV-1.1)

Market rate units

Inclusionary units



Applicant's proposed designs in "subtle color pallet of red roofs and grey exterior walls" (FEIR pp. 2-34, 2-376)

INSUFFICIENT INFORMATION TO GIVE SITE AND DESIGN APPROVAL FOR DEVELOPMENT IN "S" (SITE CONTROL) AND "D" (DESIGN CONTROL) ZONES.

- "D" DISTRICT "those areas ... in which the visual impacts of structures can be adequately mitigated by regulation of the location, size, configuration, materials and colors, only."
  - Requires: Drawings showing front, side and rear elevations; color samples of proposed color scheme; structure location, topography, ... parking layout, landscaping (Zoning Code ch. 21.44)
- "S" DISTRICT -- site constraints require review of location of development
  - Requires: drawings showing in reasonable detail "proposed structure location, topography, ... proposed landscaping, ...parking layout, ... grading, ... any identified hazards" (Zoning Code ch. 21.45)

APPLICANT WANTS "USE PERMIT PURSUANT TO SECTION **21.12**.050.A TO ALLOW SEVEN UNITS ON LOT 25."

- Project in LDR zone, chapter 21.14.
- LDR zone does not authorize use permit for lot density greater than 4 units/acre.
- Applicant seeking to use MDR zoning – County Code chapter 21.12 is for **Medium Density** Residential zone.
- But: use permit not authorized because MDR zone does not apply to this site.
- Medium Density Residential (MDR) zoning requires design features *not included in this project*:
  - E.g., trash enclosures and recreational area for residents on lots of 5 units or more (§21.12.070)
  - On 0.91-acre lot with 7 units, 1200-s.f. recreational area required.

DOES NOT CONFORM TO MASTER PLAN, THEREFORE MAXIMUM DENSITY OF 4 UNITS/ACRE IS PROHIBITED.

- Policy CV-1.5: "In the residential areas, ... attainment of maximum density is dependent upon conformity of the proposed project to plan goals and policies."
- General Plan policy LU-1.11: "Development proposals must be consistent with the General Plan Land Use Map designation of the subject property and the policies of this plan. The policy refers to respective Area/Master Plans, including the Carmel Valley Master Plan."
- More dense, not clustered, and less affordable housing than allowed by CV-1.10
- Less affordable housing than the 35% affordable housing required by LU-1.19
- Exceeds unit cap of CV-1.6
- Significant and unmitigated harmful impacts on traffic worsening LOS F

POLICY CV-1.6: NEW RESIDENTIAL SUBDIVISION ... SHALL BE LIMITED TO CREATION OF 190 NEW UNITS AND SHALL GIVE PREFERENCE TO PROJECTS INCLUDING AT LEAST 50% AFFORDABLE UNITS.

- Draft EIR: "proposed project's contribution to 190-unit cap would be **31** units" (p. 4.11-8)
- April 24, 2017: County chart said **28** units left. County Planner told CV LUAC **28** units left.
- May 4, 2017 – Surprise! County claims *could be 34* units left *if* County "interprets" CV-1.6 differently ... in a way County Code does not authorize.

SIGNIFICANT AND UNAVOIDABLE IMPACTS ON LOS F TRAFFIC

Level of service (LOS) from A to F:

A = smooth flowing

F = clogged stop and inch forward, stop and inch forward

Traffic is already **LOS F**, project would worsen by **more than 300 trips** every day.

CEQA requires decisionmakers to make Statement of Overriding Considerations if insist on approving project despite harmful and unmitigated traffic impacts.

This project does not deserve special treatment.

County has total discretion **not** to adopt Statement of Overriding Considerations.

NOTHING GOOD ABOUT THIS PROJECT

- Too dense
- Not clustered
- Not consistent with plans and zoning
- Obstructs County flood control project
- Significant and unavoidable traffic impacts
- Not supported by anyone

MITIGATIONS ADDRESS HARMFUL IMPACTS ONLY "TO EXTENT FEASIBLE" BUT THAT IS TOO SQUISHY

- Problem: determination of "feasible" would be made by County staff instead of Planning Commission or Board of Supervisors.

- County staff has rejected mitigations as "infeasible" for flimsy reasons:*
  1. Applicant's claim about **cost**, even though the cost had not been established.
  2. The mitigation would require **further environmental review.**
  3. The **property owner had not agreed** to the mitigation.
  4. **Additional technical studies** were needed to show effectiveness of mitigation.

*2016-2017 County records

RECOMMEND TO BOARD:

1. Deny the project.
2. Do not certify the EIR.

   EIRs are not required for projects that are denied.

Thank you.

Monterey County General Plan
Carmel Valley Master Plan
October 26, 2010 – Amended as of February 12, 2013
CARMEL VALLEY MASTER PLAN
SUPPLEMENTAL POLICIES

1.0 - Land Use

CV-1.1
All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character. In order to preserve the rural character of Carmel Valley, development shall follow a rural architectural theme with design review.

CV-1.5
In the residential areas, maximum densities are as shown on the Carmel Valley Master Plan Land Use Map. However, attainment of maximum density in these areas is dependent upon conformity of the proposed project to plan goals and policies.

HEARING SUBMITTAL
PROJECT NO./AGENDA PLN140089 / #1
DATE RECEIVED 5-10-17
SUBMITTED BY/VIA Public @ Hearing
DISTRIBUTION TO/DATE PC / 5-10-17
DATE OF HEARING 5-10-17

CV-1.6

New residential subdivision in Carmel Valley shall be limited to creation of 190 new units as follows:

a. There shall be preference to projects including at least 50% affordable housing units.

b. Lots developed with affordable housing under the Inclusionary Housing Ordinance or an Affordable Housing Overlay (Policy LU-2.12) may have more than one unit per lot. Each unit counts as part of the total unit cap.

c. Existing lots with five (5) acres or more may have the first single family dwelling plus one accessory dwelling unit. Units added on qualifying existing lots shall not count as part of the total unit cap. New accessory dwelling units or single family dwellings beyond the first single family dwelling shall be prohibited on lots with less than five (5) acres, except that this provision shall not apply to projects that have already been approved, environmental review for such units has already been conducted, and in which traffic mitigation fees have been paid for such units prior to adoption of this Carmel Valley Master Plan.

d. New lots shall be limited to the first single family dwelling. Accessory dwelling units and single family dwellings beyond the first single family dwelling shall be prohibited.

e. Of the 190 new units, 24 are reserved for ... the Delfino property ....

f. New units or lots shall be debited from the unit count when an entitlement is granted or a building permit is issued, whichever occurs first.

g. At five year intervals, the County shall also examine any other factors that might warrant a downward adjustment to the residential unit cap. The County shall develop a tracking system and shall present, before the Planning Commission, an annual report of units remaining. For purposes of the new residential unit cap set forth in this policy, the term "unit" or "units" means lots created by subdivision (including condominiums), accessory dwelling units, single family dwellings beyond the first single family dwelling on a lot, and apartments.

Chair and Commissioners,

Ref:Carmel Rio Road project, PLN140089

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. PLN140089 / #1
DATE RECEIVED: 5/10/17
SUBMITTED BY/VIA Public @Hearing
DELIVERED TO/DATE: PC / 5/10/17
DATE OF HEARING: 5/10/17

For the Record
Item #1

Good morning! My name is Margaret Robbins. I live at the mouth of Carmel Valley just about two blocks away from this project. I submitted almost five pages of comments on the Draft EIR. Most of the answers I received were less than satisfactory. I am concerned about water use and the possibility that our landscape well might run dry. I am also concerned about which flood control improvements the applicant will eventually make. Again, that is one of the critical details that will come at some unknown time later but before a building permit is issued.

I have been following land use issues in Carmel Valley for over 20 years. This is absolutely the worst project I have analyzed. There are so few details provided that the report should be stamped " TBDL" to be determined later – if at all.

In my opinion, any controversial project—this is certainly one—should go the extra mile—any make as many reports available for the DEIR and FEIR as possible. That way the public has enough facts to determine if the conclusions by the applicant's team are valid.

Now, let's look closely look at Val Verde Drive. All existing residences are single family homes with a couple of tiny quest quarters. The lots range from 1.3 to about five acres. I, like many at both Arroyo Carmel and Riverwood enjoy walking along that street because there is so little traffic and so much to see and enjoy.

Starting at the north end of the street are Mark and Sara and their two young sons. This is the barn built by Betty Green. She moved her horse training business here from Ocean Avenue in Carmel Proper many decades ago.

Next is the Broadman family home owned by Eileen's daughter. Mrs Broadman said her daughter would never sell because her father's ashes were scattered there. Sue and Rich live here and they board several hoses in back. So horse trailers are often seen on Val Verde. This lot, now organically farmed, is where the applicant plans to build a multi-unit subdivision.

This home is where Maxine lives with her two elderly sisters—Alice and Regina. Maxine had horses while her daughter was growing up. My daughter gave Lilly riding lessons in their corral. Lilly is getting married soon. Maxine hopes that when Lilly has children she will move back to the property will move back to the property and again have horses.

This is the Kluz home. Stan and Bozena are retired and are concerned that the two 5-acre parcels across the street will try to develop large subdivisions. Stan says "if the Carmel Rio Road project is approved it could create a precedent that we do not even want to think about."

Across the street from Stan is the home that Jon and Jessica just bought. They have hoses and 3 young children and definitely don't want to have over three hundred car trips on Val Verde that the Carmel Rio road project will provide.

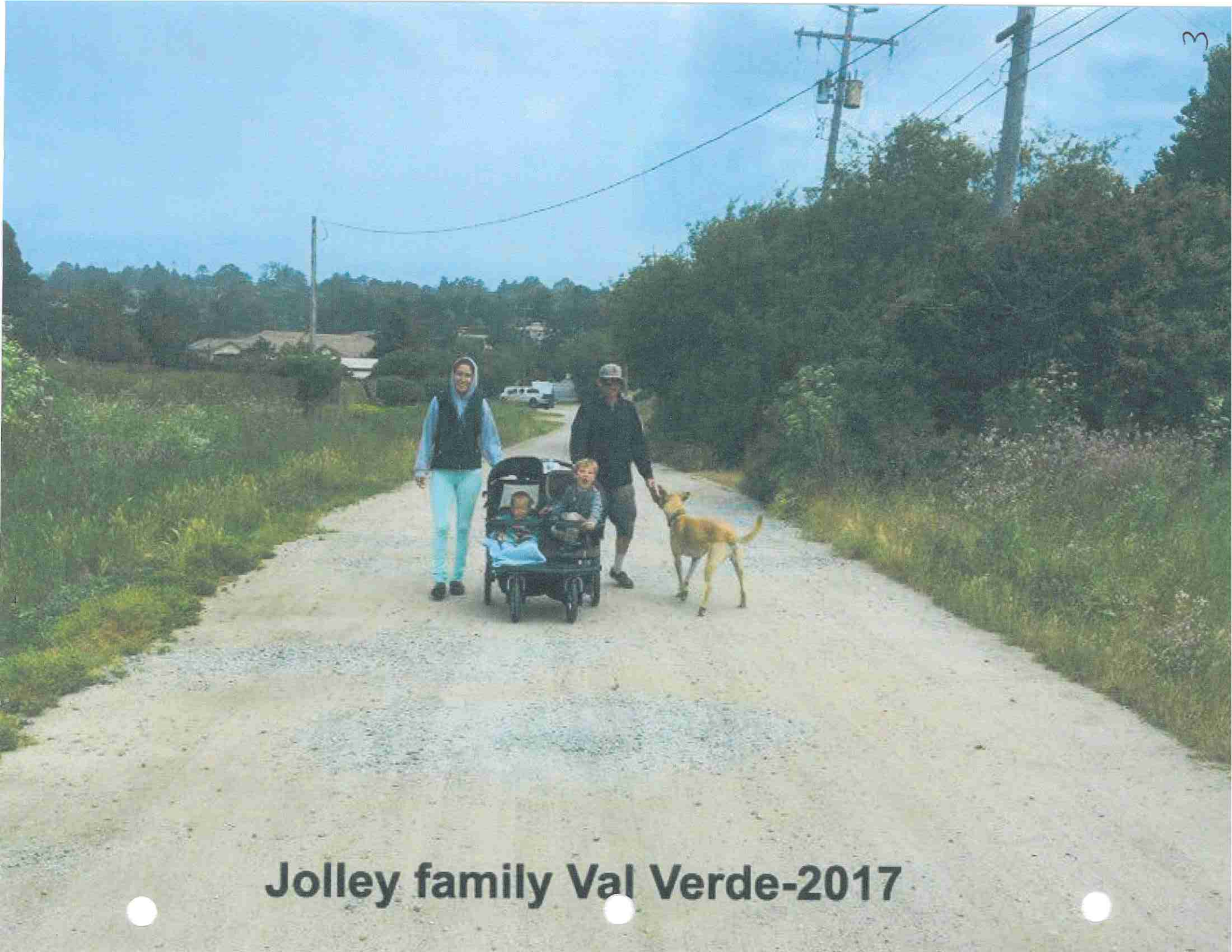
Here's how Val Verde would like if this project is approved. (Show all) The black and white drawing show all 31 units .Outlined in yellow is where the 7 inclusionary units are crammed. These are the market rate homes and these are the inclusionary units.

deny

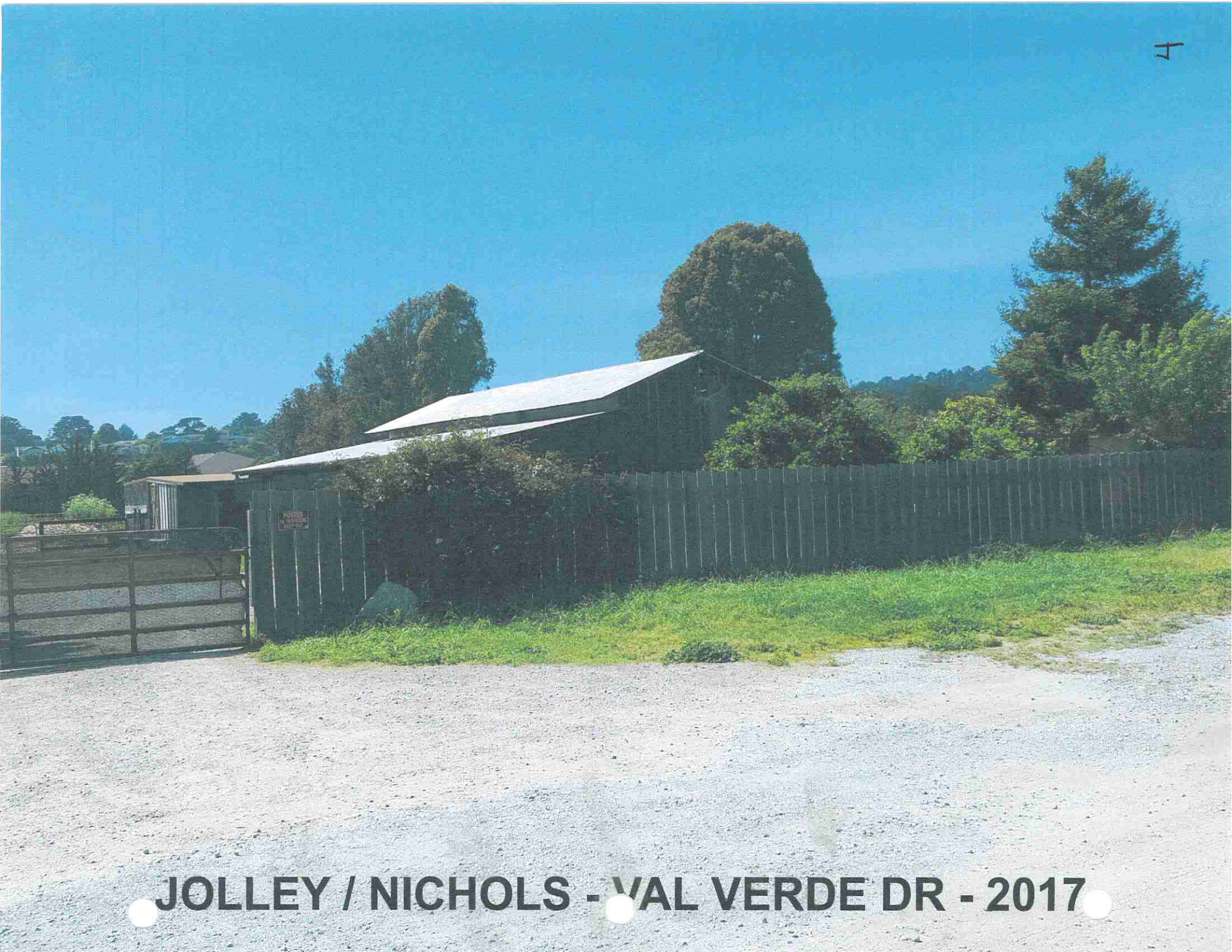
If the Carmel Val Verde project is approved. The life enjoyed by the existing Val Verde residents will end. Please the Carmel Rio road project. It's totally incompatible with the rural nature of Val Verde.

Thank you. Margaret Robbins, 3850 Rio Road #26, Carmel, CA 93923 (624-1153)

Margaret Robbins
5/10/2017

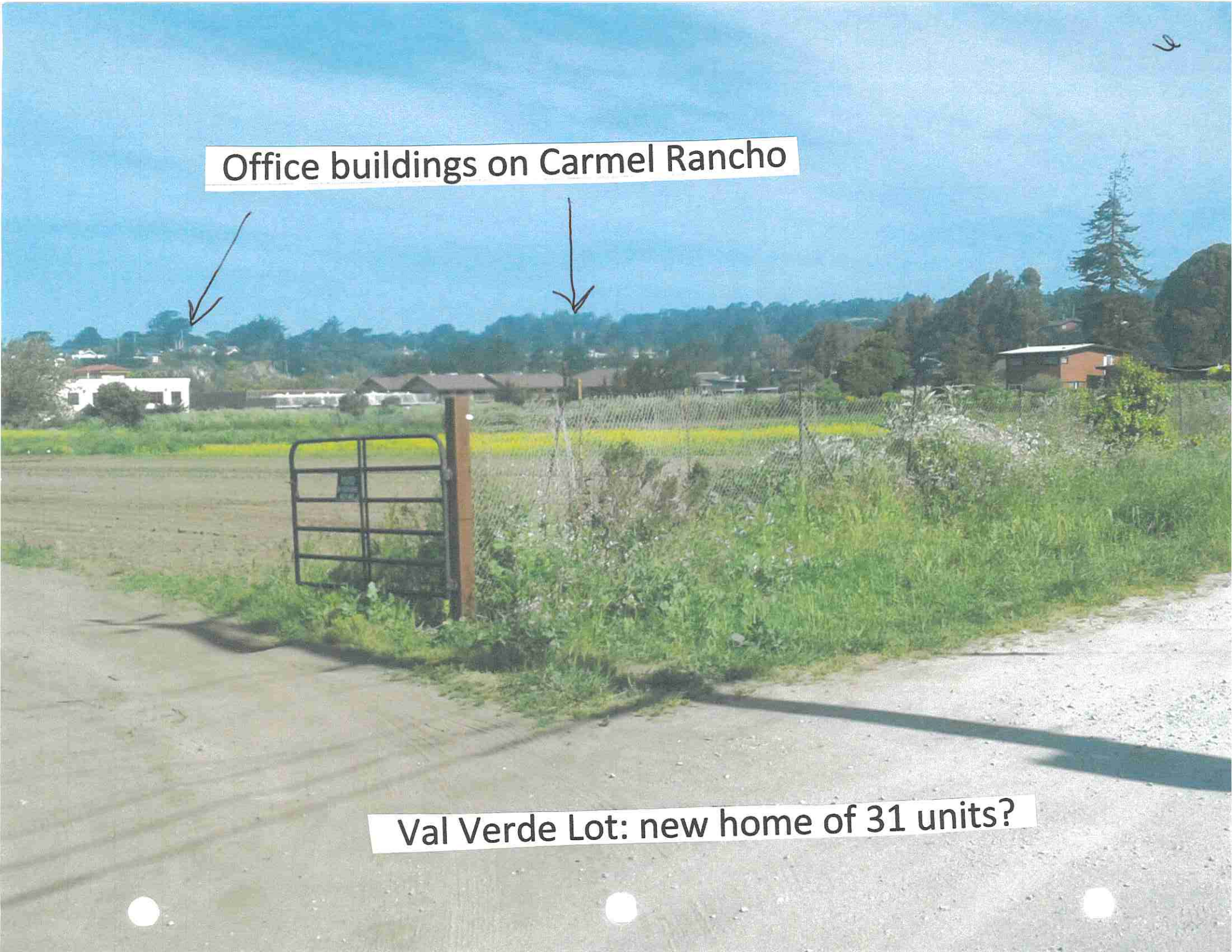


Jolley family Val Verde-2017



JOLLEY / NICHOLS - VAL VERDE DR - 2017


5
BROADMANS - VAL VERDE DR - 2017


Office buildings on Carmel Rancho
Val Verde Lot: new home of 31 units?


RUSSELL / KEENE - 26520 VAL VERDE - 20

KLUZ – VAL VERDE DRIVE, 2017

BOLHAM - 26525 VAL VERDE DR - 2017

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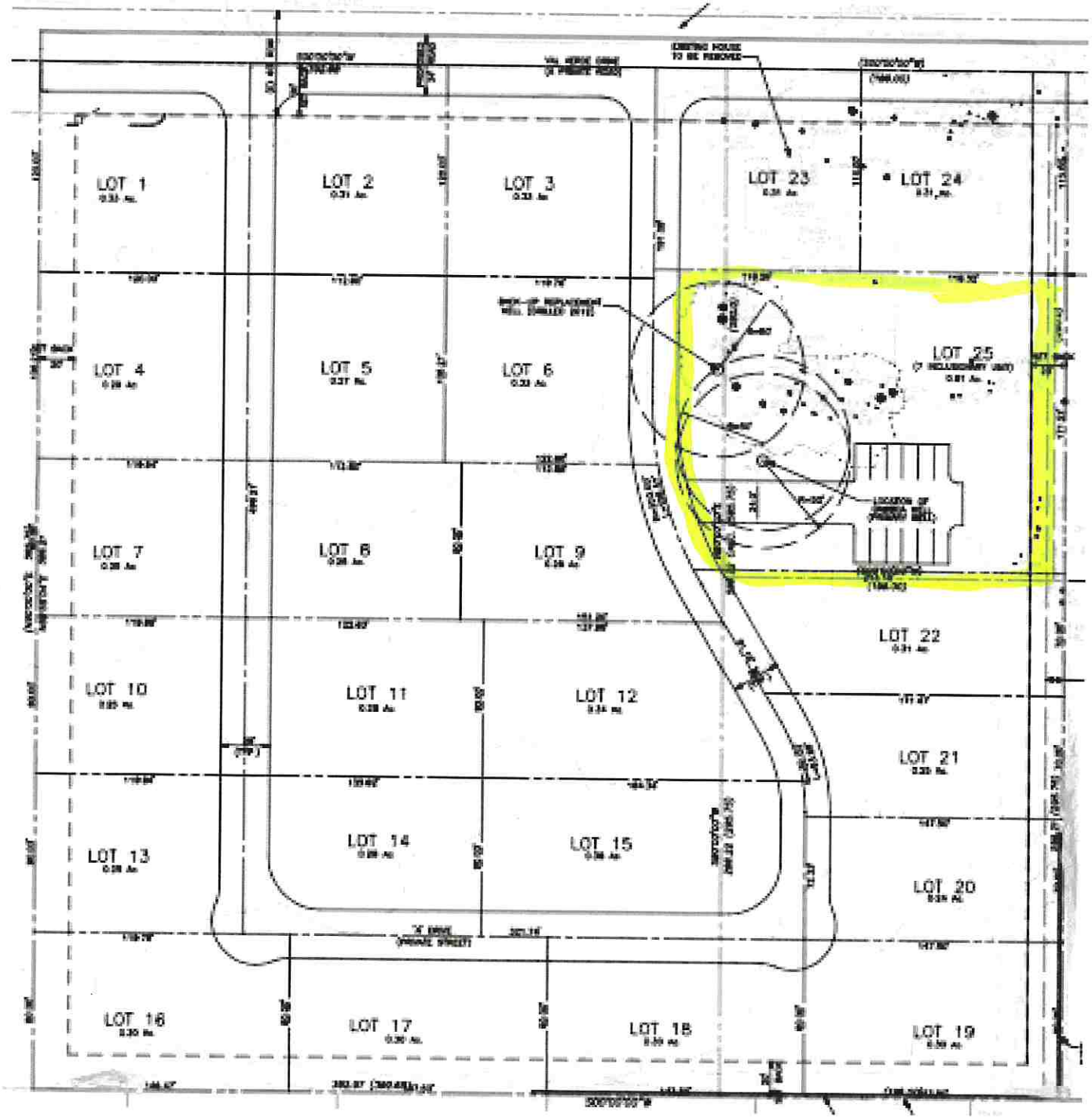
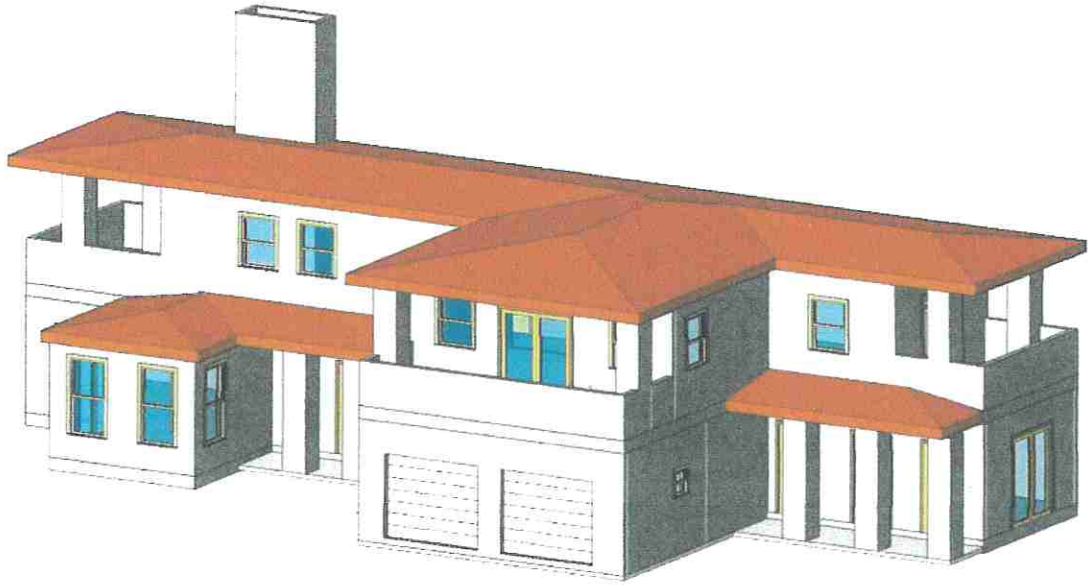
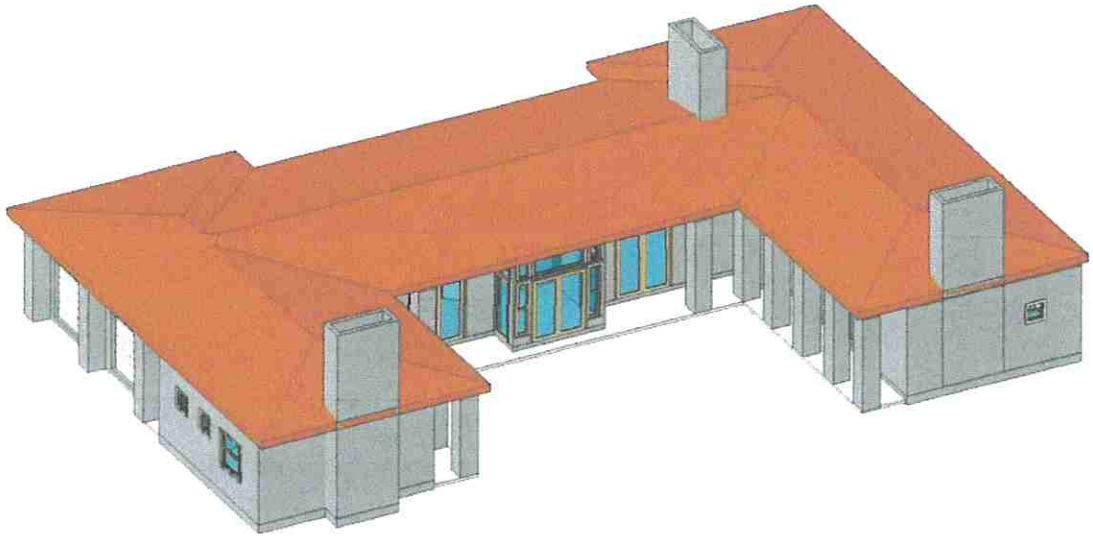


15 AND 26500 VAL VERDE DRIVE

31 UNITS ON 7.9 ACRES

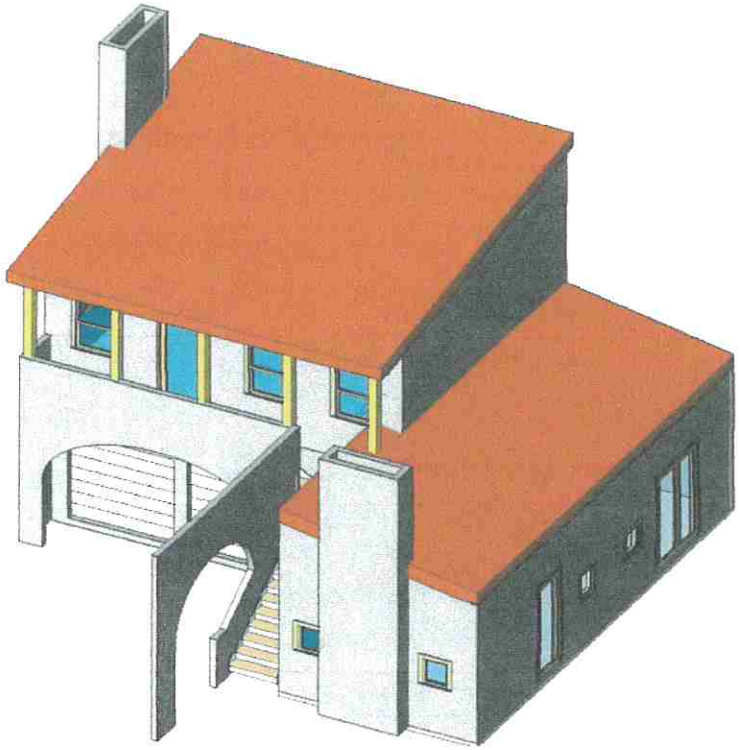


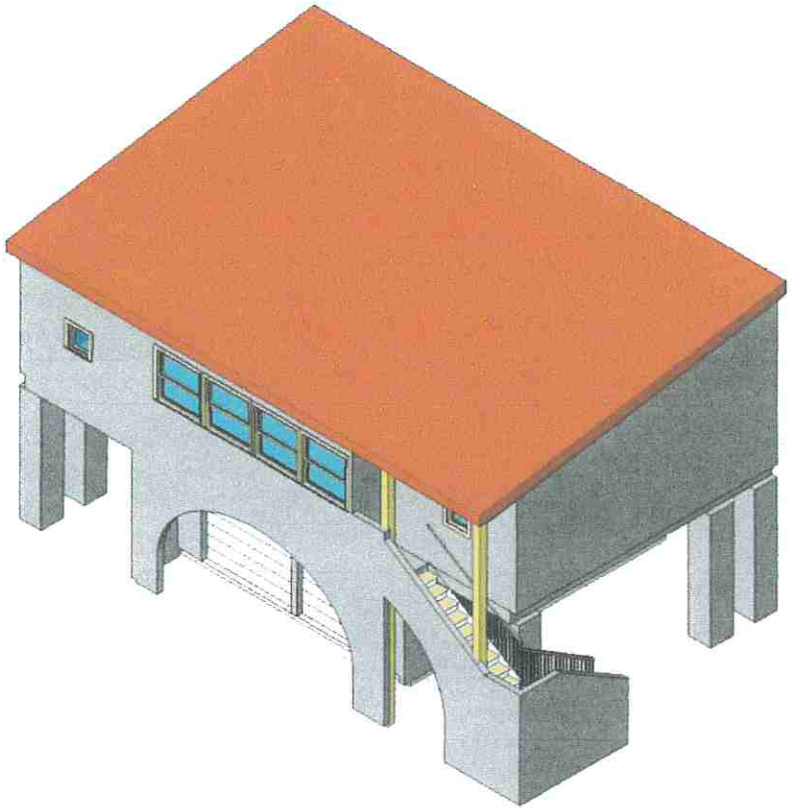


Preliminary Architectural Renderings:
Market Rate Single-Family Units

Source: Paul Byrne, 2014

Figure 2-4a





Preliminary Architectural Renderings:
Inclusionary Units

Source: Paul Byrne, 2014

Figure 2-4b

For the Record

5/9/2017 XFINITY Connect Item 6

XFINITY Connect

mm_robbins@comcast.net
+ Font Size -

letter

From : Maxine Russell <maxine.keene@gmail.com> Sun, May 07, 2017 05:52 PM

Subject : letter

To : MM_Robbins <mm_robbins@comcast.net>

Maxine Keene
26520 Val Verde dr
Carmel 93923

Dear Chair and Commissioners

Our family came to live on Val Verde Drive in 1999 for the wonderful rural atmosphere, piece and quite, and to develop a safe and healthy environment for the children. My daughter now grown raised 3 horses there, hopefully returning soon for retirement.

Currently my two elder sister with disabilities that require a walker, enjoy the safety of the private rd. School children use it to walk back and forth to Carmel middle school.

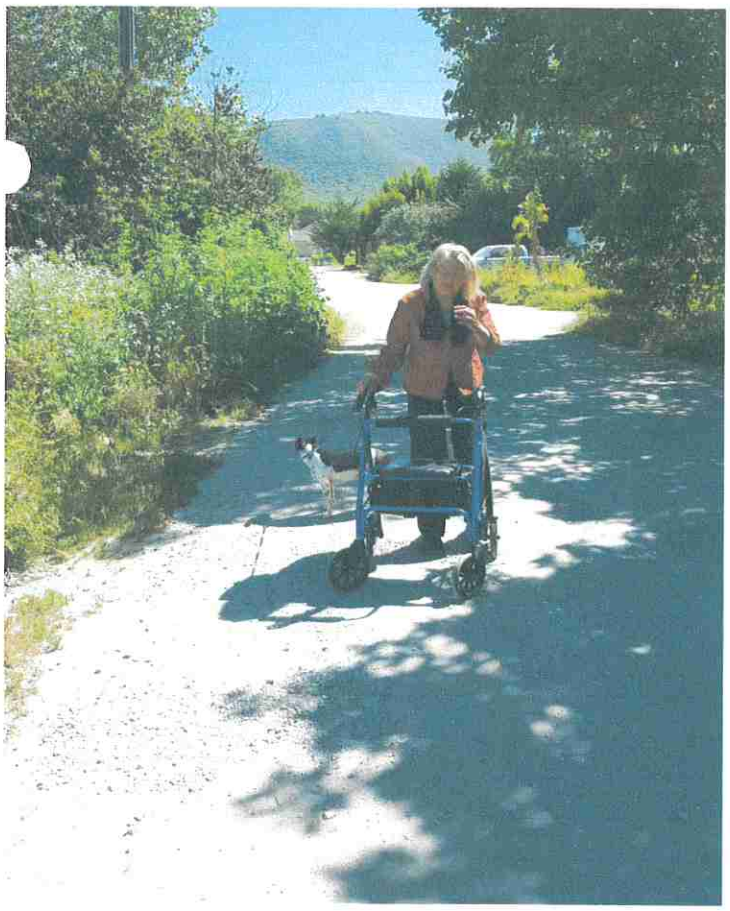
Val Verde Dr is not only a home to families with children and horses. It also is a nesting ground for the wild life that has already been driven out of surrounding areas. Traffic is slow, scarce and aware of horses and young riders. Val Verde is once again becoming a growing equestrian community, as founded in earlier days by Betty green.

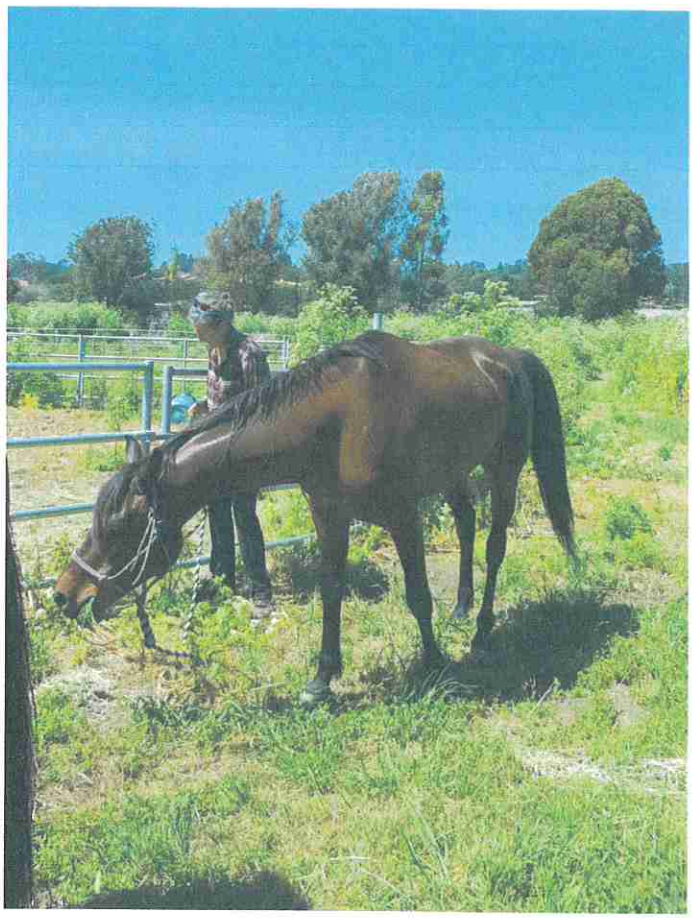
It is the last remaining road of its kind in Carmel, where the site of family's on horse back still exist, quail, rabbits and there young can still be seen scurrying down the safe dirt road, into nearby bushes, which will no longer be there, driven out by this large housing project. It will be used by hundreds daily. With continuous traffic and polluting gas fumes, making it unsafe for all our family, horses and the equestrian neighborhood. This is not wanted by this community and opposed by 100% of the homeowners on Val Verde.
This project will negatively change and impact our way of life on Val Verde dr.

Please deny the Carmel Rio road project.

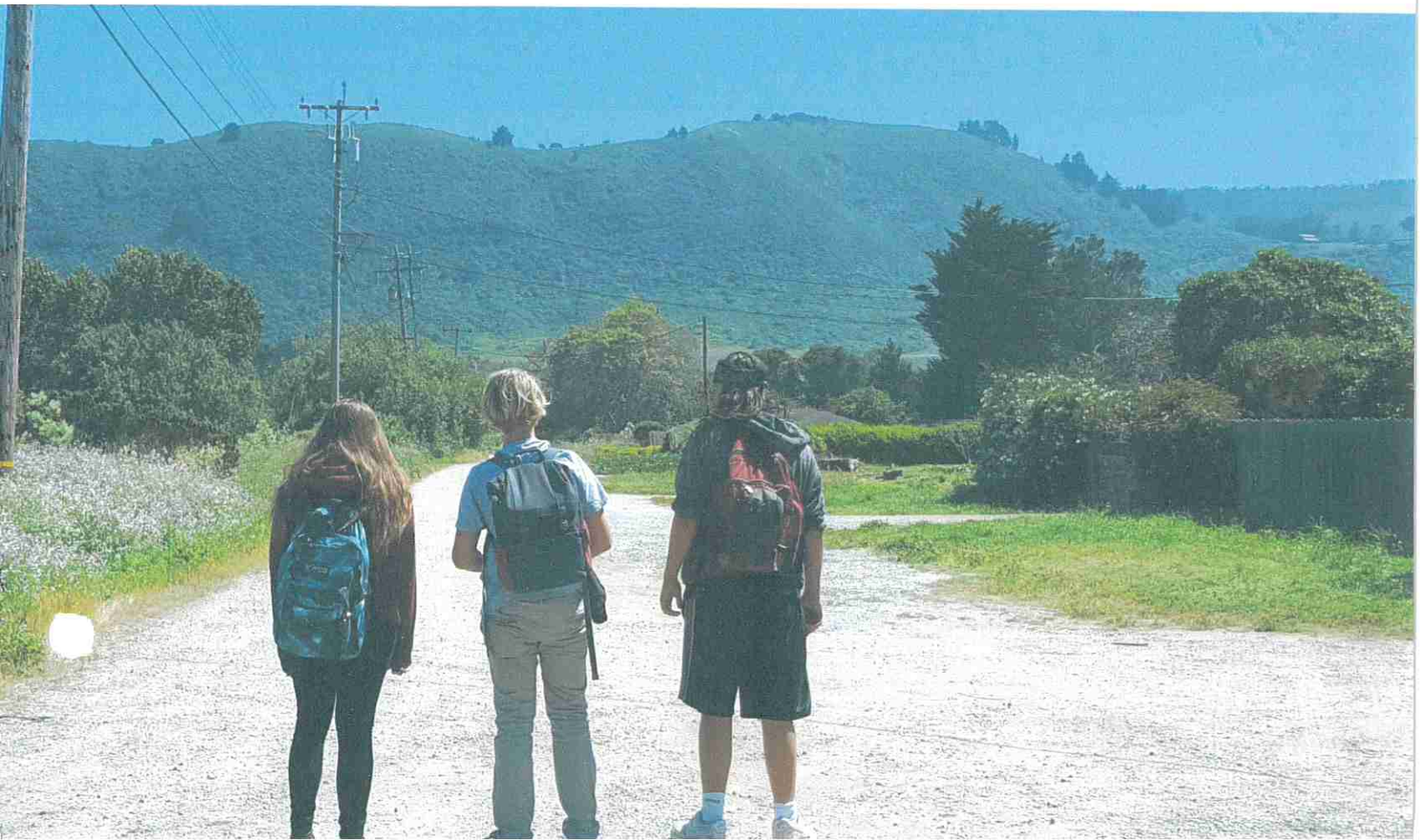
Kind regards
Maxine Russell Keene and Family.
Alice Russell and Regina Russell

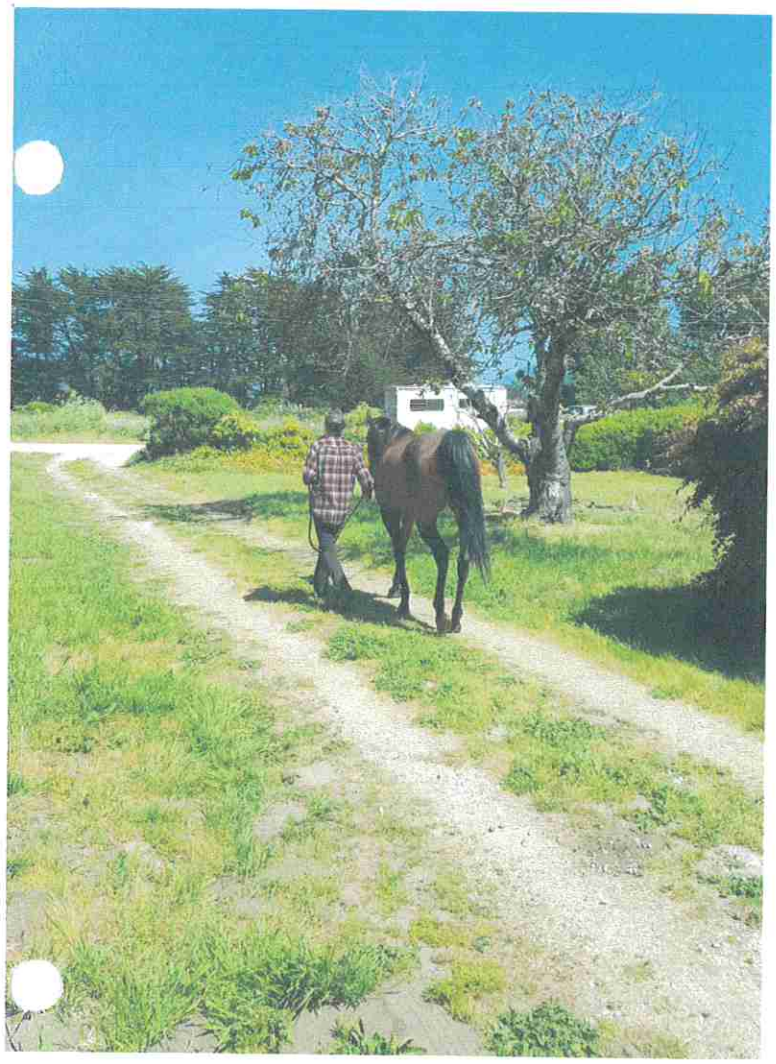
M Keene 5/9/17

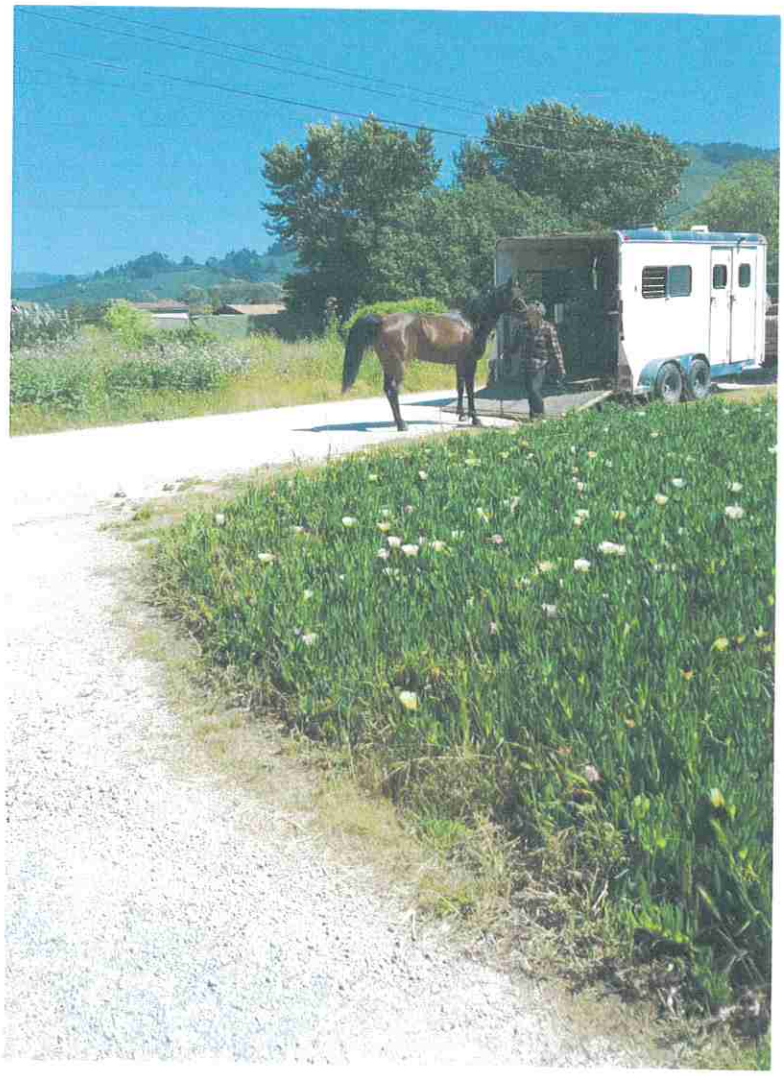




CHILDREN, ELDERLY AND ANIMALS -VAL VERDE 2017







LOADING HORSES – VAL VERDE

HEARING SUBMITTAL
PROJECT NO./AGENDA: PDN140089 / #1
DATE RECEIVED: 5-10-17
SUBMITTED BY/VIA: Public @ Hearing
DISTRIBUTION TO/DATE: PC / 5-10-17
DATE OF HEARING: 5-10-17

TO: Honorable Planning Commissioners

FR: Brian Clark, Carmel Rio Road, LLC

RE: Minor Sub-Division Application - Val Verde Drive

- 24 Market Rate Homes & 7 Affordable Units (31 Units)

I represent Carmel Road, LLC, the owner of three parcels located on Val Verde Drive in Carmel Valley. The parcels were purchased in 2007 & 2008 with the intent to develop them in accordance with the then current (1982) General Plan designation and zoning, which was and continues to be low density residential (LDR) 5 - 1 Acres/Unit. During the ensuing application process which started in 2009 and with the adoption of the new General Plan in 2010 the land use Policy CV-1.0 remained the same. Identifying Val Verde Drive as an area of desirerable higher density residential use.

A previous application was before this Commission for a 44 unit project. The project was denied by this Commission due to non-conformance with the 50' well control zone (project source water is two on-site wells) and Environmental Health request that each project well have completed the 8 hour pump water quality and quantity tests. The applicant appealed the Planning Commission denial to the Board of Supervisors.

Since the prior hearings the project applicant has drilled a new source water well and successfully completed a third round of 8 hour quality and quantity tests in compliance with Environmental Health.

At the appeal hearing the Board of Supervisors denied applicant appeal and project due none-compliance with a new General Plan directive regarding the intensification of existing private easements and, for the first time in the eight year application processing, Supervisor Potter stated project did not comply with zoning. While the California State Department of Housing and Development, and the County itself, had found the project was consistent with existing zoning - complied with affordable and market rate percentages - Supervisor Potter in an election year voting cycle stated the project did not comply with zoning.

After the Board denied the project the applicant met each denial condition by:

- drilled and tested a replacement well to comply with Environmental Health standards

- obtained a roadway agreement in Monterey Superior Court (on file with County) that allows for the intensification of the private easement for any Carmel Rio Road, LLC project (thereby complying with a General Plan goal since there was no easement regulation to comply with at the time of Supervisors denial or when legal easement agreement was reached)

- sued the County entering into a Settlement Agreement for a project with the reduced size of 31 gross units

This letter is to address the comments submitted by Carmel Valley Association, Land Watch and others requesting prohibition of future subdivisions in Carmel Valley. Despite the 266 housing cap set forth in Policy CV-1.6 of the new Carmel Valley Master Plan ("CVMP") under GPU5 being reduced to 190 units through litigation - the new General Plan's Final Environmental Impact Report did address all CEQA categories and impacts to accommodate 266 new housing units. While we have completed an EIR for the project all the Findings of Facts in the 2010 General Plan Final Environmental Impact Report (FEIR) addressed 266 new units in Carmel Valley. Given that gross unit cap was further reduced to 190 units all CEQA and EIR categories had previously been addressed and this project specific DEIR is redundant to information to the GPU5 - Findings of Fact.

Policy CV-1.10 for development within the Val Verde Area has been in existence since the 1982 General Plan and remained in the 2010 General Plan regardless of affordable housing overlay districts. Carmel Valley Overlay districts that have not produced one affordable housing unit in ten years.

Development, including subdivisions, in the area of Val Verde makes sense because it is premised on "city" centered in-fill growth rather than urban sprawl due to the existing infrastructure and development in the area. Any residential development on Val Verde Drive would balance the commercial development of the nearby Crossroads Shopping Village and The Barnyard Shopping Village, creating the desirable "mix/balance of uses" (Policies LU-4.5 and LU 1.19, GPU) and "walk ability/bike ability" for residents, which would reduce impacts to traffic and climate change. Policy CV-1.10 further promotes the uncontested Policy LU-4.5, which states, "A mix of residential and commercial uses shall be encouraged in commercial areas where good site and project design and utilization of the property are demonstrated. Mixed use of sites and buildings is appropriate." In order for these General Plan policies to be consistent with one another, Policy CV-1.10 remained in the new General Plan.

Development pursuant to Policy CV-1.10 on Val Verde Drive would also benefit traffic improvements in the area through the payment of impact fees. As stated in the

GPU5 FEIR, "since 1992, traffic improvements have been funded through fees for new development" and "impact fees have been used to fund roadway improvement in CVMP for many years." The FEIR also noted that, "there is no apparent source of other funding" other than impact fees collected from new development to pay for roadway improvements. Impact fees from new development projects are essential in improving the traffic circulation in Carmel Valley.

Finally, Policy CV-1.10 is sensitive to addressing the need for affordable housing in Carmel Valley. As stated in the FEIR, the March 11, 2008 Annual Housing Report presented to the Monterey County Board of Supervisors noted an affordable housing crisis in Monterey County, which has been further exacerbated by the ongoing mortgage crisis and economic downturn. Moreover, by law, the General Plan Housing Element must provide for the future housing needs of all economic segments of the community (Government Code Section 65580, et seq.).

If a Housing Element cannot be certified because it does not designate sufficient land to accommodate affordable housing, the jurisdiction may lose eligibility for housing grants. (Page 2-20, FEIR.) The FEIR noted that affordable housing requirements cannot be accommodated by building single family dwellings on remaining existing lots of record, even accounting for each and every existing lot of record (even those that cannot be built). (Page 2-20, FEIR.)

Eliminating subdivisions in Carmel Valley may jeopardize current and any future housing grants to Monterey County and will further exacerbate the affordable housing crisis in the County. There are developers willing to provide affordable housing in the Val Verde area. The County must approve minor subdivision applications in order to provide much needed affordable housing in Carmel Valley.

In closing, we urge you to approve the minor sub-division application maintaining the well thought-out and supportable policies (Policies CV-1.6 and CV-1.10) of the CVMP. These policies remained in all versions of the previous and current General Plan, including the final General Plan Update (circa 2008 & 2010) in order to make the General Plan internally consistent and to accommodate affordable housing.

Respectfully submitted,

Brian Clark 5/9/17

Brian Clark

Carmel Rio Road, LLC

DEIR - Carmel Rio Road, LLC & 2010 GPU5 CEQA Environmental Impact Report - Facts and Findings

Pursuant to and in compliance with the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. ("CEQA") and Title 14 of the California Code of Regulations, Section 15000 et seq. (CEQA Guidelines:), the County of Monterey prepared an Environmental Impact Report ("EIR") for the new/updated General Plan adopted in 2010. That final EIR addressed 266 new residential units for Carmel Valley. While the number for housing units for Carmel Valley was further reduced to 190 units the Carmel Rio Rd., LLC - minor sub-division (the Project) for 31 homes - and the potential environmental effects were addressed in GPU5. The County of Monterey ("County") is the CEQA lead agency for the Project.

Throughout the development and environmental review of the Project site specific studies are consistent with GPU5 - CEQA Findings of Fact (the Final Program Environmental Impact Report (EIR) for the Monterey General Plan Project State Clearinghouse No. 2007121001).

The 2010 General Plan includes the mandatory Land Use Element, Circulation Element, Conservation and Open Space Element (including the mandatory Noise Element and also addressing flooding and other hazards). In addition, the 2010 General Plan Findings of Fact address updates for specific geographic inland areas of the County including the Carmel Valley Master Plan.

The 2010 General Plan and Area Plan did not amend or replace the Housing Element for the
unincorporated inland area of the County and uses the 2009 housing element. The 2009-2014 Housing Element was adopted by the Board of Supervisors on June 15, 2010 and certified by the State Department of Housing and Community Development on August 18, 2010.

Consistent with CEQA Guidelines 15126.4(a)(2) the EIR Findings of Fact contains feasible mitigation measures proposed and now adopted in the EIR and contained in the 2010 General Plan as policy or are included in the Mitigation Monitoring and Reporting program.

This DEIR is consistent with 2010 GPU5 CEQA Findings of Fact adopted by the Monterey Board of Supervisors on October 26th, 2010. These exhibits may be viewed online:

http://www.co.monterey.ca.us/planning/gpu/GPU_2007/102610_Board_Package/Exhibit%20B/SRbos_PLN070525_10%2010.26_Ex%20B_EIR1-Findings.pdf

Carmel Rio Road minor sub-division would not result in any new significant impacts or any substantially more severe impacts that are disclosed in the EIR CEQA Findings of Fact - Exhibit EIR1 (EIR Certification Passed and Adopted by the Monterey Board of Supervisors on October 26th, 2010).

"Mitigation measures are not required for effects which are not found to be significant."
(CEQA Guidelines 15126.4(a)(3).

The GPU5 Facts and Findings determined which impacts that would be less than significant and because the analysis in the EIR was based on substantial evidence, there is no requirement to include additional mitigation in the following areas other than those discussed in the DIER including:

1) Land Use - no mitigation required
2) Water Resources - no mitigation required using less than historical baseline
3) Geology, Soils, and Seismicity - no mitigation required
4) Mineral Resources - no mitigation required
5) Transportation - can be mitigated with impact fees
6) Air Quality - no mitigation required
7) Noise - no mitigation required
8) Biological Resources - no mitigation required
9) Cultural Resources - no mitigation required
10) Public Services and Utilities - no mitigation required
11) Hazards and Hazardous Materials - no mitigation required
12) Aesthetics, Light, and Glare - no mitigation required
13) Population and Housing - no mitigation required

This DEIR complies with CEQA and Public Resources regulations:

- CEQA 15063

(B) Use a previously prepared EIR which the Lead Agency determines would adequately analyze the project at hand, or
(C) Determine, pursuant to a program EIR, tiering, or another appropriate process, which of
a project's effects were adequately examined by an earlier EIR or negative declaration.,

- CEQA 15006 REDUCING DELAY AND PAPERWORK

(I) Combining environmental documents with other documents such as general plans. (15166)

(m) Eliminating repetitive discussions of the same issues by using Environmental Impact Reports on programs, policies, or plans and tiering from reports of broad scope to those of narrower scope. (15152)
(p) Mentioning only briefly issues other than significant ones in EIRs. (15143)

- California Public Code: 21083.3

(b) If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report,

(d) An effect of a project upon the environment shall not be considered peculiar to the parcel or to the project, for purposes of this section, *if uniformly applied development policies or standards have been previously adopted by the city or county.*

(e) Where a community plan is the basis for application of this section, any rezoning action consistent with the community plan shall be a project subject to exemption from this division in accordance with this section. As used in this section, "community plan" means a part of the general plan of a city or county which (1) applies to a defined geographic portion of the total area included in the general plan.

To summarize - this DEIR and scopes of work:

- focuses on "area's ripe for discussion"
- is consistent with 2010 GPU5 CEQA Facts and Findings that overlay subject property

The General Plan EIR under CV-1.6 "Carmel Valley Residential Growth Controls": "Included AHO (Affordable Housing Overlay) units within 266 cap; allowed auxiliary units on existing lots of 5 acres or more; prohibited auxiliary units on new lots;..."

The highly restrictive cap of 266 units studied in GPU5 further reduced to 190 units in a litigation settlement agreement.

Given more restrictive policy than original 2007 GP Policy and adopted 2010 GPU5 resulted in lower level of build out in CVMP these CEQA elements had been addressed because they overlaid existing project and number of unit in the application was already addressed in the 266 unit cap within the EIR. GP policy included slightly higher build out in other parts of County by 2030, but no substantial increase in severity of impacts." (See Table F-4 EIR Certification Page 273 of 277 - Carmel Valley Master Plan)

Carmel Rio Road minor sub-division would not result in any new significant impacts or any substantially more severe impacts than those disclosed in the 2010 FEIR CEQA Findings of Fact - Exhibit EIR1 (EIR Certification Passed and Adopted by the Monterey Board of Supervisors on October 26th, 2010).

"Mitigation measures are not required for effects which are not found to be significant."
(CEQA Guidelines 15126.4(a)(3).

Because the DEIR determined that impacts would be less than significant or could be mitigated and the findings are consistent with GPU5 Findings of Fact no further analysis is required. The analysis in the DEIR was based on substantial evidence, is consistent with GPU5 FEIR (Findings of Fact), therefore no requirement to include additional mitigation measures other than those specified in the DEIR is required.

"2010 General Plan"

Exhibit EIR1 - CEQA Findings of Fact

Environmental Impacts Found to be Less Than Significant
(EIR Certification, Exhibit EIR1 Page 5 of 277)

"Rationale for No Impact or Less than Significant Impacts"

1) Land Use
(see pages 6 - 10 of 277, DEIR Sections 4.1.1.3, 4.1.4.3, 4.2.5.3; FEIR Chapter 4, Section 4.2)
2) Water Resources
(see pages 10 - 34 of 277, DEIR Sections 4.3.4.2; FEIR, Master Response 9, DEIR, Section 4.3.4.2; FEIR, Master Response 9)
3) Geology, Soils, and Seismicity
(see pages 34 - 38 of 277, DEIR Section 4.4.4.3, FEIR Master Response 9)
4) Mineral Resources
(see Pages 38 - 41 of 277, DEIR Section 4.5.4.2; Monterey County Zoning Ordinance)
5) Transportation
(see pages 41 - 48 of 277, DEIR Section 4.6.3.5; FEIR, Master Response 5 and 6, See page 44 CV-2.18 Carmel Valley Traffic Improvement Program includes measures set forth in Mitigation Measure TRAN-2B)
6) Air Quality
(see pages 48 - 50 of 277 DEIR, Section 4.7.4.2; Urban Land Institute 2008 Growing Cooler,
7) Noise
(see pages 50 - 56 of 277, DEIR, Section 4.8.5.2, page 55 CVMP Policy CV-1.14

urbanized areas
mouth of the Valley)

8) Biological Resources

(see pages 56 - 61 of 277, DEIR, Section 4.9.5.4 and 4.1.4.3; FEIR, Chapter 4, Section 4.9; FEIR, Master Response 8)

9) Cultural Resources

(see pages 61 of 277, DEIR Section 4.10.3.7 and Public Resources Code Section 5097.98)

10) Public Services and Utilities

(see pages 61 - 66 of 277, DEIR, Section 4.11.3, 4.114.3 and Government Code Section 65995,
see page 65 CVMP Policy CV-1.8)

11) Hazards and Hazardous Materials

(see page 66 - 74 of 277, DEIR Section 4.14.5.3

12) Aesthetics, Light, and Glare

(see page 74 - 88 of 277, DEIR Section 4.14.6.3)

13) Population and Housing

(see page 80 - 81 of 277, DEIR Section 4.15.4.2; Monterey County (June 15, 2010) 2009 - 2014
Housing Element)

Regulations - CEQA:

Traffic: Updates to the CEQA Guidelines Implementing Senate Bill 743

Governor Brown signed Senate Bill (SB) 743 (Steinberg, 2013), which creates a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (New Public Resources Code Section 21099(b)(1).)

Measurements of transportation impacts may include "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." (Ibid.) *Once the CEQA Guidelines are amended to include those alternative criteria, auto delay will no longer be considered a significant impact under CEQA. (Id. at subd. (b)(2).)*

Transportation impacts related to air quality, noise and safety must still be analyzed under CEQA where appropriate. (Id. at subd. (b)(3).) SB 743 also amended congestion

management law to allow cities and counties to opt out of LOS standards within certain infill areas. (See Amended Government Code Sections 65088.1 and 65088.4.)

Aside from changes to transportation analysis, SB 743 also included several important changes to CEQA that apply to transit oriented developments, including aesthetics and parking.

Complying Cities - No longer use Level of Service (LOS) in a Traffic Report under CEQA:

- San Francisco
- Pasadena

Senate Bill 743 mandates a change in the way that public agencies evaluate transportation impacts of projects under the California Environmental Quality Act. Legislative findings in that bill plainly state that California's foundational environmental law can no longer treat vibrant communities, transit and active transportation options as adverse environmental outcomes. On the contrary, aspects of project location and design that influence travel choices, and thereby improve or degrade our air quality, safety, and health, must be considered.

Revised Proposed Changes to the CEQA Guidelines Section II - includes proposed additions to the CEQA Guidelines, which are found in Title 14 of the California Code of Regulations. Note, these additions, must undergo a formal administrative rulemaking process, and once adopted by the Natural Resources Agency, be reviewed by the Office of Administrative Law.

Proposed New Section 15064.3.

Determining the Significance of Transportation Impacts (a) Purpose. Section 15064 contains general rules governing the analysis, and the determination of significance of, environmental effects. Specific considerations involving transportation impacts are described in this section. ***Generally, vehicle miles traveled is the most appropriate measure of a project's potential transportation impacts.*** For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel and the safety of all travelers.

A project's effect on automobile delay does not constitute a significant environmental impact. (b) Criteria for Analyzing Transportation Impacts. Lead agencies may use thresholds of significance for vehicle miles traveled recommended by other public

agencies or experts provided the threshold is supported by substantial evidence.

(1) Vehicle Miles Traveled and Land Use Projects.

A development project that results in vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, development projects that locate within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor may be presumed to cause a less than significant transportation impact. Similarly, development projects that decrease vehicle miles traveled in the project area compared to existing conditions may be considered to have a less than significant transportation impact.

(2) Induced Vehicle Travel and Transportation Projects.

Additional lane miles may induce automobile travel, and vehicle miles traveled, compared to existing conditions. Transportation projects that reduce, or have no impact on, vehicle miles traveled may be presumed to cause a less than significant transportation impact. To the extent that the potential for induced travel has already been adequately analyzed at a programmatic level, a lead agency may incorporate that analysis by reference.

(3) Qualitative Analysis.

If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations (such as homes, employment and services), area demographics, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology.

The lead agency's evaluation of the vehicle miles traveled associated with a project is subject to a rule of reason. A lead agency should not confine its evaluation to its own political boundary. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. (c) Applicability. The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be

governed by the provisions of this section immediately provided that it updates its own procedures pursuant to section 15022 to conform to the provisions of this section. After [two years from expected adoption date], the provisions of this section shall apply statewide. Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Sections 21099 and 21100, Public Resources Code; California Clean Energy Committee v. City of Woodland (2014) 225 Cal. App. 4th 173.

Background on Estimating Vehicle Miles Traveled (VMT)

New modeling and counting VMT will require new terminology and modeling. This example illustrates some methods of estimating vehicle miles traveled.

Example:

Consider the following hypothetical travel day (all by automobile):

1. Residence to Coffee Shop

2. Coffee Shop to Work

3. Work to Sandwich Shop

4. Sandwich Shop to Work

5. Work to Residence

6. Residence to Store

7. Store to Residence

Trip-based assessment of a project's effect on travel behavior counts VMT from individual trips to and from the project. It is the most basic, and traditionally most common, method of counting VMT. A trip based VMT assessment of the residence in the above example would consider segments 1, 5, 6 and 7. For residential projects, the sum of home-based trips is called home-based VMT.

Public Comments:

1) Private easement regulation compliance: Does not comply with new regulation requiring an agreement from private easement owners to intensify use of that easement.

Response: Easement owners collectively hired legal council to represent easement

owners interests. Easement agreement was drafted with input from applicant attorney and other easement owners. A term of the agreement was owners required Monterey Superior Court would retain jurisdiction over enforcement of the terms of the agreement.

2) Architectural: Design does not meet rural character.

Response: No final design has not been done or submitted. In the big picture the homes will be court-yard style homes emphasizing in-door/out-door living. The single family homes are envisioned as one level. The inclusionary homes may be two levels but those designs have not been completed. All units will be ADA compliant.

Architectural designs will be reviewed prior to permitting approval. While Carmel Land Use Advisory Committee frequently say a project does not reflect rural character of Carmel Valley no design guidelines or covenants, codes, or restrictions regarding architectural designs are provided.

Therefore, architectural comments have no baseline for design compliance and design comments are subjective and lack any objective or measurable compliance criteria.

As an in-fill development this property has existing development and screening on three sides and is 1,900 feet from Carmel Valley Road.

3) Affordable housing: Will "ghetto-ize" the project.

Response: The 7 units are on 7/8ths of an acre. This lot also accommodates the water distribution facilities. The foot print for the water treatment facility in less than 25' by 40'.

Using any metric the affordable housing lot is highly underdeveloped. Los Angeles County, San Diego County, and San Francisco would allow over 100 units on a lot this size - a lot on which we are doing 7 units with approximately 1/80th of the lot being used for water treatment.

The existing Affordable Housing Overlay districts in Carmel Valley, as outlined in GPU5, have not produced one affordable housing unit in 10 years.

4) Traffic Impacts and "Walk-ability":

Response: This is the most "walkable" friendly in-fill location in the County of Monterey. Adjacent to the property are three shopping centers including the Barnyard

and Crossroads. Starting within 50 feet of the property line there are 250 public serving businesses from grocery stores (3), medical/dental offices, banks, brokerages, title offices, restaurants, gas stations, and transit stops. An owner at this project would not need a car and vehicle miles travelled greatly reduced since innumerable public errands can be accommodated

This project complies with the reduced green house gases and vehicles miles traveled mandates of Senate Bill (SB) 743 under the new CEQA guidelines from Governors Office of Planning and Research.

5) Water rights and availability: Does not have water rights.

Response: Project has legal water rights - either applying current usage baseline or using Monterey Peninsula Water Management District 10 year averaging. Project will use 46% less water than the current water use baseline. During eight hour pump tests per Environmental Health test guideline - tests revealed there is minimal drawdown of adjacent wells and almost immediate replenishment once artificial maximum pumping is terminated per Environmental Health 8 Hour Pumping test guidelines. *Wells pump over 400 gallons per minute with virtually no impact (drawdown) on neighboring wells.* Wells could be classified as "gushers".

Michael W. Stamp
Molly Erickson

STAMP | ERICKSON
Attorneys at Law

479 Pacific Street, Suite One
Monterey, California 93940
T: (831) 373-1214
F: (831) 373-0242

May 1, 2017

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

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

Dear Chair Rochester and Planning Commissioners:

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

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

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

The Project Violates Carmel Valley Master Plan Policies.

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

Violates the CVMP Policy specific to the project site.

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

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

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

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

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

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

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

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

---

[2] County Zoning Code, § 21.14.060.

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

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

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

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

Violates policy requiring Rural Character and Rural Architectural Theme.

Policy CV-1.1 All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character. In order to preserve the rural character of Carmel Valley, development shall follow a rural architectural theme . . . .

Discussion: The project does not preserve rural character because the project is too dense and the development does not follow a rural architectural theme. (See Exh. A [site plan] and Exh. B [depiction of market rate houses and inclusionary units].) You should deny the Administrative Permit and Design Approval for development in the "S" (Site Control) and "D" (Design Control) zoning districts which is part of the application.

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

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

Policy CV-1.5 In the residential areas, ... attainment of maximum density is dependent upon conformity of the proposed project to plan goals and policies.

Discussion: The applicant is asking the County to approve a project density that is even greater than the maximum density allowed. However, the County may not approve that maximum because the subdivision does not conform with General Plan policies and Master Plan policies as required by policy CV-1.5.

Exceeds CVMP unit cap.

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

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

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

Violates Master Plan policies requiring retention of existing agriculture.

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

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

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

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

The Project Violates County General Plan Policies.

Does not provide 35% affordable housing as required.

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

Has not met County system for evaluating subdivisions.

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

The Project Violates the County Zoning Code.

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

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

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

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

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

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

The Project Violates County Inclusionary Housing Requirements.

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

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

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

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

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

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

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

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

The Project Is NOT Infill.

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

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

The Draft EIR Did Not Cap Water Use.

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

The Project Would Cause Significant and Unavoidable Impacts on Traffic.

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

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

---

[5] E.g., CEQA Guidelines, § 15183.3.

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

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

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

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

(Exh. D to this letter.)

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

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

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

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

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

Request to Planning Commission

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

1. Deny the project based on lack of compliance with the County General Plan, Carmel Valley Master Plan, Zoning Ordinance, County Inclusionary Housing policies, and unacceptable impacts on land use, traffic, water, flooding hazards, and all other issues identified by the public and Commissioners.

2. Not certify the EIR. CEQA compliance is not required for projects that are denied, and thus there is no need to approve the EIR.

Thank you.

Very truly yours,

STAMP | ERICKSON

Molly Erickson

Exhibit A: Applicant's site map (from Draft EIR) annotated in red to show each proposed unit.

Exhibit B: Applicant's depictions of market rate homes and inclusionary units (from Draft EIR).

Exhibit C: County Inclusionary Housing requirements (excerpts).

Exhibit D: County plan to raise height of Val Verde Drive as top-priority flood control project (County report excerpts).

Exhibit A (see Draft EIR, Fig. 2-3)

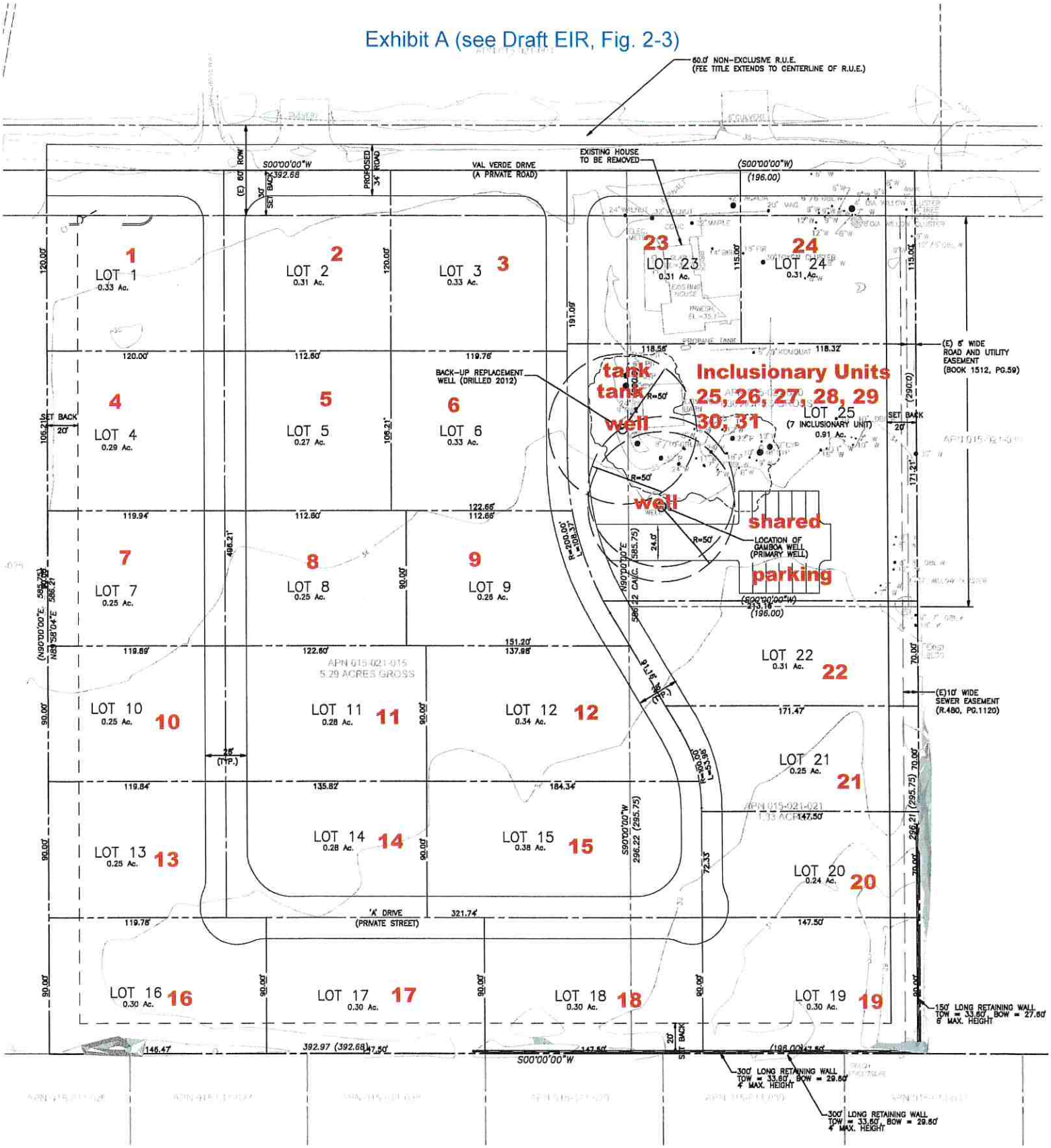
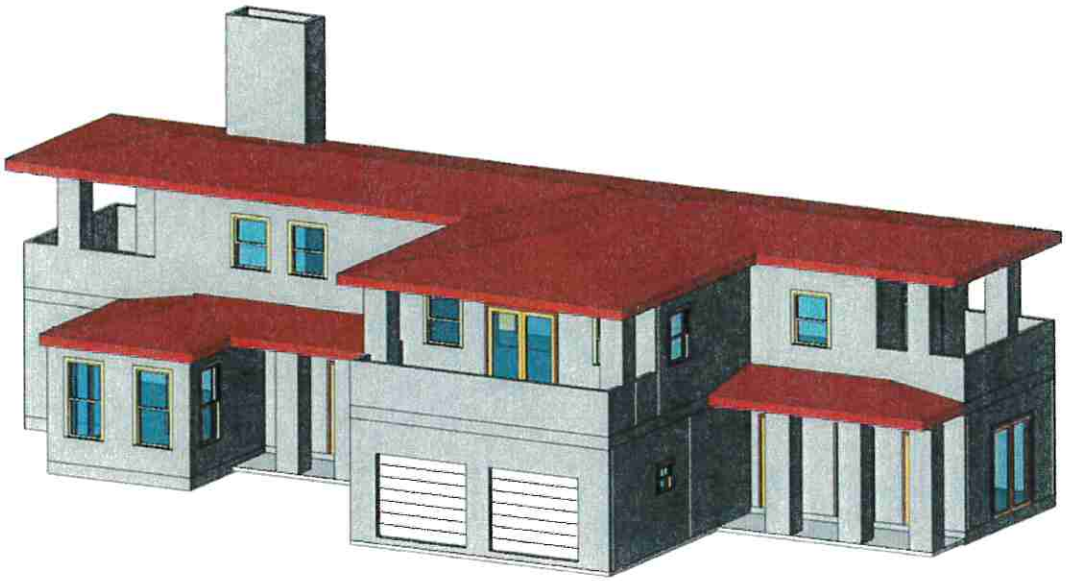
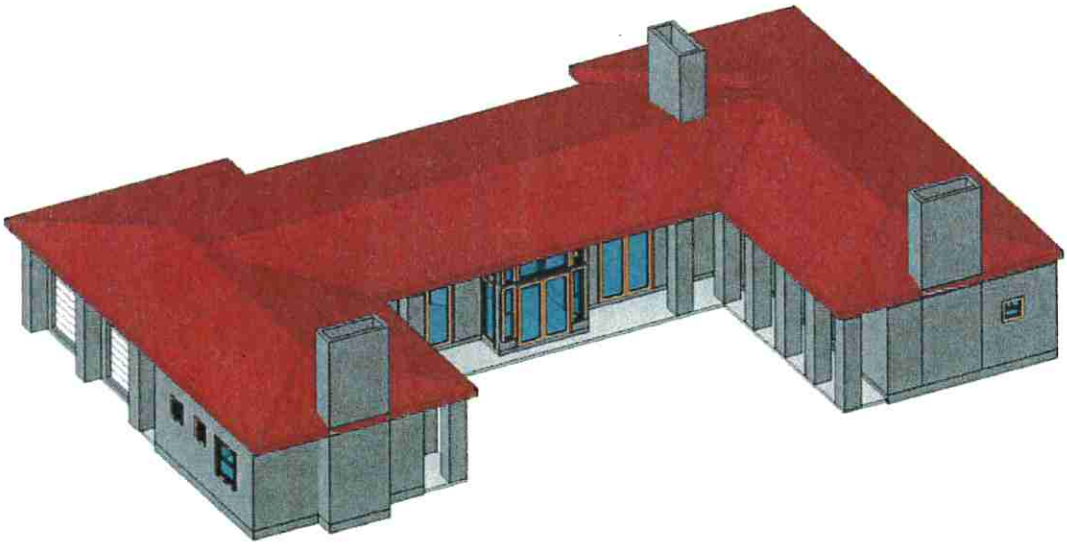


Exhibit B, p. 1



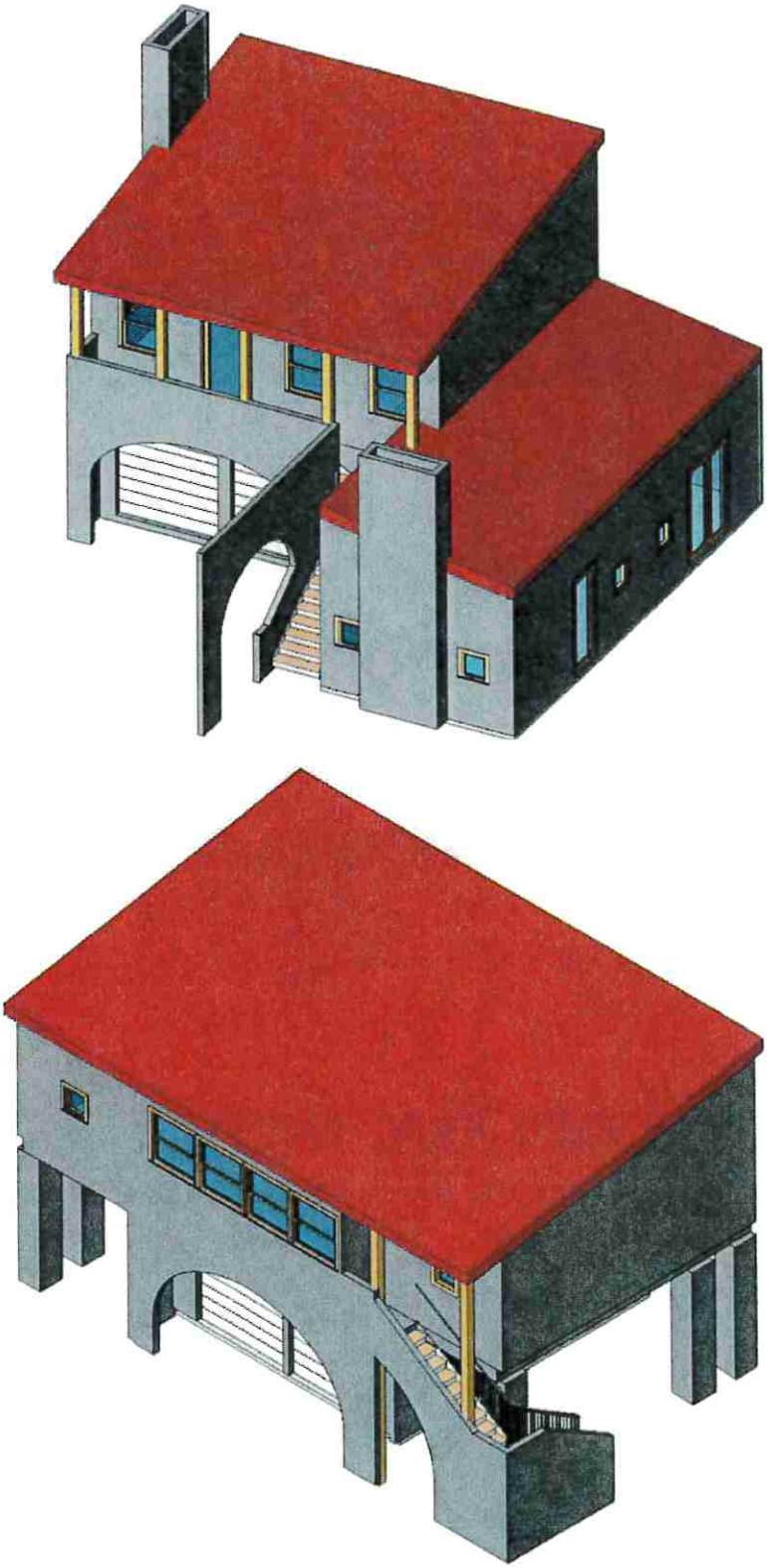


Preliminary Architectural Renderings:
Market Rate Single-Family Units

Figure 2-4a

Source: Paul Byrne, 2014

Exhibit B, p. 2



Preliminary Architectural Renderings:
Inclusionary Units

Figure 2-4b

Source: Paul Byrne, 2014

Amended July 12, 2011

ADMINISTRATIVE MANUAL

COUNTY OF MONTEREY INCLUSIONARY HOUSING PROGRAM

AMENDED JULY 12, 2011

APPENDIX MATERIALS UPDATED JUNE 2011

County of Monterey
Redevelopment and Housing Office

Amended July 12, 2011

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

C. Design, Size and Location of Units

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

D. Timing of Inclusionary Units

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

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

Prepared for:

Monterey County Resource Management Agency

October 2014

October 31, 2014

Final Lower Carmel River Stormwater Management and Flood Control Report

A report prepared for:

Monterey County Service Area 50 – Lower Carmel River
c/o Monterey County Resource Management Agency
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Salinas, California 93901
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TABLE OF CONTENTS

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

- DA-27. For both the 20- and 100-year storm events, a significant portion of the flow within the DA-27 channel is estimated to overtop its banks and spill across Val Verde Road into CSA-50. For the 100-year storm simulation event, approximately 392 cfs out of a peak flow rate of 487 cfs spills into CSA-50. The total volume of overflow from the DA-27 channel into CSA-50 for the 100-year storm event is approximately 46 acre-feet.

- DA-28. The storm drain network located within DA-28 is estimated to be significantly backwatered by the assumed tailwater conditions in the Carmel River for both the 20- and 100-year storm events. This backwater results in significant overtopping at the catch basins along the DA-28 storm drain network with an estimated overflow volume of 115 for the 20-year design storm routed against the 100-year river flood and 53 acre-feet for the 100-year storm event routed against the 20-year riverine flood. Overflow rates are particularly high for manholes and catch basins located on or near Rio Road. The largest average overflow rate for the 20-year storm is approximately 22 cfs at from an inlet located on the south side of Rio Road, roughly 200 feet east of Carmel Rancho Boulevard (model node 28-2). For the 100-year design storm the largest overflow rate is approximately 48 cfs and, in this case, is located much further to the north in the parking lot adjacent to the Cornucopia Community Market just south of Carmel Valley Road (model nod 28-9). The fact that overflow for the 100-year storm is near the head of the pipe system is reasonable in that the pipes were likely never sized for such a large event.

- DA-29A (Hatton Canyon). The Hatton Canyon channel is predicted to overtop its banks immediately upstream from the inlet to the 72-inch diameter storm drain during large flood events. The model predicts a peak overflow rate of 6 cfs and an overtopping volume of 0.4 acre-feet during the 20-year storm event, but this

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

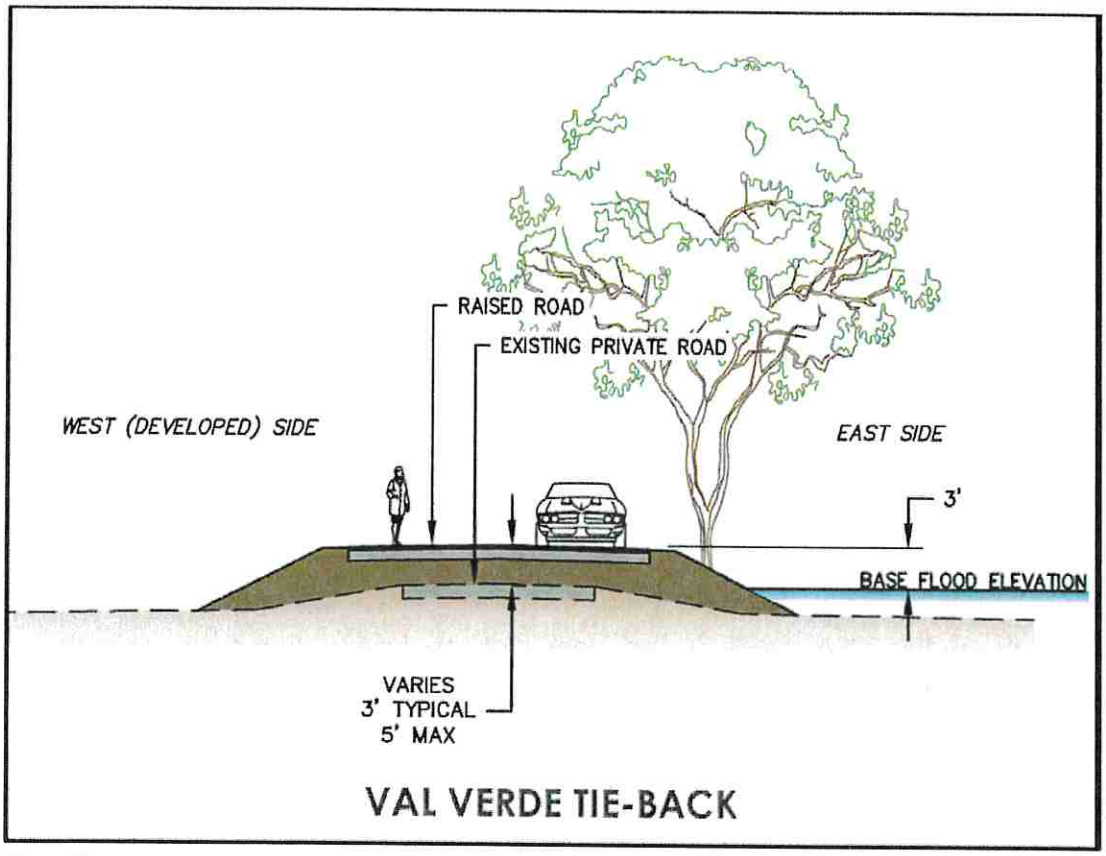

Figure 5-3 Typical cross-section for tie-back protection in CSA-50 Sub-Area 3 (Val Verde Drive)

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

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

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

The specific recommended project priorities are:

1. *Val Verde tie-back (Project 3-F-F-PP)*. As discussed previously, the eastern boundary of the CSA presents the very highest riverine flood risk and the potential hazard is high as well since flooding originating at this location can impact all areas west to Mission Fields. Reinforcing the Val Verde tie-back would also significantly reduce interior drainage flood risk by assuring that runoff from DA-27 could not flow into the CSA. The recommended approach would be to complete the full FEMA protection project for future conditions as a first step. The total cost would be on the order of $4.6 million.

2. *Stormwater quality and drainage (Project A-A-A-ID)*. This project is unique among those identified in that it has merit regardless of the scenario considered of the level of protection sought. Implementing the elements in this project would provide immediate and substantial benefits with respect to runoff water quality and would simultaneously address the potentially serious issues of backflow flooding in the DA-28 and DA-29A storm drain system. At the same time, the conveyance enhancements in the form of the Rio Road bioswale and bioretention/outfall retrofits at the Mission Fields and Riverside ponds would enhance runoff quality and markedly improve the ability to limit flood elevations

APPENDIX B

LOCAL AGENCY REVIEW FORM

SECTION A (TO BE COMPLETED BY APPLICANT)

Applicant Monterey County Water Resources Agency

Project Description Moss Landing Tide Gate Tempoary Repairs

Location County right-of-way, adjacent to 7989 Moss Landing Road, Moss Landing, North County Land Use Plan, Coastal Zone

Assessor's Parcel Number 000-000-000-000; adjacent to 133-211-001-000

SECTION B (TO BE COMPLETED BY LOCAL PLANNING OR BUILDING INSPECTION DEPARTMENT)

Zoning Designation RC (CZ) _____ du/ac

General or Community Plan Designation Wetlands and Coastal Strand _____ du/ac

Local Discretionary Approvals

[X] Proposed development meets all zoning requirements and needs no local permits ~~other than building permits~~. County ministerial-level permit required: None

[ ] Proposed development needs local discretionary approvals noted below.

Needed	*Received*	
[ ]	[ ]	Design/Architectural review
[ ]	[ ]	Variance for _____
[ ]	[ ]	Rezone from _____
[ ]	[ ]	Tentative Subdivision/Parcel Map No. _____
[ ]	[ ]	Grading/Land Development Permit No. _____
[ ]	[ ]	Planned Residential/Commercial Development Approval
[ ]	[ ]	Site Plan Review
[ ]	[ ]	Condominium Conversion Permit
[ ]	[ ]	Conditional, Special, or Major Use Permit No. _____
[ ]	[ ]	Other _____

CEQA Status

[ ] Categorically Exempt *Class* _____ *Item* _____

[ ] Negative Declaration Granted (Date) _____

[ ] Environmental Impact Report Required, Final Report Certified (Date) _____

[X] Other Statutory Exemption: State code number: Section 15269 (c) of the CEQA Guide lines

Prepared for the County of Monterey by Joseph Sidor

Date June 13, 2017 Title Associate Planner

Carmel Valley Association

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

RE: PLN1400089 – Carmel Rio Road Subdivision

Dear Planning Commissioners,

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

- The project doesn't meet the affordable housing requirements of the Carmel Valley Master Plan and the County General Plan.

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

- The completed project would add over 300 daily trips to already over capacity Highway One.

- Thirty one families would be added to a high risk flooding area. The installation of a 6 foot flood wall would add risk to downstream residents and businesses.

- There is no guarantee that the residents of the 31 units would not exceed the water demand assumed by the EIR.

- The project would adversely impact the rural nature of the Carmel Valley. It will turn its existing rural character as an agricultural production site into an urban site. Keeping the site in agricultural production would adhere to CV Master Plan Policy CV-1.1 which would maintain the agricultural character of the area.

- These lands are currently used by local organic farms and serve and maintain the rural character of the Carmel Valley. Converting these plots of land into 31 units does not maintain the rural character of the Carmel Valley.

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

Pris Walton

Pris Walton, President

MAIL P.O. Box 157, Carmel Valley, CA 93924
WEB www.carmelvalleyassociation.org | EMAIL president@carmelvalleyassociation.org

Schubert, Bob J. x5183

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

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

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

Schubert, Bob J. x5183

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

Hello Bob,

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

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

Many thanks for reading my letter.
Gail Bower

Refer to: PLN1400089

Schubert, Bob J. x5183

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

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

Schubert, Bob J. x5183

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

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

Schubert, Bob J. x5183

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

Dear Mr. Schubert,

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

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

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

Thank you.

Kathleen Armstrong
26015 Dougherty Pl.
Carmel, CA 93923

Schubert, Bob J. x5183

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

Dear Mr. Schubert,

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

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

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

Thank you.

Sincerely,

Robert Nielsen

Robert Nielsen
email - 44pilgrim@gmail.com

Schubert, Bob J. x5183

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

Dear Mr. Schubert,

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

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

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

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

Schubert, Bob J. x5183

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

Mr Schubert,

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

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

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

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

Thanks for your consideration.

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

Schubert, Bob J. x5183

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

April 28, 2017

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

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

PLN 140089

Mr. Schubert,

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

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

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

This is already a hot issue.

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

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

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

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

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

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

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

Sincerely,

Dale McCauley

Schubert, Bob J. x5183

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

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

Schubert, Bob J. x5183

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

Dear Mr. Schubert:

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

Thank you for considering my opinion,

Sincerely,

Cara M. Carozza

Schubert, Bob J. x5183

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

Hi Bob

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

Karen Wood

Schubert, Bob J. x5183

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

Attn: Bob Schubert

Re: Val Verde Drive Subdivision

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

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

Please go back to the drawing board.

Sincerely,

Constance Murray
10 Oak Meadow Lane
Carmel Vally

Schubert, Bob J. x5183

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

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

Please do not approve this thoroughly disruptive project.

Furman Sheppard
831 626 2345

Schubert, Bob J. x5183

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

Mr. Schubert,

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

Regards,

Anthony M. Ricigliano

40 years a Carmel Valley resident

Schubert, Bob J. x5183

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

I hear with HORROR that a plan for a development is under consideration for the Val Verde existing farmland for 31 houses.
It would be VERY detrimental to the area - traffic-wise and completely contrary to the Carmel Valley Master Plan.
It would add several hundred car trips to that small area which is already surrounded by a very heavily travelled part of the mouth of the valley. In NO WAY can you permit this project to go forward. The impact would be enormous. Other plans for the golf course area so close by are also threatening. What could any sane person be thinking of permitting these projects to go forward. There has to be consideration for residents of the Valley that uses the Mouth of the Valley for shopping. As it is, the area is already clogged up with hundreds of cars parking doing business. Please - make a sane decision and say NO to this project.
May Waldroup - Valley resident since 1970.

Schubert, Bob J. x5183

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

Dear Sirs,

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

Sincerely yours,
Linda C
Carmel Valley

Schubert, Bob J. x5183

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

Hello Bob-

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

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

Thank you,

Doug Burke
Carmel Valley Resident

Schubert, Bob J. x5183

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

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

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

Phil Scheinberg MD, FACS

Schubert, Bob J. x5183

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

I want to express my opposition to this project because it is not appropriate for this area.
I vote against it.
Sincerely ,
Wilbur J Strohm
Carmel

Schubert, Bob J. x5183

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

Dear Mr. Schubert,

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

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

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

Sincerely,

Ellen Korstanje

Sent from my iPad

Schubert, Bob J. x5183

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

Dear Commissioner Schubert,
As a Carmel Valley resident since 1966, I would like to put in my 2 cents worth about the latest proposed development, PLN1400089 at Val Verde Dr. There has been a long history of poor planning in Carmel Valley for too long. Building in the flood plain and adding more traffic to the gridlock of Hwy 1 and the whole Mouth of the Valley, especially wth the approved but not yet built projects just doesn't make any sense. This land is not appropriate for housing. Please do the right thing and say no to this mess.
Thank you for your time.
Ruth Carter
PO Box 184
Carmel Valley 93924
Sent from my iPhone

Schubert, Bob J. x5183

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

Dear Mr. Shubert,

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

Sincerely,
Nan Lansdowne

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

Schubert, Bob J. x5183

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

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

Marlene Martin
26455 Via Mallorca
Carmel, Ca. 93923

Schubert, Bob J. x5183

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

Re: Carmel Valley Valle Verde Subdivision **(PLN1400089)**

Dear Bob:

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

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

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

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

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

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

Schubert, Bob J. x5183

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

Please record my opposition for the 31 unit Val Verde Drive development goes before the County Planning Commission.
This development is not appropriate for our Valley.
This crowded, cookie cutter development would replace 7.9 acres of organic farmland and is in no way consistent with the Carmel Valley Master Plan. Water is uncertain, traffic is estimated to increase by 300 cars per day, and it's in a flood prone area on the valley floor.

Newton Bayless
ctbinb@redshift.com
P.O. Box 123
Carmel Valley,CA.93924-0123
Phone.....831-659-2347
"Until one has loved an animal, a part of one's soul remains unawakened." - Anatole France

Schubert, Bob J. x5183

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

To Bob Shubert,

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

Please vote 'NO' on this.

Thank you

James Greco

James Greco, CLU, CLTC
3785 Via Nona Marie #303
Carmel, CA 93923
License 0678857
Tel: 831 624 6000
Fax: 831 624 1954
Web: http://jamesgreco.com
greco@jamesgreco.com

Map
http://goo.gl/U18QKe

Carmel Valley Association

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

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

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

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

MAIL P.O. Box 157, Carmel Valley, CA 93924
WEB www.carmelvalleyassociation.org | EMAIL president@carmelvalleyassociation.org

- **Evacuation routes from this area are strictly limited**; only two-lane roadways (or 4-lane access to 2-lane evacuation routes) are available for emergency traffic movement.

- The area is under **constant threat from, and has had substantial recent experience with, wildfire, floods and/or earthquakes.**

- By increasing local traffic, this project would **increase delays in emergency response to individual emergencies**, which already are subject to elevated risks of delay because of narrow road segments -- some with inadequate shoulders, -- that restrict free access by emergency vehicles.

- **Unacceptable traffic congestion**, according to stated CVMP standards, **already exists at 4 intersections** and **on 6 segments** of roads studied in the project EIR, and would be significantly worsened under cumulative conditions, according to DEIR data:

  - Existing traffic already experiences **unacceptable delays at four study intersections;** these already unacceptable delays would be **increased by an additional 43% to 140%** under cumulative conditions.

  - Existing traffic already experiences **unacceptable speeds on 3 road segments in the shopping complex** area characterized by Rio Rd. and Carmel Rancho Blvd.; these already unacceptably low speeds would be decreased by an additional 4% to 42% under cumulative conditions.

  - Existing traffic on **critical segments 6 and 7 of Carmel Valley Road** already experiences **unacceptable PTSF levels**; these already unacceptably high PTSF values would be **increased by an additional 4% to 42%** under cumulative conditions.

- Since much of the traffic generated by the project would use a **critically congested portion of Highway 1 (with traffic volume exceeding roadway capacity)**, the method of analysis used by the DEIR there must be properly suited to the salient road conditions and should be properly applied. But in fact, the MMLOS **method** and LOS+ **software** that is used is **entirely improper and is egregiously misapplied** by CCTC, and therefore by the DEIR.

- Segments 1-4 of **Highway 1 operate at LOS F**; they **do not operated at the levels stated in the DEIR**. The DEIR's treatment of Highway 1 segments between Ribera Drive and Carpenter Street, incorporated entirely from the CCTC "analysis" in the Rancho Canada Village **EIR, is demonstrably and incontrovertibly false** in a number of crucial respects. The issues include the following, among others (for more information, see CVA comments on the Rancho Canada Village DEIR, and in particular see (1) NCHRP documents (Report 616, Web Document 128, both for Research Project 3-70) that define and direct use of the MMLOS method, and (2) the FehrPeters specifications for the LOS+ software used by CCTC):

  - The multimodal level of service (MMLOS) method used is intended for use where four standard "urban street modes of transportation (auto, pedestrian, bicycle, and transit with pickup/discharge stops) exist, but only one (auto) exists on the portion of Highway 1 studied. The method specifies that **the three missing modes all operate <u>LOS F</u>, which was not reported in the DEIR.**

  - The level of service for the sole mode of travel actually present, the **auto mode, operates at <u>LOS F</u>** under MMLOS specifications **along the entire portion of**

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

- Use of the MMLOS method is **predicated on** declaration of the Highway 1 segments as an **"urban street"**, which it is not, and the **Board of Supervisors has stated and reaffirmed that it is *not* an "urban street"**. However, even if use of MMLOS were legitimately used, all relevant segments still would operate at LOS F.

- Land use along segments 1-4 (the relevant portion of Highway 1) is **entirely residential** in character. But page 1 of NCHRP web document 128, the user's guide to MMLOS, states clearly that the method is "**not designed to be applied to residential streets**", constituting yet another verification that MMLOS is misapplied in the CCTC "analysis", and therefore in this DEIR.

- MMLOS calculations consider only the **number of full stops** (mandated by stop signs and signals) **per mile**, and the **proportion of intersections with left-turn lanes**; actual **traffic volume is excluded** from MMLOS computations (except to determine whether a segment operates at LOS F or not, i.e., whether traffic volume exceeds capacity). Thus, whether no traffic uses the roadway, or it is at half capacity, or just below capacity, the computed auto LOS value is exactly the same, and plays no role in determining LOS under MMLOS prescription. The result for a segment is entirely insensitive to congestion, but responds only to whether a roadway may be designed to accommodate a certain level of traffic volume. This is **completely inappropriate for the assessment of environmental impact of variations in traffic**.

- Data for **two potentially important intersections on Carmel Valley Road are absent from the DEIR but should have been included:**

  - The intersection of Carmel Valley Road and **Valley Greens Drive** recently was shown in another project DEIR to operate at LOS F; potential addition of any traffic to Carmel Valley Road at that intersection should guarantee its inclusion in

  - **Brookdale Drive**'s intersection with Carmel Valley Road is an especially dangerous one because of limited sightlines arising from local topography and curving roadway.

- **Critically important raw data** required to establish a **usable baseline** against which to measure environmental impact is **missing** from the DEIR. Examples include:

  - **Specific times of data acquisition**. For example, the times at which peak traffic occurs determine the actual values of peak traffic, and when they are not specified one cannot determine whether the asserted traffic volumes are correct or not. The Rancho Canada Village DEIR excluded certain peak traffic volumes that occurred near midday by restricting attention to hours (e.g., 7-9 AM, 4-6 PM) which had lower volumes; errors as much as 20% resulted. In the Val Verde DEIR data acquisition times are essentially absent.

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

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

1. The **EIR** for the project **cannot be certified legitimately under CEQA** because its substantial inadequacies, incompleteness, and clear failure to make a good faith effort to disclose all that it reasonably could (e.g., failure to identify and repair fatal flaws from serious misapplication of MMLOS, and in consequence presenting irrefutably false results as if valid), thus clearly violating CEQA, and

2. The **project must be denied**, since the EIR contains unmitigated and unmitigatable significant and unavoidable environmental impacts (some – but not all, as shown above – declared in the DEIR itself) concerning traffic and other environmental risks, which clearly override any conceivable benefits that could accrue to the public, or serve the public interest, from implementation of this proposed project.

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

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

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

Thank you for the opportunity to provide these additional comments.

Pris Walton

Pris Walton, President

Carmel, January 3rd, 2017

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

E-mail: stanmkluz@gmail.com

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

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

Dear Mr. Schubert:

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

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

A. General comments regarding the density of the development.

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

As much as this proposal is legitimate, assuming of course that the zoning ordinance is amended, it doesn't mean that its approval would be a wise undertaking. As mentioned in the Report, Val Verde area is designated as low density residential/agriculture countryside and "sticking" a high density subdivision there does not fit well the original vision for this region. This region should remain as low density residential/agriculture, as the best fit for the most desirable rural setting and environmental preserve.
All existing residences at Val Verde are single family houses, one dwelling per parcel, ranging from 1.3 to about 5 acres per parcel.

LandWatch
monterey county

May 1, 2017

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

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

Dear Chair Rochester and Planning Commissioners:

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

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

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

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

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

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

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

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

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

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

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

> The County shall assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households. The Affordable Housing Ordinance shall include the following minimum requirements:
>
> a) 6% of the units affordable to very low-income households
> b) 6% of the units affordable to low-income households
> c) 8% of the units affordable to moderate-income households
> d) 5% of the units affordable Workforce I income households

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Legal, Land Use, and Environmental Inconsistencies

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

Sincerely,

Michael DeLapa
Executive Director

Schubert, Bob J. x5183

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

Carmel Valley Is Full! In order to be Ruarl you have to retain Rural. Carmel Valley is being wiped-out by typical San Jose housing developments. Val Verde, Rancho Canada. Val Verde is ag land. Adding hundreds of car trips to the congested Hwy 1 is idiotic. Pulling more water out of the ground for another housing project-really?There is nothing good about the Val Verde project,every aspect is a Negative. The same for Rancho Canada. The 190 build-out for Carmel Valley is wrong and needs to be rescinded. Zero growth is what will save what is Left of Carmel Valley.
More people , cars, pollution, water consumption ,traffic, impact on public services is never good. Enough. Stop Val Verde and all development in Carmel Valley.
Lea Magee

Schubert, Bob J. x5183

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

Carmel Valley has no need for more houses, cars , people, traffic, problems, pollution, water consumption. Val Verde is ag land and it needs to stay ag land not pave it over with houses.
Affordable housing means you can not afford to live there. Not everyone can live in the Valley. There are some 38 houses for sale in the Valley. If you want to live here buy a built house. Do not wipe out ag and open space land and ruin what is left of the Valley. Past and present board of supervisors have approved houses built in a flood plane and are not held accountable for those homes being flooded, example, poor decision. Val Verde, another bad descision.
Lea Magee

May 1, 2017

schubertbj@co.monterey.ca.us

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

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

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

Traffic Issues:

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

Flooding:

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

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

Sincerely,

Peter Neumeier

Schubert, Bob J. x5183

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

Planning Development Committee,

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

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

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

Rosemary T Coulter

Schubert, Bob J. x5183

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

Dear County Planning Committee,

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

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

This will just make traffic in Carmel that much worse.

Ron Coulter

Schubert, Bob J. x5183

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

Dear Mr. Schubert;

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

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

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

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

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

Thank you for your consideration.

Regards,
Ed Morrow
Carmel Valley, CA

Schubert, Bob J. x5183

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

Dear Mr. Schubert,

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

I strongly encourage disapproval of this proposal.

Thank you,

James White
28089 Barn Way
Carmel Valley Ranch

Sent from my iPhone

Schubert, Bob J. x5183

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

As residents of Carmel Valley for the past 20 yrs. we have seen the increase in the traffic flow to such extent that Carmel Valley road resembles a freeway.
We are adamantly opposed to this proposed development. It will only add to the traffic congestion, and water problems that plague the Valley.
We pray our voices of opposition will be heard in this matter.
Respectfully,
Nydia and Ralph Maldonado

Sent from my iPad

Schubert, Bob J. x5183

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

Dear Mr. Schubert and Monterey County Planning Commission:

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

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

Thank you,
Jeff Frey
Carmèl Valley

Sent from my iPad

Schubert, Bob J. x5183

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

From: LandWatch ED <execdir@mclw.org>
Date: May 1, 2017 at 09:59:35 PDT
To: "Schubert, Bob J. x5183" <SchubertBJ@co.monterey.ca.us>
Cc: Janet Brennan <janetb@montereybay.com>, "Holm, Carl P. x5103" <HolmCP@co.monterey.ca.us>, "Onciano, Jacqueline x5193" <oncianoj@co.monterey.ca.us>
Subject: Opposition to Carmel Rio Road (Val Verde) subdivision

Hi Bob,

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

Regards,

Michael

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

Sign-Up | Get Involved | Donate

LandWatch
monterey county

May 1, 2017

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

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

Dear Chair Rochester and Planning Commissioners:

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

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

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

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

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

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

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

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

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

Other Legal, Land Use, and Environmental Inconsistencies

- Thirty-one families would be added to a high risk flooding area.
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- Assessment of the availability of water was incomplete in the DEIR
- CSA 50 flood control projects include a levee adjacent to Val Verde Drive. The impact of a levee on project design and access was not addressed in the DEIR.

Sincerely,

Michael DeLapa
Executive Director

Schubert, Bob J. x5183

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

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

Dear Mr. Schubert,

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

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

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

Thank you for your consideration,

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

Schubert, Bob J. x5183

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

Dear Planning Department and Commissioners,

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

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

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

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

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

Respectfully,

Don

Schubert, Bob J. x5183

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

I
Dear Mr. Schubert and Commision members,

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

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

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

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

Sent from AOL Mobile Mail