

Exhibit G

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ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

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

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

August 28, 2019

Our File No: 4813.001

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



RE: River View at Las Palmas

Dear Joe:

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

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

Continuum of Care

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

Maintain an Appropriate Level of Independence

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

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

Reduce the Trauma of Their Transition

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

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

Receive an Appropriate Level of Care Based on their Individual Needs

Although RVLP has been referred to as an assisted living facility it is, under the terms of the California Health and Safety Codes a Residential Care Facility for the Elderly¹ (RCFE) where persons receive an agreed to level of care and supervision² based on entry and follow-up assessments. RVLP, including the casitas, will be fully licensed as an RCFE.

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

² Level I—Base care and supervision. Residents at this level are able to maintain a higher degree of independence and need only minimum care and supervision, as defined, and minimal personal care assistance.

Level II—Nonmedical personal care. Residents at this level have functional limitations and psychosocial needs requiring not only care and supervision but frequent assistance with personal activities of daily living and active intervention to help them maintain their potential for independent living.

Level III—Health related assistance. Residents at this level require the services of lower levels and rely on the facility for extensive assistance with personal activities of daily living. This level may include residents who also require the occasional services of an appropriate skilled professional due to chronic health problems and returning residents recovering from illness, injury, or treatment that required placement in facilities providing higher levels of care.

These levels are to be based on the services required by residents at each level due to their functional limitations. (HSC 1569.70)

Operations

Assessment:

Prospective occupants are required by the Health and Safety Code to undergo an assessment, performed by professionals, to determine their needs and appropriate level of care³. The assessment may be done in an individual interview with the prospective resident. It is often done by a combination of an interview with the prospective resident, those responsible for their daily care, their physicians and may include an observation of their physical condition. If there is “a fit” between the prospective occupant and RVLP, that person is eligible to become a resident⁴.

Living Assignments:

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

Cost of Services:

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

Continuum of Care:

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

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

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

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

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

Summary

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

Sincerely,


Dale Ellis
DE/al

Sidor, Joe (Joseph) x5262

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

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

Hi, I'm a citizen of Salinas.

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

Thanks and be well.

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

Sidor, Joe (Joseph) x5262

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

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

Hello Paul,

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

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

From Planning (Joe Sidor):

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

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

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

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

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

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

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

I have two requests:

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

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

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

Regards,
Roy Gobets
[235-1701](tel:235-1701) Call anytime.
Sent from my iPad

Sidor, Joe (Joseph) x5262

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

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

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

Sent from my Verizon, Samsung Galaxy smartphone

October 9, 2019

Stephen W. Pearson

Anne K. Secker

Randy Meyenberg

Michael Masuda

Christine G. Kemp

Terrence R. O'Connor

Timothy J. Baldwin

** Charles Des Roches*

** Leslie E. Finnegan*

Ana C. Toledo

** Robert D. Simpson*

Lindsey Berg-James

Nicholas W. Smith

Danny J. Little

*Harry L. Noland
(1904-1991)*

*Paul M. Hamerly
(1920-2000)*

*Myron E. Etienne, Jr.
(1924-2016)*

*Peter T. Hoss
(1934-2018)*

* CERTIFIED SPECIALIST IN
PROBATE, ESTATE PLANNING,
AND TRUST LAW BY
THE CALIFORNIA BOARD OF
LEGAL SPECIALIZATION
STATE BAR OF CALIFORNIA

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

To Whom it May Concern:

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

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

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

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

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

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

To Whom it May Concern
October 9, 2019
Page 2

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

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

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

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

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

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

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation



Christine G. Kemp

CGK:aac

HOA Board of Directors

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

HORAN | LLOYD

ANTHONY T. KARACHALE
STEPHEN W. DYER
MARK A. BLUM
JAMES J. COOK
ELIZABETH C. GIANOLA
JEROME F. POLITZER
PAMELA H. SILKWOOD
VIRGINIA E. HOWARD

HORAN LLOYD
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
26385 Carmel Rancho Blvd., #200
Carmel, CA 93923
Tel: 831.373.4131
Fax: 831.373.8302
horanlegal.com

File No. 8125.01

Of Counsel
ROBERT ARNOLD INC.
DEBORAH S. HOWARD
JACQUELINE M. PIERCE
KRISTIN M. DEMARIA
MARK E. MYERS

FRANCIS P. LLOYD (Retired)
LAURENCE P. HORAN
(1929-2012)

November 7, 2019

Via Electronic and Regular Mail

Brandon Swanson
Joseph Sidor
Monterey County
Resource Management Agency
1441 Schilling Place
Salinas, CA 93901

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

Dear Messrs. Swanson and Sidor:

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

A. Proof of Access Ordinance

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

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

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

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

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

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

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

B. Long Term Sustainable Water Supply

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

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

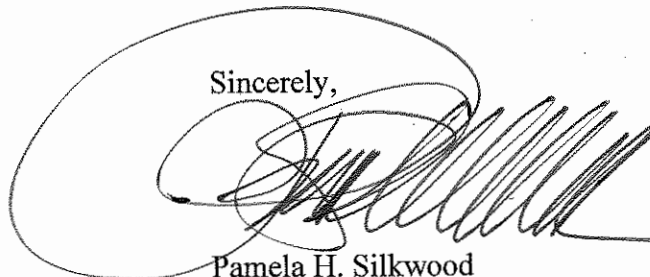
The Draft Subsequent EIR ("DSEIR") only describes water resources for the project in general terms and greatly relies on the "will serve" letter rather than adequately describing the specific wells and well system of California Water Company that would provide water service to the project. The well locations,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

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

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

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

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Pamela H. Silkwood', is written over a horizontal line.

Pamela H. Silkwood

RESOLUTION NO. 2019-01

LAS PALMAS RANCH MASTER ASSOCIATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. affirms that use of the Association private roads within Las Palmas Ranch Phase 1 remains limited to residential use;
2. affirms that Parcel Q has no right to use of any of the Association's private roads, but for the limited scope of use set forth in the Parcel Q Deed;
3. will insist that the scope of Parcel Q's limited use of the Association private roads remains substantially the same as they were at the time the right to use the private road easements accrued;
4. affirms that use of the Association's Parcels E & F remains consistent with the intent of the Association at the time it purchased said parcels, and consistent with the subsequent use thereon by its members, which is recreational use, and that no development, including road construction, is allowed thereon other than for recreational purposes;

5. affirms that Parcel Q has no right to use of any of the Association's common areas, including, but not limited to, community parks, sidewalks, open space areas, Parcels E & F, or the grass median at the eastern terminus of Country Park Road;
6. affirms that the use of the storm drainage system developed for Las Palmas Ranch Phase 1 subdivision remains limited to residential use by Las Palmas Ranch Phase 1, as built out; and
7. will insist upon the use of the storm drainage system easements, and facilities thereon, remaining substantially the same as they were at the time the right to the easements accrued.

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

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

NOES, Directors: None

ABSENT, Directors: Roberta Pastorino and Fred Rowland

ABSTAIN, Directors: None

Sidor, Joe (Joseph) x5262

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

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

Joe Sidor
Monterey County Planning RMA

Dear Joe –

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

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

Sincerely,

Christine G. Kemp

NOLAND, HAMERLY, ETIENNE & HOSS

A Professional Corporation

333 Salinas Street

P.O. Box 2510

Salinas, CA 93901

(831) 424-1414 ext. 271

(831) 424-1975 (fax)

ckemp@nheh.com

www.nheh.com

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13 January 2020

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

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

Dear Ms. Kemp:

We reviewed the noise sections of the draft¹ and final² environmental impact reports (EIR) for the River View at Las Palmas Assisted Living Senior Facility in Salinas. Our efforts focused on potential noise impacts to off-site land uses, particularly the residences to the east and south of the proposed River View site. This letter summarizes our comments.

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

Existing Noise Environment

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

1. The data sheets in Appendix J indicate that the short-term noise measurements were taken with sound level meters set to "fast" weighting. For environmental noise measurements, "slow" weighting is typically used³. This change could result in a noise level reduction of several decibels, which would make the ambient environments quieter than presented in the Final EIR. It appears that the 24-hour noise measurement properly utilized "slow" weighting.

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

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

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

Charles M. Salter, PE
Eric (Broadhurst) Mori, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Durand R. Begault, PhD, FAES
Ken Graven, PE, RCDD, CTS-D
Anthony P. Nash, PE
Jason R. Duty, PE
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Alexander K. Salter, PE
Jeremy L. Decker, PE
Heather A. Salter
Dylan B. Mills, CTS
David L. Buza
Andrew J. McKee
Valerie C. Smith, PE
Benjamin D. Piper
Ryan G. Raskop, AIA, RCDD
Michael L. Bolduc, CPP
Davis H. Keith, CTS-D
Felipe Tavera
Diego Hernandez
Brian C. Wourms
Greg R. Enenstein
Dennis R. Mill
Blake M. Wells, LEED GA
Sybille M. Roth
Justin P. Reidling
Adrian L. Lu, PE
Katherine M. Moore
Lauren von Blohn
Winter R. Saeedi
Jake M. Schpero
Hester Ng
Matthew D. Hsiung
Nathan N. Sistek
Skyler Carrico
Aidan Nelson
Kenny Chong
Andrena Rodriguez
Michael Hoelt
Ben Bieryla

2. The data sheets in Appendix J indicate that at noise measurement Locations NM-2 and the 24-hour measurement location, the sound level meters were set to measure a "Level Range" of 40 to 100 dB. However, several noise levels shown during the measurement window are below 40 dB. It should be confirmed that the noise levels reported below 40 dB are accurate, and that these noise levels are included in the L_{eq} calculated by the sound level meter.
3. Measurement data is presented in Table 11-1 as " L_{eq} " noise levels, which is defined as the "equivalent" (i.e., average) noise level over a given period of time. For the short-term noise measurements, the L_{eq} can be representative of the noise environment.

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

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

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

Noise Impacts – Operational Phase

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

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

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

5. The Final EIR indicates that rooftop equipment typically generates noise levels of "up to L_{eq} 70 dBA at a distance of 15 feet from the source". At a project of this size, we would expect to see multiple pieces of rooftop equipment in close proximity, which would result in louder cumulative noise levels. This does not seem to have been factored into the noise analysis.
6. The Final EIR indicates that rooftop HVAC equipment would not have a substantial impact because the noise level at the adjacent residences (L_{eq} 46 dBA due to equipment) would be below the measured noise level of L_{eq} 70 dBA. As shown in Appendix J, there are large portions of the nighttime hours when the noise level is at or below 46 dBA.

7. Per Draft EIR Section 4.0: *Project Description*, the assisted living and mental care facilities will include dining facilities and laundry services available for the residents. The Final EIR does not address noise from the delivery trucks serving these uses, nor from any medical supply delivery trucks that we assume will also serve the facility. Potential sources of noise include the truck traffic increase along Woodridge Court, noise generated by on-site loading docks, and back-up beepers associated with the delivery trucks and unloading equipment. The Final EIR does not address the number and timing of daily delivery trucks, nor does it address the location of the loading dock and necessary noise mitigation to the nearby residences.
8. Per Draft EIR Section 4.0: *Project Description*, the assisted living and mental care facilities will include transportation available for the residents. The noise analysis does not seem to address the shuttle service mentioned in the Draft EIR, Section 9.0: *Transportation*. It is assumed that noise from arriving, departing, and idling shuttle buses would contribute to the noise environment at the adjacent residences, but this is not addressed.
9. The Final EIR notes that emergency vehicles would be used “on occasion” to transport seniors needing emergency care. The Final EIR indicates that there is an agreement that the subdivision will be a “no-siren zone”, but does not expand on the information contained in the agreement. The Final EIR does not indicate how many additional trips are expected from emergency vehicles along Woodridge Court, the extent of the “no-siren zone”, and the noise impact from additional emergency vehicle trips with sirens along River Road.
10. The Final EIR does not address trash collection, including the anticipated frequency and types of trash collection. Potential sources of noise include trash truck traffic along Woodridge Court and noise associated with the collection (e.g., dumpster moving, debris falling), but these are not addressed.
11. The entrance to the proposed River View site is along Woodridge Court, which would have a steep grade along that portion of the roadway. The analysis does not seem to account for this steep grade adjacent to the residences, which would likely increase noise from vehicles (e.g., cars, shuttle buses, delivery vehicles, emergency vehicles, trash trucks) entering the site.
12. The HUD Traffic Noise analyses referenced in this section (and contained in Appendix J) are focused on River Road. An analysis is not provided for Woodridge Court, which is the entrance for all traffic to the River View at Las Palmas facility. We would expect that traffic will increase along Woodridge Court, leading to an increase in noise level at the residences adjacent to Woodridge Court. In particular, there could be an increase in medium and heavy trucks due to the delivery trucks, shuttle buses, trash trucks, and emergency vehicles, which would typically have louder engines than standard automobiles.
13. Per Draft EIR Section 4.0: *Project Description*, there will be several outdoor plazas, but the use of these plazas is not defined. The Final EIR does not address any on-site operational noise from residents (e.g., amplified music at outdoor areas, outdoor events, outdoor dining). Will these be part of the project design?

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
F 415.397.0454
www.cmsalter.com

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

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

*

*

*

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

Sincerely,

CHARLES M. SALTER ASSOCIATES



Valerie Smith, PE
Senior Associate

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
F 415.397.0454
www.cmsalter.com

Sidor, Joe (Joseph) x5262

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

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

Joe –

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

County Comment :

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

Las Palmas Association Response:

The Association will review this information. We sent you a Sound Consultant peer review report delineating the flaws in the EIR regarding the noise analysis. The EMC information is also new information that was not included in the EIR noise analysis, as required.

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

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

Las Palmas Association Response:

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

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

Las Palmas Association Response:

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

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

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

Las Palmas Association Response:

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

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

Las Palmas Association Response:

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

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

As always, thank you for your help.

Christine

Christine G. Kemp

NOLAND, HAMERLY, ETIENNE & HOSS

A Professional Corporation

333 Salinas Street

P.O. Box 2510

Salinas, CA 93901

(831) 424-1414 ext. 271

(831) 424-1975 (fax)

ckemp@nheh.com

www.nheh.com

Serving the Central Coast Since 1928

From: Sidor, Joe (Joseph) x5262 [mailto:SidorJ@co.monterey.ca.us]

Sent: Sunday, January 12, 2020 11:38 AM

To: Kemp, Christine

Subject: Request for River View Information

Christine,

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

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

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

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

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

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

Best regards,
Joe

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

MONTEREY COUNTY REGIONAL FIRE DISTRICT



19900 Portola Drive Salinas, California 93908
(831) 455-1828 Fax (831) 455-0646

www.mcrfd.org

Michael B. Urquides, Fire Chief
David J. Sargenti, Deputy Chief

Miles J. Schuler, Division Chief/Operations & Training
Eric Ulwelling, Division Chief/EMS & Safety
Kevin Kamnikar, Division Chief/Fire Prevention

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

January 29, 2020

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

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

Dear Mr. Sidor

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Priolo", is written over the word "Sincerely,".

DOROTHY PRIOLO
Deputy Fire Marshal

*Serving the Northern Salinas Valley, Highway 68 Corridor, Community of Chualar,
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