



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