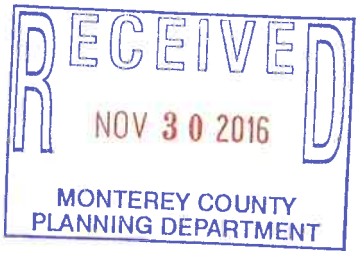
PLN140089 (Carmel Rio Road LLC)
CEQA Comments regarding Draft EIR
Review period of December 2, 2016 through January 23, 2017

1. November 30, 2017 (11:23 AM) – Brian Clark
2. November 30, 2017 (2:25 PM) – Brian Clark
3. November 30, 2017 (2:38 PM) – Brian Clark
4. November 30, 2017 (2:41 PM) – Brian Clark
5. November 30, 2017 (3:38 PM) – Brian Clark
6. November 30, 2017 (3:50 PM) – Brian Clark
7. November 30, 2017 (8:13 PM) – Brian Clark
8. December 1, 2017 (9:57 AM) – Brian Clark
9. December 1, 2017 (10:36 AM) – Brian Clark
10. December 14, 2017 (8:37 AM) – Brian Clark
11. December 14, 2017 (9:22 AM) – Brian Clark
12. December 14, 2017 (11:02 AM) – Brian Clark
13. January 6, 2017 – Stan & Bozena Kluz
14. January 13, 2017 (11:29 AM) – Brian Clark
15. January 13, 2017 (11:57 AM) – Brian Clark
16. January 13, 2017 (12:27 PM) – Brian Clark
17. January 17, 2017 – Michael DeLapa, Executive Director of LandWatch Monterey County
18. January 19, 2017 – Michael DeLapa, Executive Director of LandWatch Monterey County
19. January 19, 2017 –Glenn Robinson
20. January 20, 2017 – Charles Hayes, President of Arroyo Carmel Home Owners Association
21. January 20, 2017 – Bob Byrne
22. January 20, 2017 – Margaret Robbins
23. January 22, 2017 – Richard Stott
24. January 22, 2017 – Kathy West
25. January 23, 2017 – Neil & Stephanie Johnston
26. January 23, 2017 – Lea Magee
27. January 23, 2017 – Priscilla Walton, President of Carmel Valley Association
28. January 23, 2017 – Bob Nunes, Monterey Bay Air Resources District
29. January 23, 2017 – Larry Hampson, Monterey Peninsula Water Management District
30. January 23, 2017 – Molly Erickson, Stamp Erickson Attorneys at Law

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Wednesday, November 30, 2016 11:23 AM
To: Schubert, Bob J. x5183
Cc: Brian Clark; Mcleodbuilding@aol.com
Subject: DEIR Corrections - Updated DEIR suggestions sep. cover



TO: Bob Schubert
FR: Brian Clark
RE: Review of the DEIR

Please copy Rincon.

Suggested changes to DEIR before release for public comment. "As is" the DEIR is not legally defensible on several CEQA based regulations and thersholds.

1) Our DEIR has any number of options and suggested potential mitigations all tied into CSA 50. EACH and EVERY reference to CSA 50 and DA 27 - a study that has not undergone environmental review - need to be stricken.
2) Any reference to CSA 50 or DA 27 - no matter how casual - should be HIGHLY qualified
as coming from a source document that has NOT undergone environmental review and does not meet CEQA thersholds for use in an EIR.
3) Corrections to Cumulative Projects size and scope.
4) Hydrology - CEQA baseline vs. MPWMD Community Water System criteria for a permit corrections.

To summarize:

- CSA 50 report which includes data regarding DA 27 is a STUDY that presented many options for consideration - the Study has not undergone environmental review therefore cannot be used as a CEQA baseline document.
- The CSA 50 "study" presents innumerable computer modeling options for consideration by Monterey
County Public Works. The County has not selected any option for potential implementation therefore not done any specific
or regional environmental review of the study or suggested specific options.
- Carmel Rio Road is not obligated to design, install, manage, or maintain any future designed public works project.
- Carmel Rio Road site is NOT impacted "as is" in any way, shape, or form by current discharge from DA 27 culvert.
- Carmel Rio Road project upon completion has no impact on the off-site DA 27 drainage as may be improved in the future.
- Conversely - if and when a future project is selected for DA 27 the benefits would be to the 6 property owners in line with the culvert
to the east of Val Verde Drive - those properties being Carmel Middle School, Dow 8 acre lot, Clark 5 acre lot (not applicant), Community Church 5
acre lot, Rancho Canada 18 hole golf course.

ALL of these properties are in-line and directly impacted from DA 27. Our site is outside of these properties 50 acre envelop.

FOR CEQA - DA 27 drainage "as is" has NO impact on our site. Upon project completion our project has no impact on DA 27.

The Study is baseless on any number of suppositions - but it is not our job to peer review the CSA 50 study
as we seem to be doing in our DEIR.

Request: A "one paragraph" narrative of CSA 50/DA 27 as referenced in the Odello EIR and Rancho DEIR would be appropriate.

INSERT subject applicant is NOT responsible under Monterey Pulic Works or CEQA for that matter - to design, install, manage, or
maintain DA 27 drainage culvert or options today or as may be improved in the future.

Other Suggested corrections - additions:

3.3 Cumulative

Rancho is not 281. Correct - current application and DEIR is for:

- 130 residential lots
- 20% affordable lots or 26 affordable lots and 104 market rate lots (Applicant intends to sell lots and is not proposing doing any spec or build to suite residential homes.)

Carmel Valley Affordable - 120 units - withdrawn by developer. Delete.

Hydrology:

Why are we discussing this again... Really.

CEQA baseline regulations apply. NOT MPWMD 10 year community water distribution permit 10 year averaging. Discussing using the
10 year average and rationale has already been flushed out and not worth doing a rewrite.

THIS IS A CEQA STUDY FOR AN EIR. CEQA REGULATIONS APPLY. BASELINE REGULATION COULDN'T BE MORE CLEAR. REVIEWING MPWMD PROCESS FOR A COMMUNICITY PERMIT IN THE DEIR IT FINE - BUT THIS IS NOT A COMMUNITY WATER DISTRIBUTION SYSTEM
PREMIT HEARING OR APPLICATION.

What MPWMD may feel is the appropriate water baseline would be flushed out during the community system permitting process which
includes a public hearing.

CEQA REGULATIONS APPLY. NOT A MPWMD PERMIT HEARING.

Carmel Canine Center EIR specific to Hydrology Baseline was NOT a legally defensible EIR. Planning and MPWMD did not abide by or follow CEQA
and had the attorney's ended up in Court over legal challenges to the EIR - deviating from CEQA over water baseline years was an all
but an assured ruling against the County. This is LOW hanging fruit for EIR challenges and deficiencies by local land use attorney's and was quite
frankly very embarassing for the Planners when water specific baseline issues were run up the flag poll by attornies in the Superviors Meeting.

Planners on Baseline to Supervisors when asked about using "prior years" for baseline DEVIATING from CEQA.

Monterey Planner:

"We are just the messenger and do what MPWMD instructs us..."

Monterey Planner passed off deviation/deficiency on water baseline legal challenges during the public hearing before the
Supervisros as coming fom water lead agency MPWMD.

MPWMD in letters in the DEIR file from Pres. of MPWMD: "It appears the DEIR is not following CEQA water baseline regualtions..."

Attorney Lombardo to Supervisors PROVIDING a letter from MPWMD in the hearing stipulating hybred baseline deviating from
CEQA baseline regulation was not supportable.

THERE IS NO EXCUSE OR MIDDLE GROUND TO REDO THE SAME LEGALLY INDEFENSIBLE DEVIATION FROM CEQA WATER BASELINE REGULATIONS
THAT WAS DONE ON CARMEL CANINE CENTER AND WAS ALSO DONE ON SEPTEMBER RANCH.

CEQA WATER BASELINE CASES HAVE ALL BEEN SETTLED IN COURT. There is NO middle ground for deviation from the regulation or further
rationalizing why the most straight forward of CEQA requlations on water baseline are not followed. In OUR DEIR water baseline is simple when the
NOP was published in July of 2015. Our water use in 2015 was 17.79 acre feet. That is the baseline. End of story.

COURT RULINGS:

CEQA WATER BASELINE NUMBER TO BE USED IS UPON PUBLISHNIG THE NOP - IF THERE IS NO NOP PUBLISHING - WHEN ENVIRONMENTAL REVIEW
STARTS.

OUR NOP WAS DONE IN JULY OF 2015. OUR MPWMD water year annual production was 17.79 acre feet in 2015. That is the baselilne number - period.
As it relates to "multi-year" averaging as also was challenged and litigated over in the September Ranch lawsuit the Judge/Court stipulated for CEQA the multi-year
reasonable averaging WAS NOT TEN YEARS but THREE YEARS.

The continual reference to MPWMD community permit requiremens for a 10 year aveage or as they determine may be appropriate is for a COMMUNITY
PERMIT - NOT A CEQA BASELINE DOCUMENT.

Stop with the 10 year arbitrary crap-o-la retionale already.

REQUEST:

- Follow the clear and unambiguous - black and white - ruling and overriding CEQA regulations that apply to water baseline. Our NOP and environmental
review was done in 2015. Use and insert the MPWMD Historical Water Production Data as an exhibit AND use 2015 as the baseline number NOT a
ten year average starting in the mid-2000's. THAT is an OPTION for MPWMD in the community hearing process AND DOES NOT COMPLY WITH CEQA regulations.

DO NOT MAKE THE SAME BLATANT MISTAKE THAT WAS DONE WITH THE CANINE CENTER HYDROLOGY BASELINE AND SEPTEMBER RANCH BY
IGNORING THE CEQA REGAULATION.

- INSERT the CEQA regulation language and follow the regulation - environmental review was NOT stated in some arbitrary prior year. MPWMD can apply what they like during the community water distribution permitting process. OUR EIR CEQA BASELINE REGULATION IS NOT THE MPWMD 10 YEAR AVERAGING COMMINITY WATER SYSTEM RULE.

- MPWMD water year 2015 baseline at the time of NOP was 17.70 acre feet - insert this as the CORRECT baseline number - not a 10 year average stating in the mid-2000's

(Water year 2016 was 18.66 acre feet)

The graphic is nice but stops in water year 2014. Update the numbers to reflect "current" real world conditions. The information is available from MPWMD and has been supplied any number of times - why stop using data in water year 2014 when both 2015 and 2016 are available?

- MPWMD water year 2015 - 17.79 acre feet
- MPWMD water year 2016 - 18.66 acre feet

Regards,

Brian Clark

- enclosures - Lombardo challenge to Carmel Canine Center EIR - Baseline
- DEIR suggested changes

In general - CSA 50 and DA 27:

CAS 50 and DA 27 study is just that. A study. The Odello EIR referred to the study in one paragraph and moved on. That was it.

The Rancho Villages DEIR refers to the "study" since they propose to do a levee wall referred to as one of the options in the CSA 50 study. This was an elective OPTION Rancho put in their DEIR - each and every reference to CSA 50 and DA 27 could be taken out of the Rancho DEIR and it would have NO impact on the completeness of the EIR as it relates to meeting CEQA baseline criteria and completeness. Rancho proposes doing the levee as an "incentive" for project approval as a whole. That is a project approval strategy vs. an CEQA environmental review requirement.

1) CSA 50 is a study that ***HAS NOT UNDERGONE ENVIRONMENTAL REVIEW.*** Therefore, on that basis alone it cannot be used as a baseline document in our CEQA review process. The Study has allot of interesting data but the "options" and "suppositions" (many of which are highly debatable) are just that. Options have not been selected or undergone environmental review therefore the STUDY cannot be used under CEQA when determining environmental baselines.

2) Carmel Rio Road is NOT responsible to design, install, manage, or maintain anything to do with CSA 50 or DA 27. Referencing OPTIONS in the STUDY document in wholesale fashion over and over again in our DEIR is NOT appropriate in context of CEQA and our site baseline issues.

3) The EIR Request for Proposal let my Monterey County did not require a review of CSA 50.

4) The County entered into a Settlement Agreement with Carmel Rio Road - the settlement included Exhibit C technical documents and a Draft EIR - these were to be the baseline documents to be used in crafting the DEIR.

Nothing in any correspondence requested Rincon to interject CSA 50 and DA 27 into this DEIR and as pointed out the study has not undergone environmental review therefore is not eligible to be used as a CEQA environmental baseline document.

Carmel Rio Road is NOT required to do any aspect of any future DA 27 project. Project "as submitted" is NOT impacted by
the current DA 27 drainage, is not responsible for any future Monterey County Public Works project, and post project completion drainage has no impact on off-site DA 27 drainage.

How can I say our project site is "not impacted" by DA 27 in any way with certainty....

The "culvert" is 100% BLOCKED. The culvert has been filled in for what appears to be decades by organic material including
tree limbs, lawn cuttings, dirt, all matter of landscaping material thrown onto the culvert from the middle school athletic fields,
middle school grounds, and adjacent property owners.

Any water coming from the north side of Carmel Valley Road flowing to the south or toward Carmel River and Rancho Canada Golf Course simply is absorbed into the adjacent 50 acres of which our project is outside of...

THERE is NO directed or condensed culvert discharge originating from DA 27 and "directed" to the south or toward our site to the SW.

Therefore, EVERY reference to sheet flow and water from DA 27 moving to the SW and "sheet flow" specifically traveling through
our site is BASELESS. The elevations and real world conditions do NOT support these MODELING suppositions put forth in the CDA 50 study.

The Rancho DEIR do reference the "study" as just that and move on. Rancho expands on the CSA 50 study NOT in context of
CEQA but as a project approval "gave away" to garner application approval.

Our CEQA EIR environmental baseline is project specific. This unvetted STUDY deals with off-site regional issues. Our Draft EIR has
an inordinate amount of data and mitigating suggestions all tied into the CSA 50/DA 27 study that has not undergone environmental
review.

CSA 50 Background:

To make any number of project and site suggestions to "mitigate off site study modeling" using any number of "study" options is not
defensible and has NO basis being in our DEIR. Applicant is NOT responsible for this County public works project. A public works
project that has not undergone environmental review and no firm plan of action about what "options" may be pursued.

WHEN Public Works decides what course of action they may want to undertake then it's their obligation to FIRST do an

environmental review and then design, install, manage, and maintain.

AS an example - there is NO sheet flow across our site regarding drainage emissions from DA 27 outfall pipe. DA 27 "modeling" vs. real
world elevations is not correct regarding this "model".

Rancho DEIR stated DA 27 outfall drainage has no impact on Rancho project. Funny - Rancho property line is directly inline (downstream) with
the drainage culvert and immediately south as well. The drainage line is less than 200' from Rancho property line.

Just as water runs downhill - the water exiting the culvert runs DUE south directly at Rancho and the Carmel River - the discharge water DOES not
make some mysterious "right" hand turn and head toward our property.

As an example - none of the adjacent homes on the west side of Val Verde Drive have been flooded by DA 27 drainage in the past decades.
If one was to believe DA 27 modeling all homes west side Val Verde would be flooded "as is" yet this is not proven out by the facts on the ground.
Furthermore, the commercial buildings and parking lots adjacent to our common western property line have NOT been flooded
by drainage discharge emanating from DA 27 then "traveling' through our site to these commercial properties.

Has this DA 27 sheet flow flooding to adjacent properties ON ALL FOUR sides of our site as suggested in DA 27 data happened - no.

Furthermore, the DA 27 culvert is discussed as if it actually discharges water in a specific condensed fashion. That the culvert functions.

The DA 27 culvert, is in fact, 100% non-functioning. The culvert is full of organic material - dirt, trees and landscaping cuttings - the culvert is the dumping
grounds for the adjacent middle-school athletic fields and grounds for what appears to be decades.

Given the culvert is non-functioning all DA 27 modeling and assumptions about water discharge amounts and directions are rendered baseless.

Our site is over 500' from the culvert - not only that we are to the west of the culvert. We are not impacted in any way, shape, or form from the "culvert".

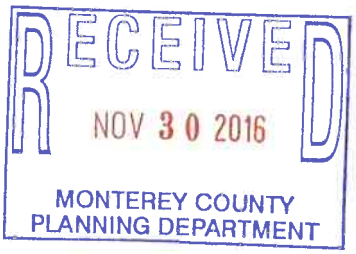
CSA 50 as it relates to DA 27 flow patterns and amounts that "go through" our project site are baseless as indicated by existing site elevations and "none specific"
surface water flows using several decades of real world conditions. Standing water on Val Verde drive is due to ground saturation and is not an indication
or by-product of DA 27 outfall discharges. Standing water on Val Verde Drive is a rare occurrence and is best described as a nuisance - 47 acre feet going through
the site - get real. One incredibly bizarre "study" comment.

To suggest 47 acre feet may be going through our site due to DA 27 is so wholly baseless and unsubstantiated as to be laughable
and calls into question the veracity of the preparers qualifications.

Strike this absurd conjecture.

Schubert, Bob J. x5183

From: Brian Clark [brian@surfloan.com]
Sent: Wednesday, November 30, 2016 2:25 PM
To: Schubert, Bob J. x5183
Cc: Brian Clark; Mcleodbuilding@aol.com
Subject: Carmel Rio Road DEIR - CEQA Water Baseline
Attachments: CEQA Water Baseline EIR 2016.pdf



TO: Bob
FR: Brian
RE: CEQA water baseline - Legally Defensible EIR

- Please forward to Rincon

Enclosed are three letter regarding Carmel Canine Center EIR that used arbitrary years to determine water baseline. These letters are from:

- two attornies
- GM MPWMD

There are another 6 letters from attorney's all contesting the obvious - the baseline for water in an EIR in determined at the time of NOP.

Canine EIR deviated and used prior years vs. the immediate three when there was "0" water use. Attorney's would have killed County on this one major glaring error in EIR preparation.

The Supervisors also carved up the Monterey Planner during the public hearing over the water baseline methodology applied. It was not a pretty picture.

THERE IS NO REASON TO MAKE THE SAME MISTAKE OR DEVIATE FROM CEQA REGULATIONS.

While Rincon quotes Sept Ranch ruling and litigation about applying flexibility - the Judge ruled baseline WAS CEQA NOP filing and 3 years was the multi-year averaging.

GIVEN we have three years water use and NOP there is NO reason to deviate from the black and white CEQA language.

While other methods can be discussed and applied (as Rincon has done) we still MUST follow and use the current CEQA requirement for baseline at the time of NOP.

Instead of "re-writes" Rincon needs to expand and include:

- insert actual CEQA regulation language from Lombard letter
- include our MPWMD water year from 2015 - 17.79 afy
- include three years water averaging for 2014, 2014, 2015 which equates to 17.49 afy

The expanded MPWMD - Community Water System 10 year historic requirements are nice BUT do NOT follow or comply with CEQA.

In closing, MPWMD left Monterey Planning out to dry on this issue in the Public Hearings. Monterey Planning said they are just the "messenger" and do what MPWMD says - it was embarassing for the Planner so say the least.

WE have NO excuse to deviate from CEQA baseline regulation. Fix our DEIR accordingly by expanding and including the CEQA water baseline reg and our 2013, 2014, and 2015 water use history.

Thanks -

Brian

CARMEL RIO RD. EIR WATER BASELINE — do not make same mistake Canine Center.

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION
ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMIGNANI TIPTON
144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

— water baseline is NOP Year 2015 — insert in our EIR

May 18, 2015

Mr. Mike Novo, Planning Director
Monterey County Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901

197.036

RE: Carmel Canine Sport Center DEIR comments

Dear Mike:

We have completed our review of the CCSC DEIR. The DEIR is inadequate in a number of general and specific areas. The DEIR fails to fully describe the project and does not identify and analyze all reasonably foreseeable impacts. We believe that correction of the DEIR will require a significant rewrite of critical components and will trigger the need for recirculation.

GENERAL COMMENTS

CANINE CENTER EIR D.O.A. based on not following CEQA water baseline reg's.

(INSERT REG IN OUR EIR AND FOLLOW THE REG!!!)

Baseline:

I have previously written on the need to establish a meaningful baseline for the DEIR's analysis. CEQA requires that an EIR identify the environmental setting of the project (PRC 15063 (d) d and PRC 15125). The environmental setting is to describe "... the physical environmental conditions in the vicinity of the project, *as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced*, from both a local and regional perspective."

13-1

The County failed to publish an NOP until months after the application was deemed complete and the EIR was substantially written. Therefore, date of the CCSC NOP as a baseline is meaningless as pointed out in my January, 2015 letter.

The appropriate baseline date would be the date the County accepted the application. While typically the County would have started its environmental review when the application was found to be complete (September 21, 2013) that date is inappropriate given that construction activities, including the construction of an illegal pond and installation of utilities, had been started without necessary permits prior to the date the application was submitted. The project proponents should not have benefit of those highly questionable and illegal activities.

Purported Agricultural Uses:

13-2

The DEIR in numerous sections speaks to the agricultural use of the land. The historical agricultural use of this property ended in 2008. The DEIR states that the project proponents have proposed "...a membership-based canine sports and event center as well as continuing to cultivate and harvest crops and raise livestock (DEIR pg 1.8-1)." At the time the application was

FR: Mr. Wolfe / Attorney / RE: Canine EIR

the purported historic baseline calculation should take this fallowing into account. It makes no sense to count only the years in which the land was actually irrigated to determine average use for all years. In effect, the DEIR's baseline is an artificial number that overstates the actual historic average use. Since the land has been fallow for more than half of the past 10 years, the average of water used in the most recent ten year period should be cut at least in half. 10-56 (cont.)

Please provide historic water use by year for each year that the project site was farmed or fallowed. 10-57

Furthermore, even if there were some justification for considering a baseline year other than current conditions, the EIR must also provide an analysis based on a current period baseline unless that would be misleading or without informational value. Clearly there is informational value in understanding the water supply impacts with reference to a baseline reflecting actual average use in the current baseline period. Accordingly, the EIR should be revised and recirculated to assess water supply impacts using a current period baseline. 10-58

insert current water use NOP 2015 as corrected baseline per CEQA

M. Year-round diversions constraints are not disclosed.

The DEIR misstates the SWRCB position in claiming that if a water right of 96 afy were perfected, withdrawal would be permitted throughout the year rather than being restricted to winter months. The January 29, 2014 SWRCB letter in the DEIR appendix states that withdrawals would be limited to winter months. The February 21, 2014 legal opinion provided to MPWMD opinion concurs. 10-59

N. Water budget analysis is inadequate and monitoring should be required.

The water demand does not account for the high variation in annual precipitation. Compensation for a missing foot of rainfall would require pumping approximately 46 af of additional water. Mitigation should be proposed that would bar pumping in excess of the annual projected water use. 10-60

In addition, greenhouse gas increases are now projected to alter rainfall patterns and create climatic water deficits. Quantitative assessment of climate change effects are available for California through basin characterization GIS Model approaches that consider data for temperature, precipitation and other data from available global climate change models to determine climate-based water-deficits. See Flint, et al., "Fine-scale hydrologic modeling for regional landscape applications: the California Basin Characterization Model development and performance," Ecological Processes, 2:25, 2013, available at http://www.ecologicalprocesses.com/content/2/1/25. The EIR should assess climate change effects on the available water supply. Mitigation should be proposed that would limit water use to levels that can be sustained without impacts to the aquifer and dependent biological resources even after climatic water deficits. 10-61

From G.M. – MPWMD

Canine Center non-compliance with CEQA – w/ita baseline/NOP

purposes of issuing a MPWMD Water Distribution System Permit. MPWMD does not have authority to grant riparian rights and MPWMD's review and conclusion does not prohibit the SWRCB or the courts from making a different finding. 6-2 cont.

Regarding appropriative rights, the DEIR text describes the reservation of 96 acre-feet per year (AFY) identified in SWRCB Decision 1632, as amended by Order WRO 2003-0014. However, a January 29, 2014 SWRCB letter to the Monterey County Planning Department (**Enclosure 1**) questions the validity of the 96 AFY reservation for year-round use because the land was fallow for several years (2009-2012). In addition, the SWRCB questioned using a riparian right to supply the proposed 1.2-acre irrigation pond as seasonal diversion and storage under a riparian right is not allowed. Thus, the SWRCB asked for clarification on the role of the irrigation pond. This concern was reiterated in a May 27, 2014 letter from SWRCB to the property owner's attorney (**Enclosure 2**). The text on page 4.8-22 (lines 9-11) indicates that the irrigation pond would be removed from the project description if a future appropriative water rights permit was not adequate and the project had to rely solely on riparian rights. The role of the irrigation pond in providing adequate supply is unclear and should be clarified. 6-3 6-4

MPWMD notes that diverting flow to storage in an irrigation pond during winter and using the water to irrigate in the summer could benefit the river by reducing summer pumping. 6-5

The DEIR describes the reservation by SWRCB as "historical use" and sets this as the CEQA baseline as described on page 4.8-22 (lines 27-36). For reference, the actual maximum annual production was 99.16 AF in year 2002 (**Enclosure 3**). The SWRCB reservation is a maximum diversion amount and will likely be subject to meeting instream flow requirements. This does not appear to meet the CEQA requirement for an existing environmental condition as the reservation dates to 2003 and no permit was in place at the time the Notice of Preparation (NOP) of the EIR was released. If the SWRCB reservation is characterized as a future condition with the project in place, then the limitations of the instream flows on water availability need to be taken into account and impacts associated with diverting water when the instream flows are not met need to be evaluated (e.g., if water is supplied under a riparian right). 6-6

MPWMD agrees that for the purposes of determining water rights or a future water system production limit, historical use rather than use in the year the NOP is issued is an appropriate baseline. A representative recent 10-year period of production was used by MPWMD to establish the proposed production limit of 62.91 AFY. MPWMD believes this level of production would not result in a cumulative increase of adverse impacts and would be an appropriate environmental baseline to assess impacts to Carmel River streamflow and aquifer levels from project water use. 6-7 6-8

Throughout the text, potential impacts from riparian and appropriative diversions are often combined. These need to be separated. Adverse impacts from riparian diversions during dry periods are likely to occur, but will not exceed the current level of impact if the MPWMD production limit is used. On the other hand, diversions under an appropriative right that includes instream flow requirements are presumed to be protective of public trust resources and should have no significant impacts. 6-9

Monterey Peninsula Water Management District

Schubert, Bob J. x5183

From: Brian Clark [brian@surfloan.com]
Sent: Wednesday, November 30, 2016 2:38 PM
To: Schubert, Bob J. x5183
Subject: Carmel Rio Road - DEIR suggested corrections
Attachments: Carmel DEIR Changes 1 of 3 2016.pdf

Bob -

One of three pdf's coming. Each 9 pages.

Please forward to Rincon.

Thx -

Brian

Table ES-1
Summary of Significant Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact	Mitigation Measure	Residual Impact
policies would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not result in on- or off-site erosion or flooding or the need for expanded stormwater drainage facilities. This impact would be Class II, significant but mitigable.		
Impact H-4 Construction and operation of the proposed project would place housing within a 100-year flood hazard area which could result in the impedance or redirection of flood flows and the exposure of people and structures to a significant risk of loss, injury, or death involving flooding. Project design features would help to reduce flood risk. Mitigation would further reduce the risk of loss, injury, or death involving flooding. This impact would be Class II, *significant but mitigable.*	Mitigation Measure H-1(c), combined with Mitigation Measure H-4 below, are required to ensure that on-site structures and people are protected from a significant risk of loss, injury, or death involving flooding and to ensure that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible. **H-4 Protect Project Structures and Residents from Flood-related Loss, Injury, or Death.** The applicant shall design the project and all on-site structures in a manner that reduces the exposure to loss, injury, or death involving flooding to the maximum extent feasible. Prior to issuance of grading permits, the applicant shall submit a description of proposed flood control measures for review and approval. Measures can include on-site improvements, off-site improvements, or a combination of on- and off-site improvements. Examples of on-site improvements include: • Raising building foundations above the base flood elevation • Designing roadways in such a way that they serve as effective levees • Providing on-site flood capture systems that would intercept and infiltrate flood flows up-gradient of all on-site structures • Providing on-site drainage facilities to route flood flows around project structures (provided that those on-site drainage facilities do not result in a post-development discharge of runoff that would exceed pre-development levels) Examples of off-site improvements include: • Contribution to, and confirmation of, concrete plans for the implementation of regional flood mitigation strategies. Examples of regional flood mitigation strategies relevant to the project site include: o Installation of an upstream conduit to capture DA-27 flood flows and route those flows to the Carmel River (extension further to the north of an 84-inch drainage pipe as proposed by the Rancho Canada Village Project would address this requirement).	Implementation of Mitigation Measures H-1(c) and H-4 would reduce impacts to a less than significant level.

- what does that mean?

- no design of a culvert has been selected or undergone Environmental Review. Applicant is not required to manage, design, install or maintain DA 27 culvert. Under CEQA no current or future impact on DA 27.

DA 27 is a Monterey County Public Works Project.

Table ES-1
Summary of Significant Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact	Mitigation Measure	Residual Impact
	o Raising the elevation of Val Verde Drive sufficiently to protect the project site from the DA-27 overland flows, provided that those re-directed flood flows do not adversely affect off-site properties. In the case where the applicant chooses to contribute to regional flood mitigation strategies, the applicant shall confirm with the County or appropriate resource agency that those improvements would be constructed prior to the issuance of occupancy permits. If the applicant chooses not to contribute to regional flood mitigation strategies, then the applicant must implement one or more of the on-site improvements listed above such that the exposure to loss, injury, or death involving flooding (including project-induced off-site flooding) would be reduced to the maximum extent feasible. The applicant shall submit the proposed flood protection measures to Monterey County RMA – Public Works, Monterey County RMA – Environmental Services, and Monterey County Water Resources Agency for approval prior to issuance of grading permits. The submittal shall clearly demonstrate that all on-site habitable structures would be raised above the base flood elevation or would be fully protected from DA-27 flood waters produced during the 100-year storm event.	DA 27 - CSA 50 has not undergone environmental review. Site does not experience "overland flows" from DA 27. As a real world practical matter - DA 27 is 100% blocked and non-functioning. DA 27 Flood water modeling assumptions come from a non-vetted study i.e. no environmental review
LAND USE AND PLANNING		
Impact LU-1 The project would not physically divide an established community. Impacts would be Class III, less than significant.	No mitigation is required.	Impacts would be less than significant without mitigation.
Impact LU-2 Based on the current project design and following implementation of the mitigation measures identified throughout this EIR, the proposed project would be generally consistent with applicable policies of the Monterey County 2010 General Plan and the supplemental policies of the CVMP. This would be a Class II, significant but mitigable, environmental impact.	Mitigation measures identified throughout this EIR would serve to reduce identified environmental impacts and further improve consistency of the project with certain General Plan policies. However, no specific mitigation for this impact is required.	With implementation of mitigation measures identified throughout this EIR, impacts would be reduced to a less than significant level.
NOISE		
Impact N-1 Noise from demolition of existing structures, excavation and grading, and construction of the project and associated	**N-1(a)** Construction Equipment. Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during	Implementation of Mitigation Measures N-1(a) through N-1(e) would reduce construction noise impacts to a less than significant level.

indicates the project name and project type, as well as its location and status. Collectively, these projects represent known and anticipated activities that may occur in the project vicinity that have the potential to produce related or cumulative impacts on the environment.

Table 3-1
Cumulative Project List

Project Name	Project Type	Location	Status
Approved Projects			
Bay Laurel LLC (PLN020398)	16 additional hotel units at the existing 57-unit Bernardus Lodge.	415 Carmel Valley Road, Carmel Valley; 3.9 miles east of the project site.	Approved but not yet constructed
September Ranch Subdivision (PLN050001 and PLN110173)	95 residential lots including 15 inclusionary and 7 deed-restricted workforce housing lots; 50 stable equestrian center	Approximately 2.5 miles east of Highway 1 on the north side of Carmel Valley Road, between Canada Way and Valley Greens Drive; 2.1 miles east of the project site.	Approved but not yet constructed
Heritage Development (PLN060603)	Subdivision of three lots into four lots	27050, 27070, and 27080 Rancho San Carlos Road, Carmel Valley; 1.8 miles southeast of the project site.	Approved but not yet constructed
Pending Projects			
Mary Delfino Trust (PLN060276)	18 single family lots and six multi-family units.	Former Carmel Valley Airport site (APNs 187-521-014-000, 187-521-015-000, 187-512-016-000, 187-512-017-000, 187-512-018-000, and 187-502-001-000); 10.1 miles southeast of the project site.	Deemed complete on December 10, 2009. Not yet approved.
Rancho Canada Village (PLN040061)	281 mixed use residential units consisting of: 182 single family, 64 townhomes, and 35 condominiums/flats	4860 Carmel Valley Road, Carmel Valley; 480 feet east of the project site.	Recirculated Draft EIR comment period closes August 8, 2016.
Carmel Valley Affordable Housing (PLN160428)	120 affordable units	East side of Val Verde Drive, south of Carmel Valley Road; 400 feet north of the project site.	Pre-application submitted to County on June 29, 2016.
Carmel Properties LLC/Foothill Partners (PLN150668)	30,000 square foot grocery store/convenience market and three separate multi-tenant buildings ranching from 5,000 sf to 5,525, for a total of 46,000 square feet of retail development	3705 Rio Road, Carmel; 1,100 feet west of the project site.	Application submitted June 10, 2016.

Source: Hatch Mott MacDonald, 2016; Bob Schubert, Monterey County RMA – Planning Department, Personal Communication, July 2016.

landscaping with trees and shrubs on the project site. Therefore, the project would not cause substantial glare.

Mitigation Measures. The following mitigation is required.

AES-3 **Downcast Lighting.** All street lighting and exterior lighting on residences shall be downcast with full cutoff fixtures and low mounted to reduce light trespass onto adjacent properties. The proposed lighting plan shall be submitted to and approved by the Monterey County RMA - Planning Department prior to issuance of grading permits.

Significance After Mitigation. Implementation of Mitigation Measure AES-3 would reduce nighttime lighting-related impacts to a less than significant level.

c. Cumulative Impacts. The geographic extent for this cumulative impact analysis includes the Carmel Valley. This geographic extent is appropriate for the issue of aesthetics because the project's aesthetic impacts are fairly localized and site-specific. As shown in Table 3-1 in Section 3.0, *Environmental Setting*, past, present, and reasonably foreseeable future projects in Carmel Valley would add an estimated 524 dwelling units, 15,500 square feet of commercial space, and 16 hotel rooms within the Carmel Valley. This cumulative development has the potential to substantially adversely affect existing scenic vistas, and would serve to transition the aesthetic character of viewsheds within the Carmel Valley from a rural, agricultural character to a more developed character. Cumulative impacts to scenic vistas and visual character as a result of this transition to a more urbanized character would be potentially significant. Given that the proposed project would result in less than significant impacts to scenic vistas and visual character within this geographic extent, the project's contribution to this cumulative impact would be less than significant.

With respect to light and glare impacts, while the project would create a new source of light and glare, implementation of required mitigation to use only downcast exterior lighting would reduce impacts related to night lighting to a less than significant level. It is reasonable to conclude that similar measures would be imposed on other cumulative projects within the Carmel Valley, and as such, any cumulative light and glare impacts would be reduced to a less than significant level and that the project would not have any cumulatively considerable contribution to any such impact.

- correct with updated project data
- 120 affordable
- 281 to 130 Rancho

when a jurisdiction already has a disproportionately high share of households in that income category"(California Code Section 65584(d)(4)).

4.11.3 Impact Analysis

a. Methodology and Significance Thresholds. Impacts related to population are generally social or economic in nature. Under CEQA, a social or economic change generally is not considered a significant effect on the environment unless the changes can be directly linked to a physical change. Pursuant to the State *CEQA Guidelines* Appendix G Environmental Checklist, impacts related to population and housing would be potentially significant if the project would:

1. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);*
2. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and/or*
3. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

b. Project Impacts and Mitigation Measures.

Threshold 1:	*Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).*

Impact PH-1 Implementation of the proposed project would induce population and housing growth in the immediate area. The increases are within the AMBAG and Monterey County General Plan projections; therefore, impacts related to population growth would be Class III, *less than significant.*

Ambiguous language. 25 lots one existing, with 24 market rate lots, and 1 containing 7 inclusionary units for 25 gross lots.

Full implementation of the proposed project would develop 24 of the new lots with one market rate single-family unit each. The remaining lot would be developed with seven inclusionary units, for a total of 31 units. Based on the average persons per household shown in Table 4.11-4, the proposed addition of 31 residential units would generate an increase of approximately 56 to 102 residents. This would be a less than 1% population increase to the Carmel-by-the-Sea Census County Division and/or the unincorporated area of the Monterey County. This growth is within AMBAG and Monterey County General Plan growth projections. The CVMP Policy CV-1.6 limits new residential subdivisions in Carmel Valley to 190 units. Since adoption of this policy, five units have been constructed and 24 units are reserved, leaving a potential buildout of 161 additional units. The project itself would fit within the identified unit cap, and would therefore be consistent with this policy.

Indirect impacts are not expected as a result of the project. No widening or extension of county roads is included in the project. The internal looped road that would be constructed on the site would only have access onto Val Verde Drive. Other infrastructure included in the project, including water, sewer, and electrical, would not induce other growth because three sides of the

Table 4.8-1
Impact and Mitigation Summary: Hydrology and Water Quality

Impact	Mitigation Measures	Residual Impact
flooding. This impact would be Class II, *significant but mitigable.*	**Residents from Flood-related Loss, Injury, or Death.** The applicant shall design the project and all on-site structures in a manner that reduces the exposure to loss, injury, or death involving flooding to the maximum extent feasible. Prior to issuance of grading permits, the applicant shall submit a description of proposed flood control measures for review and approval. Measures can include on-site improvements, off-site improvements, or a combination of on- and off-site improvements. Examples of on-site improvements include: • Raising building foundations above the base flood elevation • Designing roadways in such a way that they serve as effective levees • Providing on-site flood capture systems that would intercept and infiltrate flood flows up-gradient of all on-site structures • Providing on-site drainage facilities to route flood flows around project structures (provided that those on-site drainage facilities do not result in a post-development discharge of runoff that would exceed pre-development levels) Examples of off-site improvements include: • Contribution to, and confirmation of, concrete plans for the implementation of regional flood mitigation strategies. Examples of regional flood mitigation strategies relevant to the project site include: o Installation of an upstream conduit to capture DA-27 flood flows and route those flows to the Carmel River (extension further to the north of an 84-inch drainage pipe as proposed by the Rancho Canada Village Project would address this requirement) o Raising the elevation of Val Verde Drive sufficiently to protect the project site from	undefined, open ended, ambiguous, a Public Works project. Not a required CEQA mitigation requirement. Strike.

Table 4.8-1
Impact and Mitigation Summary: Hydrology and Water Quality

Impact	Mitigation Measures	Residual Impact
	the DA-27 overland flows, provided that those re-directed flood flows do not adversely affect off-site properties. In the case where the applicant chooses to contribute to regional flood mitigation strategies, the applicant shall confirm with the County or appropriate resource agency that those improvements would be constructed prior to the issuance of occupancy permits. If the applicant chooses not to contribute to regional flood mitigation strategies, then the applicant must implement one or more of the on-site improvements listed above such that the exposure to loss, injury, or death involving flooding (including project-induced off-site flooding) would be reduced to the maximum extent feasible. The applicant shall submit the proposed flood protection measures to Monterey County RMA – Public Works, Monterey County RMA – Environmental Services, and Monterey County Water Resources Agency for approval prior to issuance of a construction permit. The submittal shall clearly demonstrate that all on-site habitable structures would be raised above the base flood elevation or would be fully protected from DA-27 flood waters produced during the 100-year storm event.	STRIKE - NOT A CEQA QUALIFIED BASELINE DOCUMENT INSERT FEMA "meet FEMA 100 year flood elevations." Strike - DA 27 has not undergone environmental review and is not a CEQA qualified baseline document.

4.8.2 Setting

a. Regional Hydrology. The project site is located in the Central Coast Hydrologic Region. This region covers approximately 7.22 million acres and includes all of Santa Cruz, Monterey, San Luis Obispo, and Santa Barbara counties, as well as parts of San Benito, San Mateo, Santa Clara, and Ventura counties. Major geographic features that define the region include the Pajaro, Salinas, Carmel, Santa Maria, Santa Ynez, and Cuyama valleys; the coastal plain of Santa Barbara; and the Coast Range. The region is largely defined by the northwest-trending southern Coast Range, with a climate generally classified as Mediterranean. The region is the most groundwater-dependent hydrologic region in California; approximately 80% of the supply in the region is sourced from groundwater (DWR, 2003; MPWMD, 2014).

Within the Central Coast Hydrologic Region the project site is located in the Carmel River Hydrologic Unit between the Santa Lucia and Salinas Hydrologic Units. This hydrologic unit has elevations that range between sea-level at the northwestern end and 4,500 to 5,000 feet near the southeastern headwaters of the Carmel River in the Santa Lucia Mountains (MPWMD, 2014).

Watersheds. The project site is located in the Carmel River Hydrologic Unit (Watershed), a 255 square mile, southeast-northwest trending watershed in the coast ranges of central Monterey County. The Carmel River Watershed drains the Carmel Valley northwestward and feeds into the Carmel River, which meanders for 36 miles in a northwesterly direction merging with seven major stream tributaries until it flows into the Pacific Ocean at Carmel Bay (MPWMD, 2014). The terminus of the Carmel River with the Pacific Ocean is located approximately 0.7 mile northwest of the project site, just south of the City of Carmel-by-the-Sea, in Monterey County.

b. Surface Water. The primary surface water resource in the vicinity of the site is the Carmel River, located approximately 1,050 feet to the south. The Carmel River and its seven main tributaries drain the Carmel Valley northwestward to where it discharges into Carmel Bay (MPWMD 2014). The Carmel River has an average annual runoff of 74,440 acre-feet (AF) for the period of record 1962-2013 (MPWMD 2014); however, due to the weather patterns of the region, surface water supplies can vary substantially year-to-year. There was no flow recorded for a 16-month period at this station during the 1976-77 drought. The highest flow recorded by USGS was 368,000 AF during the 1982-83 El Niño event. Three of the largest flood events in the last 15 years include January 1995, March 1995, and February 1998. Recent drought flows for water year 2014 and 2015 were 12,140 and 13,420 AF, respectively. The most recent water year, 2016, had a flow of 41,710 AF (MPWMD 2016a).Approximately 70 to 80% of the surface runoff in the Carmel River watershed is generated from rainfall within the Los Padres National Forest (MPWMD 2014).

Local drainages contribute to the Lower Carmel River/Lagoon Sub-Watershed of the Carmel River, although they do not convey significant volumes of runoff (The Watershed Institute, 2004). The Carmel River passes approximately 1,050 feet south of the southern boundary of the project site. There are no drainages defined in the National Hydrography Dataset that cross the project site, and a review of recent aerial imagery did not reveal the presence of any defined channels or riparian areas. Surface water that flows across the project site occurs as either overbank flows from the Carmel River or sheet flow from the current downstream end of County Drainage Area 27 (DA-27), a tributary drainage area to the Carmel River (Balance Hydrologics, 2016). CSA 50/DA 27 has not undergone environmental review DA 27 as a practical matter is 100% non-functioning - filled in with organic material.

Surface Water Quality. The Monterey Peninsula and its surrounding areas host a range of land uses including residential, commercial, industrial, agricultural, recreational, and open space uses. The Carmel River watershed consists primarily of rural to low-density residential land use, with urban development located near at the mouth of the Valley near the City of Carmel-by-the-Sea. Other land uses include wilderness, viticulture, grazing, recreation, sparse traditional agricultural, suburban residential, commercial and light industrial uses (MPWMD 2014). Similar to many watersheds along the Central Coast of California, commercial and residential development is most dense near the coast and becomes progressively less dense in

* Carmel Rio Road blanket statement:
DOES NOT EXPERIENCE SHEET FLOW FROM DA 27

exceeded the secondary MCLs: iron and manganese (Todd Groundwater, 2016). Elevated concentrations of these minerals are common in Central Coast groundwater basins, and they are usually remedied by treatment at the wellhead (Todd Groundwater, 2016).

Groundwater Levels. Although the storage capacity for the CVAA is not known with certainty, estimates range from 36,000 to 60,000 acre-feet (DWR, 2004). The Carmel River is the primary source of recharge for the CVAA, constituting approximately 85% of the net recharge (DWR, 2004). Due to groundwater pumping by private well owners and California American Water (CalAm) during the spring and summer, the Carmel River commonly does not flow to the ocean during the summer and fall. The lower six miles of the river is dewatered during normal years and runs dry up to nine miles from its terminus during dry years (MPWMD 2014). Consequently, the SWRCB issued orders against CalAm to reduce pumping from the Carmel River Basin (SWRCB WRO 95-10 and WRO 2009-0060).

Groundwater levels in the CVAA recover rapidly with the presence of surface water and range from 5 to 30 feet below ground surface (bgs) when the basin is fully recharged (DWR, 2004). Groundwater levels typically fluctuate between 5 and 15 feet during normal years and can experience declines up to 50 feet during drought years (DWR, 2004). The CVAA has not been declared to be in overdraft (Todd Groundwater, 2016). Groundwater levels still recover to a "full" level by the end of winter in most years (Todd Groundwater, 2016). However, groundwater extractions during the rest of the year deplete Carmel River base flow and adversely impact fish (Todd Groundwater, 2016).

d. Flood Hazards.

FEMA Flood Hazard Zones. The Federal Emergency Management Agency (FEMA) establishes base flood heights for the 100-year flood zone and the 500-year flood zone. The 100-year flood zone is defined as the area that could be inundated by the flood which has a 1% probability of occurring in any given year, or once every 100 years. The 500-year flood zone is defined as the area that could be inundated by the flood which has a 0.2% probability of occurring in any given year, or once in 500 years. The majority of the project site is not located in a 100-year flood zone. As shown in Figure 4.8-1, the lower southwestern portion of the site does fall within the 100-year flood zone. The primary source of this flood hazard is overbank flows from the main stem of the Carmel River due to channel overtopping east of Val Verde Drive and, to a lesser extent, along the Riverwood Townhomes (Balance Hydrologics, 2016). Over half the site falls within the 500-year flood zone (FEMA 2016).

strike

1)

Overland flow from County Drainage Area 27 (DA-27) currently results in shallow flooding on-site (generally less than one foot in depth), but this flood risk does not appear to comprise a substantial component of the FEMA-identified 100-year floodplain. Flooding associated with DA-27 generally flows in a southwesterly direction across the project site towards the Carmel River. This runoff originates in the foothills of the valley wall north of the Carmel River. Flow paths within DA-27 are well-defined in the steep canyons north of Carmel Valley Road, but disappear into an alluvial plain with sheet flow north of the project site (Balance Hydrologics, 2016). The extent of and potential solutions to the DA-27 flooding were studied in the County Service Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (Balance Hydrologics, 2014). Recommended options to address flooding associated with DA-27

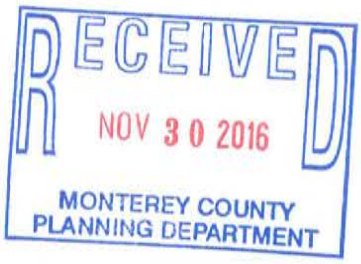
2)

strike
no SW flow period

1) DA 27 no environmental review is not a CEQA baseline document. There has been no "on-site" one foot flooding as a result of DA-27 drainage.

Schubert, Bob J. x5183

From: Brian Clark [brian@surfloan.com]
Sent: Wednesday, November 30, 2016 2:41 PM
To: Schubert, Bob J. x5183
Subject: Draft EIR 2 of 3 - Suggested changes...
Attachments: Carmel DEIR Changes 2 of 3 2016.pdf



For you and Rincon -

Thx -

Brian

Table 4.9-2
Policy Consistency: Monterey County 2010 General Plan

Monterey County General Plan Policy	Consistency Discussion
	applicant to construction a new, off-site sewer line in order to connect the proposed project with the existing CAWD sewer system. The project applicant would be responsible for installing the new sewer line, consistent with this policy.
PS-13.2: All new utility lines shall be placed underground, unless determined not to be feasible by the Director of the Resource Management Agency.	**Consistent.** As shown on Figure 2-5 in Section 2.0, *Project Description*, all new utility lines would be installed below ground; therefore the project is consistent with this policy.
Agriculture Element	
AG-1.1: Land uses that would interfere with routine and ongoing agricultural operations on viable farmlands designated as Prime, of Statewide Importance, Unique, or of Local Importance shall be prohibited.	**Consistent.** The California Department of Conservation, Important Farmland maps (2012) designate the project site as Grazing Land. Adjacent land is designated either Grazing Land or Urban and Built-Up Land. Because the project would not interfere with agricultural operations on farmlands designated as Prime, of Statewide Importance, Unique, or of Local Importance, it would be consistent with this policy.

Table 4.9-3
Policy Consistency: Carmel Valley Master Plan

Carmel Valley Master Plan Supplemental Policies	Consistency Discussion
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.	**Consistent.** As discussed in Section 4.1, *Aesthetics*, the proposed residences would maintain the rural character of the area and would be consistent with nearby residential development. In addition, the project site is zoned LDR/1-D-S-RAZ and is subject to Title 21 Section 21.44, Regulations for Design Control Zoning Districts, or D Districts. Design Approval - the review and approval of the exterior appearance, location, size, materials, and colors or proposed structures - would be required. The purpose of Design Approval is to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of development. Design approval would further ensure that the project retains the rural character of Carmel Valley, consistent with this policy.
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.	**Consistent.** See discussion under Policy CV-1.10, below.
CV-1.6: New residential subdivisions in Carmel Valley shall be limited to creation of 190 new units (see a through g).	**Consistent.** The proposed project would facilitate the construction of 31 new units. Since adoption of this policy, five units have been constructed and 24 units have been reserved, leaving a potential buildout of 161 additional units. As shown in Table 3-1 in Section 3.0, *Environmental Setting*, an additional 281 units are proposed as part of the Rancho

130 lots

withdrawn / cancelled out

Table 4.9-3
Policy Consistency: Carmel Valley Master Plan

Carmel Valley Master Plan Supplemental Policies	Consistency Discussion
	Canada Villages Project and 120 units are proposed as part of the Carmel Valley Affordable Housing Project. If all these units are constructed, buildout would exceed the new units allowed by Policy CV-1.6. However, the project itself would fit within the identified unit cap, and would therefore be consistent with this 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.	**Consistent.** The project would include 24 market rate housing lots and one inclusionary housing lot, which would be developed with seven affordable units. As proposed, the affordable units comprise approximately 22.6% of the total of 31 units. In addition, the proposed market rate portion of the project would be developed at a gross density of 3.42 units per acre (24 units/7 acres), while the proposed inclusionary lot would be developed at a gross density of 7.69 units per acre (7 units/0.91- acre). As proposed, less than 25% of the proposed units would be developed for low and moderate income or workforce housing, and the inclusionary density would exceed the allowable four units/acre density. The proposed project includes a Zoning Ordinance Amendment that would add clarification to County Code Section 21.14.05A to allow an exception to exceed the four unit/acre lot density limit for the purpose of affordable housing. Pursuant to approval of this amendment, the project would not conflict with the allowable density requirement. In addition, to meet the 25% requirement outlined in Policy CV-1.10, the applicant would need to provide 7.75 units for low and moderate income or affordable housing. Rather than provide a fraction of a unit, the applicant would be responsible for paying an in-lieu fee of $206,544 to contribute to the provision of housing for low and moderate income households consistent with Section 18.40.090(A)(3) of the Monterey County Code. By paying the in-lieu fee for the fraction of a unit, the project would provide the required 25% of inclusionary housing, consistent with this policy.
CV-1.20: Design ("D") and site control ("S") overlay district designations shall be applied to the Carmel Valley area. Design review for all new development throughout the Valley, including proposals for existing lots of record, utilities, heavy commercial, and visitor accommodations, but excluding minor additions to existing development where those changes are not conspicuous from outside of the property, shall consider the following guidelines: a. Proposed development encourages and furthers the letter and spirit of the Master Plan. b. Development either shall be visually compatible with the character of the valley and immediate surrounding areas or shall enhance the quality of areas that have been degraded by existing development.	**Consistent.** The project applicant would be required to submit and receive approval of a Design Approval Application and a Site Plan Approval Application, in accordance with this policy. In addition, as described in Section 4.1, *Aesthetics,* the proposed project would be visually compatible with the surrounding area. The architecture of the proposed residences would preserve the rural character of the site with the low roofs and single family homes with ample connection to the outside with windows, patios, and balconies. Further, the subtle color pallet of red roofs and grey exterior walls would not distract from the rural setting of adjacent properties. The project would not disrupt views from nearby public viewing areas or adjacent residences. Due to the relatively flat topography, the project would require minimal

CEQA BASELINE = SNAP DATE

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY - PLANNING

Mike Novo, AICP, Director of Planning

168 West Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-5025
Fax: (831) 757-9516
www.co.monterey.ca.us/rma

FILED
JUL 16 2015
STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

NOTICE OF PREPARATION

To: Responsible Agencies/Interested Parties

From: Bob Schubert, Senior Planner
Monterey County Resource Management Agency – Planning Department

SUBJECT: **Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Carmel Rio Road Subdivision (PLN140089)**

The County of Monterey will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the Combined Development Permit application for development of the Carmel Rio Road Subdivision (Planning File Number: PLN140089). The project site is located at 15 and 26500 Val Verde Drive and is currently zoned Low Density Residential with a maximum gross density of one unit per acre, Design Control, Site Plan Review, and Residential Allocation Zoning (LDR/1-D-S-RAZ). The project proposed by Carmel Rio Rd, LLC consists of a standard subdivision of a 7.9-acre property to allow the development of 31 units including 24 single family lots and one parcel with seven deed-restricted inclusionary units. The project would require an Administrative Permit and Design Approval for development in the "S" (Site Control) and "D" (Design Control) zoning districts. A Zoning Ordinance Amendment would also be required to add a clarification to Section 21.14.050 that allows an exception to exceed a 4 unit/acre lot density for the purpose of affordable housing pursuant to Policy CV 1.10 in the Carmel Valley Master Plan. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project.

Pursuant to the public participation goals of CEQA, the County of Monterey will host an EIR scoping meeting to gather additional input on the content and focus of the environmental analysis to be conducted and presented in the EIR. The date, time, and location of the scoping meetings are listed below.

Thursday, July 30th
6:30 PM
St Phillips Lutheran Church
8065 Carmel Valley Road
Carmel, CA 93923

The project description, location, and the potential environmental effects are contained in the attached materials.

Due to time limits mandated by state law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice between July 20, 2105 and August 19, 2015.

(Travers), District Counsel determined in a January 31, 2006 letter that adequate riparian rights were documented for the proposed WDS at that time. This would remain true so long as the water is applied to the riparian parcels within the mapped alluvial aquifer. In a March 24, 2009 letter, the District confirmed that the technical information appeared to be complete and the District concurred with the conclusions of adequate supply for a 42-unit project and less than significant impact to other alluvial well owners, pursuant to District methodology. The water demand analysis also appeared to be reasonable at that time (2009). It is noted that standards and requirements for water using fixtures have changed since 2009. Thus, the applicant and EIR preparers should consult with the District Water Demand Division to ensure that current water use estimates are accurate, and learn about requirements related to water-using fixtures and outdoor irrigation for the project.

Water Use Baseline: The District and the applicant have exchanged correspondence related to the question of the CEQA baseline for water use and the baseline used for the MPWMD WDS Permit. MPWMD believes that there is the ability to use water from the subject wells for the proposed Subdivision, but the specific amount of water available and how it will be distributed will not be formally determined until completion of the WDS Permit process, including a public hearing before the MPWMD Board of Directors. A District June 12, 2015 letter to applicant Brian Clark stated: * CEQA Baseline is NOP date of July 16 2015. 2015 MPWMD water year is 17.79 acre feet.

> The County of Monterey is the CEQA Lead Agency for the project and is the entity that will determine the CEQA baseline for its review of the proposed project. However, for the District's WDS Permit, the District policy is to use the protocol set by the District Board in 2006 for wells in the Carmel Valley Alluvial Aquifer (CVAA). This entails using a 10-year average of water use as a baseline for setting a production limit. If you submit a revised application [to reflect the current project], the District is willing to use the 10-year average starting with the most recent 10 years of water production data. Otherwise, the District would use the 10-year average prior to the February 2009 original application (i.e., WY 1999 through 2008) as a baseline. Alternately, if you choose to request a production limit that is higher than the 10-year average historical use, the cumulative impacts to the Carmel River from increased water use must be evaluated in an Environmental Impact Report and any mitigation proposed must fully address those impacts. The CVAA protocol is on the District website at: http://www.mpwmd.net/pae/wds/WDSPermits/WDSMemo3.pdf.

* It is noted that concerns have been raised about significant increases in water use in recent years. District staff will evaluate whether this is due to water waste or unauthorized new uses as part of its assessment. By whom - annual water use is consistent with water use from 1994 to 2004.

My staff and I are available to meet if further coordination is needed. I can be reached at dstoldt@mpwmd.net or 831/658-5650 if you have questions. The staff contact is Henrietta Stern, Project Manager, at henrietta@mpwmd.net or 831/658-5621; the District Engineer is Larry Hampson at larry@mpwmd.net or 831/658-5620; the Water Demand manager is Stephanie Locke at slocke@mpwmd.net or 831/658-5630.

* Note that MPWMD put the baseline back in M. Plannings lead agency responsibilities. This was a legal joke with Canine EIR and September Ranch.

NOT USE 10 YEAR AS CEQA BASELINE.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

south of Carmel Valley Road. The primary causes of the predicted overflow are insufficient trunk line capacity, high tailwater conditions in the main river, and lack of back flow prevention at the outfall.

The fact that the DA-28 trunk storm drain line has been identified as inadequate in its existing condition implies additional stormwater runoff likely cannot be added to the system without impacts. Therefore, it is reasonable to assume that the project will pursue measures to control peak runoff flow rates from the site. The current County of Monterey design guideline in this regard calls for the post-project 100-year peak discharge to be reduced to, or below, the pre-project 10-year value. Application of this standard at the Project would likely be sufficient to avoid impacts with respect to increases in peak flow.

The Bestor calculations from 2011 include a preliminary estimate of the required detention storage needs to meet the County criteria. The storage volume identified in the calculations is approximately 18,000 cubic feet, though the actual value may be considerably larger.[1] The site plans imply that the required storage volume will be provided in the form of a large underground perforated pipe along the western edge of the property. The pipe is called out as 6.5 feet in diameter with a total length of 401 feet. Such a pipe would have a total storage volume (without any allotment for freeboard) of roughly 13,300 cubic feet. ~~No explanation is provided for the~~ discrepancy between the calculated volume and that indicated on the plans.

Bestors preliminary plans appear to have a

Conceptually, underground detention storage can be made to work if properly designed and sized. However, additional details will need to be resolved including how the storage and flow routing will work with potentially high hydraulic gradelines in the existing trunk storm drain.

Stormwater quality. The Project location is such that it qualifies as a Special Circumstances case under Performance Requirement 5 of the PCRs. This is due to the fact that runoff from the project would be routed in an underground storm drain system to a discharge point in the Carmel River where the watershed area is greater than the threshold value of 200 square miles. Qualification under Performance Requirement 5 essentially exempts the Project from Requirement 4 (Peak Management) that would otherwise apply given the Watershed Management Zone 1 designation for the site. However, the site does overlie a designated groundwater basin and such sites with a WMZ 1 designation are not exempt from Performance Requirement 3 (Runoff Retention). Therefore, the Project needs to comply with the Performance Requirement 1 Site Design and Runoff Reduction, Requirement 2 Water Quality Treatment, and Requirement 3.

Performance Requirement 1 should be generally straightforward at the site. However, this does not appear to be the case for the latter two Requirements.

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[1] The calculations will need to be revised as site plans evolve, but we note that a number of non-conservative factors appear to have been used. These include: a runoff coefficient of 0.8 for impervious surfaces during a 100-year event, site impervious cover of roughly 56 percent (markedly at odds with the values cited in the landscaping plans), and identical times of concentration for pre- and post-project conditions (when development will almost certainly speed runoff from the site). Preliminary review by Balance engineers indicate that a more conservative value would be on the order of 25,000 cubic feet.

site). Such measures would have the benefit of removing the flood hazard at the site without the potential for adverse flooding impacts to other occupied structures. One such measure would be raising the elevation of Val Verde Drive so that it can function as a levee protecting areas to the west from the 100-year flood. An alternative configuration could use a tie-back levee from Rio Road to Rancho Cañada. However, it must be acknowledged that the required work would extend well beyond the Project site and would require addressing tributary drainage issues described below.

Flooding from DA-27. Modeling of overland flow break-outs from DA-27 was a component of the work for the CSA-50 Report. DA-27 is a moderately large local tributary to the Carmel River, with a total drainage area of 567 acres (0.88 square miles) extending to the ridgelines of Jack's Peak to the north. Flow paths within this drainage area are well defined in the steep canyon setting north of Carmel Valley Road, but essentially disappear on the south side of the road where a small ditch carries flow for a short distance before ending at a point approximately 700 feet north and west of the northeast corner of the Project. The overland flow modeling presented in the CSA-50 Report shows that the intervening topography is such that much of the runoff originating in DA-27 would flow south and west to cross Val Verde Drive at the Project site and into CSA-50. The modeling shows that as much as 46 acre-feet could enter CSA-50 from DA-27 and much of this would be overland flow through the site. really - laughable

The site plans do not appear to include any accommodation of this potentially large overland flow. In fact, the street layout in the March 10, 2014 plans are configured such that there is a risk they would collect overland flow and route it into the Project with no clear indication of a means to avoid localized flooding on-site and/or an overland release compatible with adjacent properties. The on-site problem could be eliminated by raising the elevation of Val Verde Drive sufficiently to protect the Project from the DA-27 overland flows, but doing so would block the natural flow release across the property and would require some means of redirecting the flows in a manner that does not impair or endanger adjacent properties to the east. Absent measures to redirect runoff from DA-27, the Project site plan will need to be modified to explicitly address the means to safely collect and convey flow through the site and then disperse them at the downslope project boundary in a way that does not adversely impact adjacent parcels.

DA 27 out - not a CEQA eligible baseline document. Assertions from modeling do not support real world conditions.

ANNUAL WATER USE

Most of the Carmel Rio project's potential impacts related to groundwater depend on the amount of groundwater pumped. If the project would use less water than was used on the site under historical baseline conditions, it would not adversely impact groundwater conditions. Conversely, any increase in water pumping above pre-project levels would constitute an adverse and significant environmental impact, mandating mitigation. This general premise was described as "undisputed" by Monterey County Superior Court judge Bamattre-Manoukian in the 2001 decision regarding the September Ranch Project, which also proposed to build houses on undeveloped land in the Carmel Valley (87 Cal.App.4th 99 , 104 Cal.Rptr.2d 326). The comparison of baseline and project water use is commonly done on the basis of average annual water use, and those calculations are presented in this section. Subsequent sections address potential impacts for which additional factors play a role. Sept. Ranch was required to u

Baseline Water Use

use water baseline when the NOP was published. PER CEQA req's. Not arbitrary prior years. used in applications by Monterey Planning,

Unlike the September Ranch case, historical land and water use on the Carmel Rio project site are both well documented. Aerial photographs during the late 1990s and early 2000s show that the site was used to grow truck crops (Google Earth images for 1998, 2002 and 2004). Plans for development commenced in 2005, and the fields were fallow during 2005-2009. Agricultural activities resumed in 2010 and gradually increased to the pre-2005 level of intensity by ~~2013~~. 2011.

Production from wells at the site is metered and annual volumes have been recorded by MPWMD since 1994. Annual production during 1994-2014 is shown in **Figure 2**. Given the variability of water use during that period, it is important to select a baseline period that represents the most recent historical period prior to the beginning of the development process. The September Ranch decision expressed this criterion as follows:

> "An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, from both a local and regional perspective."

The Decision suggested that the date of the notice of preparation of the EIR or the time when environmental analysis commenced would be appropriate to use as the date representing existing conditions. The notice of preparation for the Carmel Rio project EIR issued on July 17, 2015, a decade after on-site land and water use changed markedly relative to the prior historical period of continuous farming. Therefore, the notice of preparation date is ~~not suitable~~ for evaluating baseline water use in this case.

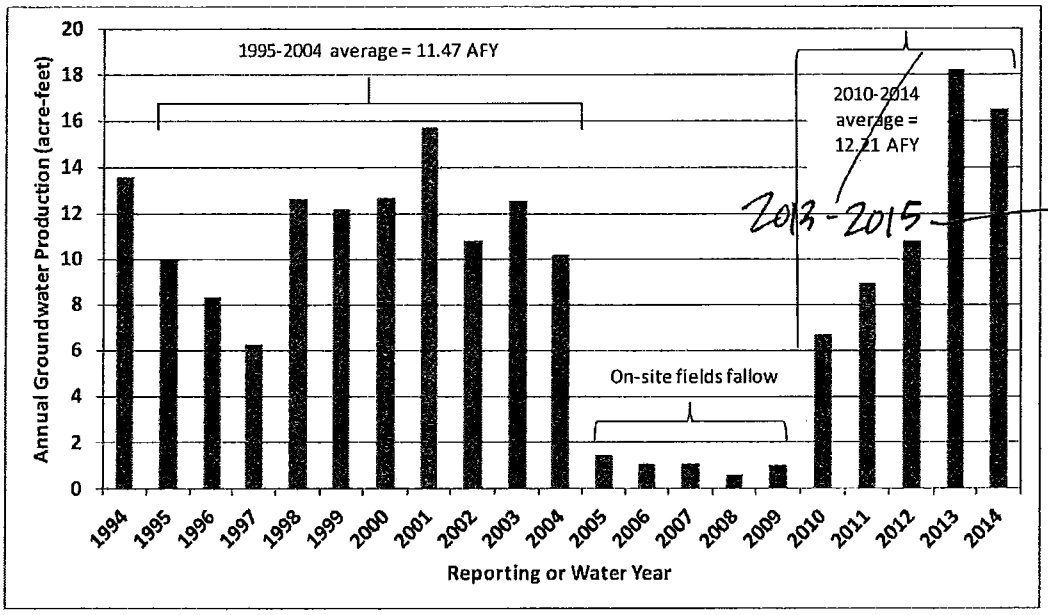
9/4 2015. Water use for the baseline to be in compliance with CEQA would be 17.79 acre feet.

The September Ranch decision allowed that "the date for establishing baseline cannot be a rigid one." It discussed the concern that the project applicant might have intentionally increased water use during the environmental review period—which stretched out over several years—in an attempt to establish a high baseline. In the Carmel Rio case the opposite occurred. The applicant ceased agricultural activities entirely once the development process was initiated in 2005. The applicant resumed agricultural activities in 2010 and water use returned to a level that equaled and in one year slightly exceeded amounts used prior to 2005. Thus, the 2005-2009 period is clearly not representative of water use on the site immediately before the development process commenced.

and determined the baseline was triggered at the time of NOP and three years was the appropriate multi-year water averaging time frame for an EIR applying CEQA guidelines.

Please include:

Figure 2. Metered Annual Groundwater Use at the Carmel Rio Site, 1994-2014



2015: 17.79 A.F.
2016: 18.66 A.F.
2013-2015 Average 17.47 a.f.y.
3 yrs per Sept. Ranch

Note: Reporting year is July-June (1993-2001 data); water year is October-September (2002-2014 data)

The baseline period that best represents water use before the development process commenced is 1995-2004. The period includes wet, dry and normal years and is long enough that the average is not unduly influence by any unusual years. Metered water use during that period averaged 11.47 AFY.

MPWMD has suggested that the 2010-2014 period might also be appropriate for calculating baseline water use (Hampson, 2015). Average water use during that period (12.21 AFY) was slightly greater than during 1995-2004. However, the difference does not affect impact conclusions because project water use would be less than water use during either of the two possible baseline periods. Including 2005-2009 in the baseline period results in a much lower average water use but is not truly representative of conditions prior to the development effort. For example, average water use during the most recent 10 year of data (2005-2014) was 6.63 AFY, and average use during the entire period of record was 9.11 AFY. The remainder of this memorandum focuses on the 1995-2004 baseline period, which is considered more representative of pre-project conditions. However, comparisons with alternative baseline periods are included for informational purposes.

Water Use after Development

Average annual water use following development has been estimated by the project applicant using indoor water use factors provided by MPWMD and outdoor water use estimated using the procedures of the State Model Water-Efficient Landscape Ordinance[1] (Kane, 2014). Indoor water use is for 24 market-rate single-family homes plus seven inclusionary homes. Those values are summarized in **Table 1.**

Insert: FOR A LEGALLY DEFENSIBLE EIR: WATER BASELINES ARE: July 2015 17.79 acre feet

[1] Information on the State Model Water Efficient Landscape Ordinance is available on the California Department of Water Resources website: http://www.water.ca.gov/wateruseefficiency/landscapeordinance/

2013, 2014, 2015 3 Years Averaging: 17.47 acre feet (simply expand and include in your narrative)

percent decrease in net consumptive use was then identified. For the 2005-2014 baseline period, completely eliminating landscape irrigation would not be sufficient to achieve a 25 percent reduction in consumptive use. If LID stormwater management were implemented, the proposed irrigated area could be planted with a maximum plant factor of 0.59, which corresponds to flowers and traditional shrubs but little or no lawn. For the 1994-2014 baseline period, a maximum plant factor of 0.32 would be needed to achieve a 25 percent reduction in net consumptive use. This corresponds to a mix of xeriscape and traditional shrubs.

WATER QUALITY

Water quality at the Gamboa Replacement well met all primary drinking water standards when it was tested in 2008, except that it tested positive for coliform bacteria (Bierman Hydrogeologic, 2009a; Marks, 2009). Bacteria can generally be eliminated by disinfecting the well and do not represent a long-term water-quality issue. Two constituents regulated under secondary drinking water standards that reflect aesthetics and consumer acceptability greatly exceeded the secondary MCLs: iron and manganese. Elevated concentrations of these minerals are common in Central Coast groundwater basins, and they are usually remedied by treatment at the wellhead. The applicant is planning to install a treatment system such as the Filtronics EM-1 ion-exchange package treatment system (Bierman Hydrogeologic, 2011), which is capable of bringing the delivered water quality into compliance with all drinking water standards.

Water quality data are not yet available for the New Travers well, which would serve as the backup to the Gamboa Replacement well. However, the well is located only 67 feet from the Gamboa Replacement well, so the water quality is assumed to be nearly identical. This assertion is supported by data from the Old Travers well, which is seven times farther away and had water quality substantially similar to the Gamboa Replacement well (Bierman Hydrogeologic, 2009a).

In summary, assuming the Gamboa Replacement well is disinfected and an iron and manganese treatment unit is installed and operated, delivered water quality should meet all drinking water standards and thus not adversely impact public health.

SUMMARY AND CONCLUSIONS

INSERT

CEQA water baseline is "snapped" at time of NOP or July 2015 in this case. MPWMD water year usage in 2015 was 17.79 acre feet.

Groundwater pumping at the Carmel Rio site after development would be less than under baseline conditions for all time scales ranging from single pumping cycles to annual. Using simulation results for irrigated landscaping proposed by the applicant, average annual water use at the site after development would be 6.79 AFY, or about 59 percent of baseline use.

Drawdown impacts at nearby wells would be less than under baseline conditions even though the location of pumping would shift from primarily near the north edge of the site (Old Travers well) to the southeastern part of the site (Gamboa Replacement well). Available data indicate that groundwater quality will meet drinking water standards if treatment is provided to remove iron and manganese and if wells and piping are disinfected prior commencing water deliveries.

The capacities of the Gamboa Replacement well and New Travers well—which would serve as the primary and backup wells for the water distribution system—are large enough to easily meet peak day demand pumping only 12 hours per day.

2013, 2014, 2015 averaging equates to a water use baseline of 17.47 acre feet.

Using a 3 year average per Supt. Ranch CEQA EIR litigation court ruled 3 years - not 10 - was appropriate multi-year average.

Schubert, Bob J. x5183

From: Brian Clark [brian@surfloan.com]
Sent: Wednesday, November 30, 2016 3:38 PM
To: Schubert, Bob J. x5183
Cc: Brian Clark; Mcleodbuilding@aol.com
Subject: Carmel Rio DEIR - Suggested changes/corrections 3 of 3
Attachments: Carmel DEIR Changes 3 of 3 2016.pdf

For Schubert and Rincon.

RE: Suggested changes and corrections:

- Hydrology Water Baseline - follow CEQA water baseline regulations to the letter i.e., baseline for environmental review is determined when NOP published (not an arbitrary 10 years starting in the mid 2000's as has been used)

- not asking for a major "re-write" on baseline - simply expand and INCLUDE current water use following CEQA reg - 2015 water use is the baseline and three prior years is the multi-year averaging timeframe per September Ranch CEQA/EIR water use specific litigation

- Todd Water exhibit and narrative uses water up to 2014 - we have water use in 2015 and 2016. Use it. Be as current as possible to alleviate challenges to the EIR.

- Cumulative Projects needs updating - Rancho has been reduced from 281 to 130 lots with 20% affordable within that gross

- the Carmel project with 120 affordable units withdrawn - dead

- CSA 50 and DA 27 have not undergone environmental review and are not qualified CEQA baseline documents for our EIR. Strike the bulk of anything that references anything to do with the fantastical conclusions and options as presented in CSA 50 and DA 27.

"Surface flow drainage of 47 acre feet going thru our site..." Get real. Another speculation that our site floods up to a foot from water emanating from DA 27. Not. The 47 acre feet surface flow statement in the study going thru our site is so out there and ridiculous as to call into question the credentials of the preparer.

The engineers been spending way too much time doing computer "modeling" BECAUSE in the real world the DA 27 drainage culvert is 100% blocked and clogged with dirt, tree cuttings, lawn/landscape cuttings etc. THERE is NO defined water emanating from DA 27 culvert - period. Rain water coming from north of Carmel Valley Road simply percolates into the ground on the south side of CVR. It does not collect and is not directed anywhere.

Regardless - assuming the culvert was functioning - the discharge is headed DIRECTLY to Rancho Canada. NOT VAL VERDE.

The Rancho DEIR stated the DA 27 drainage has NO impact on that site. Great.

Since that is the conclusion of Rancho DEIR - ours can credibly state the same since we

are over 500 feet away and offset to the SW. NOT 200 feet immediately south and in line with the culvert as Rancho property line.

Water flows toward the Carmel River - to the south and directly towards Rancho. THERE is and has been NO defined surface flow from DA 27 culvert to our site - period. There has been NO flooding of homes on the west side of Val Verde or the commercial buildings to the west either from DA 27 culvert water - both suggested in the CSA 50 report.

So hello - does water make a "right hand turn" - which it would have to do to reach our property - or simply flow to the south toward the Carmel River....

The point is the CSA 50 and DA 27 conclusions in many cases do not "hold water" and while the study has allot of interesting data many of its statements and conclusions are so out in left field as to be indefensible - not supported by any real world conditions be it grades, surface flow, water amounts, water directions, history and on and on it goes.

Strike CSA 50 and DA 27 references in our DEIR since the report is not an allowed CEQA baseline document in its current form.

ASSUMING it was usable - Carmel Rio Road is not required to design, install, manage, or maintain anything to do with DA 27. It is a Monterey County Public Works project. Our project "as is" is not impacted by DA 27 culvert drainage and post project completion our site will not impact DA 27. A "none" environmental impact as it relates to our specific site and CEQA.

DA 27 and CSA 50 are NOT mitigating elements that we are required to address and do not impact our CEQA baselines. Therefore, NO further discussion regarding either is required.

IF the County wanted to use the CSA 50/DA 27 as a CEQA baseline document the County would first have to complete an environmental review of same.

In closing, Rincon making suggests that applicant may want to design and/or pay for some aspect of the yet to be designed drainage culvert project as it heads north to Carmel Valley Road has no basis to be in the EIR. Since these are NOT mitigating topics NO further discussion per CEQA is required.

The County would have to design and install the culvert. This is a public works project - not Carmel Rio Road. Strike anything to do with DA 27 and drainage culvert designs or options. These are none-CEQA topics that applicant is not required to address in the EIR.

Regards,

Brian

Strike DA-27 not a CEQA eligible baseline document - CSA 50 & DA 27 "Studies" and Public Works projects

include the construction of perimeter protection (levees) and conveyance of DA-27 runoff via pipeline to the Carmel River. Measures to address existing on-site flooding from DA-27 runoff and potential changes to off-site flooding due to construction and operation of the proposed project are discussed below in Section 4.8.3, Impact Analysis.

The site is not susceptible to flooding due to the failure of a dam. The Los Padres Dam is the nearest dam, located approximately 23 miles to the southwest of the project. The storage capacity of the Los Padres Reservoir has been reduced due to sedimentation from its original capacity of 3,130 acre-feet to its current capacity of approximately 1,785 acre-feet. Even if the Los Padres Dam were to fail when the reservoir was full, the amount of water that would be released would not result in substantial flooding at the project site, which lies more than 20 miles downstream of the dam. Peak flow in the Carmel River near the project site following failure of the Los Padres Dam would be substantially less than the FEMA estimated 100-year flood event peak flow of 23,300 cubic feet per second (cfs). The failure of existing non-accredited levees that run southeast of the project site, roughly parallel to Val Verde Drive, could increase the on-site flood risk during a 100-year flood event. However, due to the orientation of these levees relative to the project site, their failure would likely result in increased flood risk for property to the south and west of the project site rather than for the project site itself.

Tsunami and Seiche. A tsunami is a series of waves generated by an impulsive disturbance in the ocean or in a small, connected body of water. Tsunamis are produced when movement occurs on faults in the ocean floor, usually during very large earthquakes. Sudden vertical movement of the ocean floor by fault movement displaces the overlying water column, creating a wave that travels outward from the earthquake source. An earthquake anywhere in the Pacific can cause tsunamis around the entire Pacific basin. Since the Pacific Rim is highly seismically active, tsunamis are not uncommon.

A seiche is a standing wave oscillating in a body of water and may occur in any enclosed or semi enclosed bodies of water such as bays and lakes. Seiches are typically caused by strong wind and rapid changes in atmospheric pressure. They can also form along ocean shelves and harbors due to earthquakes, tsunamis, or severe storm fronts.

The outlet of the Carmel River and Carmel Valley is susceptible to tsunamis and seiches due to its location along the Pacific Coast and within Carmel Bay. According to the Tsunami Inundation Map for Emergency Planning for the Monterey Quadrangle, a tsunami could inundate up to 0.6 mile inland from the mouth of the Carmel River (California Emergency Management Agency [CEMA] 2009; as cited in Monterey County 2015).The project site is located approximately 1.4 miles east of the shoreline with an elevation of approximately 34 feet above mean sea level (amsl). Therefore, the site is not located in tsunami hazard area. Also, no enclosed waterbodies are located near the project site and therefore the site would not be subject to inundation by seiche.

 NOT LEGALLY DEFENSIBLE

wells have since been replaced, and the replacement wells are located near one another in the southeastern part of the site. The Carmel Rio project proposes to use the Gamboa Replacement well as the primary source of supply, and the New Travers well would serve as a backup supply (Todd Groundwater, 2016).

Historical land and water use on the Carmel Rio project site are both well documented. Aerial photographs during the late 1990s and early 2000s show that the site was used to grow truck crops (Google Earth images for 1998, 2002 and 2004). Plans for development commenced in 2005, and the fields were fallow during 2005-2009. Agricultural activities resumed in 2010 and gradually increased to the pre-2005 level of intensity by 2013. Production from wells at the site is metered and annual volumes have been recorded by MPWMD since 1994 (Todd Groundwater, 2016). The baseline period that best represents water use before the development process commenced is 1995-2004. The period includes wet, dry and normal years and is long enough that the average is not unduly influence by any unusual years. Metered water use during that period averaged 11.47 AFY (Todd Groundwater, 2016).

this is MPWMD community reg - NOT CEQA

* CORRECT AND INSERT CEQA REG FOR NOP - July 2015 baseline is water year or 11.19 acre feet.

Average annual water use following development was estimated by the project applicant using indoor water use factors provided by MPWMD and outdoor water use estimated using the procedures of the State Model Water-Efficient Landscape Ordinance (Kane, 2014). Indoor water use is for 24 market-rate single-family homes plus seven inclusionary homes. Indoor residential water use would average 5.45 AFY (Todd Groundwater, 2016). The consumption per dwelling unit is based on the number and types of fixtures, as presented by the applicant.

* USE THE 10 YEAR VS RE-WRITE BUT (INSERT) CEQA NOP REG & 2015 water year baseline.

The landscape irrigation water use estimate is based on a detailed site plan with a total irrigated area of 53,980 square feet, or 15% of the total site area (Kane, 2014). The site plan estimated annual irrigation demand using reference evapotranspiration (ET_0) equal to 49.7 in/yr, effective precipitation equal to 10% of annual ET_0, a plant factor (crop coefficient) equal to 0.2 year-round, and an irrigation efficiency of 85%. The resulting estimate of annual irrigation water use was 1.09 AFY (Todd Groundwater, 2016). The accuracy of this estimate of irrigation demand for the proposed project depends on the implementation of applicant-reported project design features, including: planting only drought-tolerant "very low" water use vegetation, installation of drip irrigation, the limitation of irrigation to only 15% of the project site (with approximately 43% of the project site covered by non-irrigated vegetation). In addition to the required implementation of these ambitious project design features, the irrigation demand estimate suffers from several potentially faulty assumptions, including an overestimation of both reference and effective precipitation, and an underestimate of the irrigated area (Todd Groundwater, 2016).

In order to account for the potential deficiencies in the applicant's irrigation water demand estimate, Todd Groundwater doubled the estimate of irrigation use. The revised estimate of total project water demand (from residential use, water filter back-flushing demand, pipe-leak losses, and the revised irrigation water demand) would be 8.39 AFY, or approximately 73% of baseline water use (Todd Groundwater, 2016).

In order to assess the potential drawdown effects on neighboring wells, Todd Groundwater estimated monthly patterns of water use under baseline and project conditions. Under baseline

The proposed project would not alter any precipitation amounts or intensities, nor would it require any additional water to be imported into the proposed project area. As described above under Impact H-2, the amount of pumped groundwater that would be applied on-site would be substantially less than that amount of pumped groundwater that was applied under baseline conditions. However, construction would include earth-disturbing activities which may affect site-specific infiltration and permeability during construction (temporary) and during operation (permanent). Temporary changes to on-site permeability would be minimal and limited to covered stockpiles, impermeable surfaces of construction staging areas, and temporarily compacted soils. Permanent impervious areas that would be introduced by the proposed project include impervious access roads, parking areas, rooftops, driveways, patios, and walkways. Based on a review of preliminary site plans, Todd Groundwater estimated the total amount of permanent impervious surface introduced by the proposed project to be approximately 3.42 acres, or approximately 42% of the project site (Todd Groundwater, 2016). In contrast, the applicant reported total on-site impervious cover to be approximately 56% of the total site area (Balance Hydrologics, 2016). Depending on the actual amount of impervious surface that would be introduced by the proposed project, the estimated increase in runoff amount reported below may change. In addition, site preparation would likely result in long-term changes to the infiltration capacity of permeable surfaces due to soil compaction. A soil-moisture-balance model prepared by Todd Groundwater (2016) estimated that on-site groundwater recharge would decrease from 5.54 AFY under baseline conditions to 3.63 AFY under project conditions. This change in groundwater infiltration would result in an additional runoff amount of 1.91 AFY.

In addition to increasing the amount of total annual runoff, the introduction of impervious surfaces would increase the rate of peak runoff leaving the project site. Increase in the amount and rate of runoff could result in increased erosion and sediment transport off-site. The potential erosion and sedimentation impacts of increased runoff are discussed above under Impact H-1. The magnitude of change in peak runoff that would result from implementation of the proposed project is unknown at this time. Mitigation Measure H-1(c), which would require completion of a design-level drainage analysis prior to commencement of construction activities, would result in the quantification of the change in the peak runoff rate and the development and implementation of measures to reduce peak runoff both on- and off-site.

Actually less but not worth analysis change.

Along with changes to the amount and rate of on- and off-site runoff, construction and operation of the proposed project would result in changes to drainage patterns across the project site and discharge locations for off-site runoff. Grading of the project site and the importation of approximately 11,359 cubic yards of fill to raise the southwest corner of the project site would substantially alter on-site topography, which would alter on-site drainage patterns. The presence of roadways, residential structures, and retaining walls would redirect runoff across the project site. Currently, on-site runoff occurs as sheet flow towards the southwest. Preliminary site plans for the proposed project indicate that runoff would generally drain via gutter flow in a westerly direction before entering a 6.5-foot diameter, 401-foot long perforated stormwater detention pipe. Overflow from the perforated stormwater detention pipe would eventually enter a gravity-flow storm drain system that would connect to an existing 42-inch diameter trunk storm drain line that runs from north to south along the western boundary of the project. This trunk line is the main drainage conduit for County Drainage Area 28 (DA-

28), a watershed of 184 acres that extends from north of Carmel Valley Road to eventually discharge directly into the Carmel River south of the Riverwood Townhomes. Storm drain modeling presented in the County Services Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (County of Monterey, 2014) identified this trunk line as a potentially large source of drainage overflow that could lead to localized flooding along Rio Road and as far north as the retail businesses located just south of Carmel Valley Road. The primary causes of the predicted overflow are insufficient trunk line capacity, high tailwater conditions in the Carmel River, and lack of back flow prevention at the outfall (Balance Hydrologics, 2016). The fact that the DA-28 trunk storm drain line has been identified as inadequate in its existing condition implies additional stormwater runoff likely cannot be added to the system without impacts.

Preliminary hydrologic calculations and a review of preliminary project site plans by Bestor Engineers concluded that approximately 18,000 cubic feet of stormwater detention capacity would be required to meet County requirements for post-development off-site runoff discharge (Balance Hydrologics, 2016). Balance Hydrologics noted that the planned 6.5-foot diameter, 401-foot long perforated stormwater detention pipe would have a total storage volume of approximately 13,300 cubic feet (Balance Hydrologics, 2016). Balance Hydrologics also concluded that a conservative estimate of the stormwater detention capacity that would be required to meet County requirements for post-development off-site runoff discharge would be approximately 25,000 cubic feet (Balance Hydrologics, 2016). Therefore, current project site development plans would be inadequate to retain the required amount of post-development off-site runoff discharge. Implementation of Mitigation Measure H-1(c), described above under Impact H-1, would require that stormwater control measures be developed to maximize on-site infiltration of stormwater and minimize off-site stormwater discharge. These stormwater control measures shall be designed to achieve conformance with Monterey County General Plan Safety Element Policy S-3.1 such that post-development, off-site peak flow drainage from the project site would not be greater than pre-development peak flow drainage. The stormwater control measures may include, as necessary, above-ground retention and/or detention basins, stormwater collection tanks, subsurface infiltration devices such as cisterns with permeable bottoms or perforated pipes, permeable pavement, and vegetated swales.

Finally, development of the proposed project would alter the existing drainage pattern for off-site, upstream flows that currently cross the project site as sheet flow. Modeling of overland flow break-outs from DA-27 was a component of the work for the CSA-50 Report. DA-27 is a moderately large local tributary to the Carmel River, with a total drainage area of 567 acres (0.88 square miles) extending to the ridgelines of Jacks Peak to the north. Flow paths within this drainage area are well defined in the steep canyon setting north of Carmel Valley Road, but essentially disappear on the south side of the road where a small ditch carries flow for a short distance before ending at a point approximately 700 feet north and west of the northeast corner of the site. The overland flow modeling presented in the CSA-50 Report shows that the intervening topography is such that much of the runoff originating in DA-27 would flow south and west to cross Val Verde Drive at the project site and into CSA-50 (Balance Hydrologics, 2016). The modeling shows that as much as 46 acre-feet could enter CSA-50 from DA-27 and much of this would be overland flow through the site (Balance Hydrologics, 2016).

Strike DA-27 info erroneous at best and not an CEQA baseline document. "A STUDY" is none

The site plans do not appear to include any accommodation of this potentially large overland flow. In fact, the street layout in the March 10, 2014 plans are configured such that there is a risk they would collect overland flow and route it into the project with no clear indication of a means to avoid localized flooding on-site and/or an overland release compatible with adjacent properties (Balance Hydrologics, 2016). The on-site problem could be eliminated by raising the elevation of Val Verde Drive sufficiently to protect the project from the DA-27 overland flows, but doing so would block the natural flow release across the property and would require some means of redirecting the flows in a manner that does not impair or endanger adjacent properties to the east. Absent measures to redirect runoff from DA-27, the project site plan would need to be modified to explicitly address the means to safely collect and convey flow through the site and then disperse them at the downslope project boundary in a way that does not adversely impact adjacent parcels. Potential measures to detain and/or retain runoff on-site are discussed under Impact H-1. Implementation of Mitigation Measure H-1(c) would ensure that post-development off-site runoff would not exceed pre-development conditions. Additional mitigation would be required to ensure that on-site structures and residences are not exposed to a risk of loss, injury, or death involving flooding associated with DA-27. The Draft EIR for the proposed Rancho Canada Village project (May 2016) proposes a 84-inch buried drainage pipe along the Rancho Canada Village project boundary, approximately 500 feet east of Val Verde Road. This pipe could connect to the proposed future drainage channel described in the County Services Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (2014) intended to capture stormwater flows from DA-27. Compliance with existing regulations and policies and implementation of required mitigation measures would ensure that development carried out under the proposed project would maximize on-site infiltration and minimize off-site runoff, and would not result in the discharge of stormwater that would result in off-site erosion or flooding or exceed the stormwater conveyance capacity of existing or planned stormwater drainage systems.

Strike

elevate

* which would mitigate any site specific

Public Works off-site projects.

Mitigation Measures. Mitigation Measure H-1(c) would ensure that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible. No additional mitigation is required.

Significance After Mitigation. Implementation of Mitigation Measure H-1(c) would reduce the rate and amount of post-development runoff on- and off-site to the maximum extent feasible, would minimize the potential for off-site flooding, and would eliminate the need for new or expanded stormwater drainage facilities. With implementation of this mitigation measure, potential impacts related to increased runoff would be less than significant.

Threshold 8:	*Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.*
Threshold 9:	*Place within a 100-year flood hazard area structures which would impede or redirect flood flows.*

Threshold 10:	*Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.*

Impact H-4 **Construction and operation of the proposed project would place housing within a 100-year flood hazard area which could result in the impedance or redirection of flood flows and the exposure of people and structures to a significant risk of loss, injury, or death involving flooding. Project design features would help to reduce flood risk. Mitigation would further reduce the risk of loss, injury, or death involving flooding. This impact would be Class II, *significant but mitigable.***

As described in the County Services Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (CSA-50 Report), the site is exposed to flood risks from two distinct flooding sources: overbank flows from the Carmel River and overland flows from the current downstream end of the relatively large north bank tributary known as County Drainage Area 27 (DA-27). A small portion of the project site at the southwest corner of the property is located within a Special Flood Hazard Area (100-year floodplain) mapped by FEMA ~~and analyzed in the CSA-50 Report~~. The primary source of this flood hazard is overbank flows from the main stem of the Carmel River due to channel overtopping east of Val Verde Drive and, to a lesser extent along the Riverwood Townhomes (Balance Hydrologics, 2016). The CSA-50 Report also shows that backwater flooding through the DA-28 trunk storm drain line can contribute to localized flooding in the same low elevation areas at the project site (Balance Hydrologics, 2016).

The project site plans show that the lower existing ground elevation portions of the property would be raised through use of retaining walls and fill so that they are above the elevation of the 100-year flood. This is an appropriate measure for protecting the project site from the riverine flood risk. However, the placement of fill would remove some floodplain storage and could potentially alter overbank flow paths as well. The project documentation available for review did not address the latter issues, though the impact on residual flood elevations is likely to be very small (Balance Hydrologics, 2016). ~~The CSA-50 report identified a number~~ of potential measures ~~that could be implemented with the objective of eliminating the riverine~~ flood risk in the north overbank area, ~~including the project site.~~ Such measures would have the benefit of removing the flood hazard at the site without the potential for adverse flooding impacts to other occupied structures. ~~One such measure~~ would be to raise the elevation of Val ~~Verde Drive~~ so that it can function as a levee protecting areas to the west from the 100-year ~~flood.~~ An alternative configuration could use a tie-back levee from Rio Road to Rancho Cañada. ~~However,~~ it must be acknowledged that the required work would extend well beyond the ~~project~~ site and would require addressing tributary drainage issues as described above under Impact H-3. Although flooding from upstream flows associated with DA-27 is not associated ~~with~~ a Special Flood Hazard Area (100-year floodplain), improper redirection of those flood flows could result in a significant risk of loss, injury or death involving flooding (Threshold 10) ~~for~~ residents both on- and off-site. The risks associated with improper modification of DA-27 ~~runoff~~ are discussed in detail above under Impact H-3.

CSA 50/DA 27 not eligible as CEQA baselines

– we will comply with FEMA flood elevations/standards.

If the applicant chooses to remove the southwest portion of the project site from the 100-year floodplain through the placement of fill in that area, the applicant would be required to prepare and submit to FEMA prior to commencement of construction activities a Conditional Letter of Map Revision Based on Fill (CLOMR-F). FEMA would then review the CLOMR-F and determine based on final site design plans whether or not the proposed development would be eligible to be removed from the Special Flood Hazard Area. If FEMA accepts the CLOMR-F, then following construction the applicant would need to demonstrate that the proposed project "as-built" matches the submitted final site designs that were used to support the CLOMR-F. After FEMA determines that the project "as-built" matches the previously submitted final site design plans, the agency would issue a Letter of Map Revision Based on Fill (LOMR-F) to remove the project site from the Special Flood Hazard Area.

Compliance with existing regulations and policies regarding floodplain development and post-development off-site runoff, including Monterey County Code requirements for development within a floodplain, and implementation of required mitigation measures would ensure that project-related structures would not impede or redirect flood flows such that off-site property would be adversely affected and would ensure that on-site structures and people would not be exposed to a significant risk of loss, injury or death involving flooding.

Mitigation Measures. Mitigation Measure H-1(c), combined with Mitigation Measure H-4 below, are required to ensure that on-site structures and people are protected from a significant risk of loss, injury, or death involving flooding and to ensure that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible.

H-4 **Protect Project Structures and Residents from Flood-related Loss, Injury, or Death.** The applicant shall design the project and all on-site structures in a manner that reduces the exposure to loss, injury, or death involving flooding to the maximum extent feasible. Prior to issuance of grading permits, the applicant shall submit a description of proposed flood control measures for review and approval. Measures can include on-site improvements, off-site improvements, or a combination of on- and off-site improvements. Examples of on-site improvements include:

- Raising building foundations above the base flood elevation
- Designing roadways in such a way that they serve as effective levees
- Providing on-site flood capture systems that would intercept and infiltrate flood flows up-gradient of all on-site structures
- Providing on-site drainage facilities to route flood flows around project structures (provided that those on-site drainage facilities do not result in a post-development

DA27 CSA 50 out

discharge of runoff that would exceed pre-development levels)

Examples of off-site improvements include:

- Contribution to, and confirmation of, concrete plans for the implementation of regional flood mitigation strategies. Examples of regional flood mitigation strategies relevant to the project site include:
  - Installation of an upstream conduit to capture DA-27 flood flows and route those flows to the Carmel River (extension further to the north of an 84-inch drainage pipe as proposed by the Rancho Canada Village Project would address this requirement)
  - Raising the elevation of Val Verde Drive sufficiently to protect the project site from the DA-27 overland flows, provided that those re-directed flood flows do not adversely affect off-site properties.

Strike - Applicant is not required to design, install, manage, or maintain DA-27 facilities. These are to be defined so yet to Public Works project.

In the case where the applicant chooses to contribute to regional flood mitigation strategies, the applicant shall confirm with the County or appropriate resource agency that those improvements would be constructed prior to the issuance of occupancy permits. If the applicant chooses not to contribute to regional flood mitigation strategies, then the applicant must implement one or more of the on-site improvements listed above such that the exposure to loss, injury, or death involving flooding (including project-induced off-site flooding) would be reduced to the maximum extent feasible.

Strike/open ended no selected or defined environmentally supported base document

The applicant shall submit the proposed flood protection measures to Monterey County RMA – Public Works, Monterey County RMA – Environmental Services, and Monterey County Water Resources Agency for approval prior to issuance of a construction permit. The submittal shall clearly demonstrate that all on-site habitable structures would be raised above the base flood elevation or would be fully protected from DA-27 flood waters produced during the 100-year storm event.

FEMA

Significance After Mitigation. Implementation of Mitigation Measures H-1(c) and H-4 would protect on-site structures and people from a significant risk of loss, injury, or death involving flooding and would reduce the rate and amount of post-development runoff on- and off-site to the maximum extent feasible, which would minimize the potential for off-site flooding. With implementation of these mitigation measures, potential impacts related to flooding would be less than significant.

DA 27 reference out as baseline (in any case not correct)

Table 4.9-2
Policy Consistency: Monterey County 2010 General Plan

Monterey County General Plan Policy	Consistency Discussion
Supervisors. **S-2.6:** Drainage and flood control improvements needed to mitigate flood hazard impacts associated with potential development in the 100-year floodplain shall be determined prior to approval of new development and shall be constructed concurrently with the development.	Verde Drive and, to a lesser extent, along the Riverwood Townhomes (Balance Hydrologics, 2016). Overland flow from County Drainage Area 27 (DA-27) currently results in shallow flooding on-site (generally less than one foot in depth), but this flood risk does not appear to comprise a substantial component of the FEMA-identified 100-year floodplain. Mitigation identified in Section 4.9 would require that the applicant obtain a Conditional Letter of Map Revision – Fill prior to initiation of construction activities, as well as to design the project to minimize impedance of flood flows and to ensure that redirected flood flows would not adversely affect off-site property beyond baseline conditions. With implementation of these measures, the project would conform to the guidelines of FEMA, and the required improvements would be determined prior to development, consistent with these policies.
S-3.1: Post-development, off-site peak flow drainage from the area being developed shall not be greater than pre-development peak flow drainage. On-site improvements or other methods for storm water detention shall be required to maintain post development, off-site, peak flows at no greater than predevelopment levels, where appropriate, as determined by the Monterey County Water Resources Agency.	**Consistent.** As described in Section 4.9, *Hydrology and Water Quality*, the proposed project could alter the existing drainage pattern of the project area, and would introduce impervious surfaces into an area that is currently undeveloped. The proposed project may therefore increase runoff, resulting in flooding or increased erosion downstream. The final design of the project would be required to be developed in accordance with a final, design-level, drainage analysis which would include a detailed evaluation of the potential drainage impacts associated with the project, including identification of measures to reduce runoff by promoting infiltration. In addition, the proposed project would be required to comply with the NPDES program, including through preparation of a SWPPP and implementation of associated BMPs.Compliance with recommendations in the design-level drainage analysis and existing regulations would ensure consistency with this policy.
S-3.2: Best Management Practices to protect groundwater and surface water quality shall be incorporated into all development.	**Consistent.** As described in Section 4.8, *Hydrology and Water Quality*, the proposed project would be required to comply with the NPDES program, including through preparation of a SWPPP and implementation of associated BMPs, as well as implementation of an erosion control plan consistent with the County of Monterey standards as a condition of project approval. In addition, a number of the required mitigation measures included in Section 4.8 would provide additional protection for groundwater and surface water quality.
S-3.3: Drainage facilities to mitigate the post-development peak flow impact of new development shall be installed concurrent with new development.	**Consistent.** See discussion under Policy S-3.1.

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Wednesday, November 30, 2016 3:50 PM
To: Schubert, Bob J. x5183
Cc: Brian Clark
Subject: RE: DEIR Corrections - Updated DEIR suggestions sep. cover

The DEIR is not legally defensible. It is a joke on any number of fronts.

The level of input and professionalism after all this time given several recent local EIR's to review for short comings - is a significant disappointment.

I give the EIR a C in general and an F for failling to follow CEQA baseline regulations on water. Using CSA 50 and DA 27 references through-out the document is not defensible. Neither aspect of the study has undergone environmental review therefore it is NOT allowed to be used as a CEQA baseline document. Period.

How can u f.... that up with all the existing Court rulings on the books. Court rulings the County has LOST each time by deviating from CEQA baseline requirements.

IF Rincon chooses to "publish" an inadequate document with eroneous easily correctable data - as the Lead Agency and Project Manger - you are are the ones looking unprofessional - not me.

Given I am procedurely only able to litigate and sue the County over items brought up in Public Hearings - if you and Rincon choose not to correct the data or follow CEQA reg's I am forced to make a list and present the inadequacies of the DEIR to the Planning Commission and Supervisors.

Regards,

Brian

From: Schubert, Bob J. x5183 [mailto:SchubertBJ@co.monterey.ca.us]
Sent: Wednesday, November 30, 2016 2:17 PM
To: Brian Clark <brianclark007@gmail.com>
Cc: Brian Clark <brian@surfloan.com>; Mcleodbuilding@aol.com; Avila, Jesse J. x5366 <AvilaJJ@co.monterey.ca.us>; Christy Sabdo <csabdo@rinconconsultants.com>
Subject: RE: DEIR Corrections - Updated DEIR suggestions sep. cover

Brian,

You chose not to comment on the Administrative Draft EIR. Now that the Draft EIR has been publicly released, these and any other comments you may have will be treated as comments on the Draft EIR and will be responded to in the Final EIR.

Bob Schubert, AICP
Senior Planner

Monterey County
RMA-Planning Department

(831) 755-5183

From: Brian Clark [mailto:brianclark007@gmail.com]
Sent: Wednesday, November 30, 2016 11:23 AM
To: Schubert, Bob J. x5183
Cc: Brian Clark; Mcleodbuilding@aol.com
Subject: DEIR Corrections - Updated DEIR suggestions sep. cover

TO: Bob Schubert
FR: Brian Clark
RE: Review of the DEIR

Please copy Rincon.

Suggested changes to DEIR before release for public comment. "As is" the DEIR is not legally defensible on several CEQA based regulations and thersholds.

1) Our DEIR has any number of options and suggested potential mitigations all tied into CSA 50. EACH and EVERY reference to CSA 50 and DA 27 - a study that has not undergone environmental review - need to be stricken.
2) Any reference to CSA 50 or DA 27 - no matter how casual - should be HIGHLY qualified as coming from a source document that has NOT undergone environmental review and does not meet CEQA thersholds for use in an EIR.
3) Corrections to Cumulative Projects size and scope.
4) Hydrology - CEQA baseline vs. MPWMD Community Water System criteria for a permit corrections.

To summarize:

- CSA 50 report which includes data regarding DA 27 is a STUDY that presented many options for consideration - the Study has not undergone environmental review therefore cannot be used as a CEQA baseline document.
- The CSA 50 "study" presents innumerable computer modeling options for consideration by Monterey County Public Works. The County has not selected any option for potential implementation therefore not done any specific or regional environmental review of the study or suggested specific options.
- Carmel Rio Road is not obligated to design, install, manage, or maintain any future designed public works project.
- Carmel Rio Road site is NOT impacted "as is" in any way, shape, or form by current discharge from DA 27 culvert.
- Carmel Rio Road project upon completion has no impact on the off-site DA 27 drainage as may be improved in the future.
- Conversely - if and when a future project is selected for DA 27 the benefits would be to the 6 property owners in line with the culvert to the east of Val Verde Drive - those properties being Carmel Middle School, Dow 8 acre lot, Clark 5 acre lot (not applicant), Community Church 5 acre lot, Rancho Canada 18 hole golf course.

ALL of these properties are in-line and directly impacted from DA 27. Our site is outside of these properties 50 acre envelop.

FOR CEQA - DA 27 drainage "as is" has NO impact on our site. Upon project completion our project has no impact on DA 27.

The Study is baseless on any number of suppositions - but it is not our job to peer review the CSA 50 study as we seem to be doing in our DEIR.

Request: A "one paragraph" narrative of CSA 50/DA 27 as referenced in the Odello EIR and Rancho DEIR would be appropriate.

INSERT subject applicant is NOT responsible under Monterey Pulic Works or CEQA for that matter - to design, install, manage, or
maintain DA 27 drainage culvert or options today or as may be improved in the future.

Other Suggested corrections - additions:

3.3 Cumulative

Rancho is not 281. Correct - current application and DEIR is for:

- 130 residential lots
- 20% affordable lots or 26 affordable lots and 104 market rate lots (Applicant intends to sell lots and is not proposing doing any spec or build to suite residential homes.)

Carmel Valley Affordable - 120 units - withdrawn by developer. Delete.

Hydrology:

Why are we discussing this again... Really.

CEQA baseline regulations apply. NOT MPWMD 10 year community water distribution permit 10 year averaging. Discussing using the
10 year average and rationale has already been flushed out and not worth doing a rewrite.

THIS IS A CEQA STUDY FOR AN EIR. CEQA REGULATIONS APPLY. BASELINE REGULATION COULDN'T BE MORE CLEAR. REVIEWING MPWMD PROCESS FOR A COMMUNICITY PERMIT IN THE DEIR IT FINE - BUT THIS IS NOT A COMMUNITY WATER DISTRIBUTION SYSTEM
PREMIT HEARING OR APPLICATION.

What MPWMD may feel is the appropriate water baseline would be flushed out during the community system permitting process which
includes a public hearing.

CEQA REGULATIONS APPLY. NOT A MPWMD PERMIT HEARING.

Carmel Canine Center EIR specific to Hydrology Baseline was NOT a legally defensible EIR. Planning and MPWMD did not abide by or follow CEQA
and had the attorney's ended up in Court over legal challenges to the EIR - deviating from CEQA over water baseline years was an all
but an assured ruling against the County. This is LOW hanging fruit for EIR challenges and deficiencies by local land use attorney's and was quite
frankly very embarassing for the Planners when water specific baseline issues were run up the flag poll by attornies in the Superviors Meeting.

Planners on Baseline to Supervisors when asked about using "prior years" for baseline DEVIATING from CEQA.

Monterey Planner:

"We are just the messenger and do what MPWMD instructs us..."

Monterey Planner passed off deviation/deficiency on water baseline legal challenges during the public hearing before the
Supervisros as coming fom water lead agency MPWMD.

MPWMD in letters in the DEIR file from Pres. of MPWMD: "It appears the DEIR is not following CEQA water baseline regualtions..."

Attorney Lombardo to Supervisors PROVIDING a letter from MPWMD in the hearing stipulating hybred baseline deviating from
CEQA baseline regulation was not supportable.

THERE IS NO EXCUSE OR MIDDLE GROUND TO REDO THE SAME LEGALLY INDEFENSIBLE DEVIATION FROM CEQA WATER BASELINE REGULATIONS
THAT WAS DONE ON CARMEL CANINE CENTER AND WAS ALSO DONE ON SEPTEMBER RANCH.

CEQA WATER BASELINE CASES HAVE ALL BEEN SETTLED IN COURT. There is NO middle ground for deviation from the regulation or further
rationalizing why the most straight forward of CEQA requlations on water baseline are not followed. In OUR DEIR water baseline is simple when the
NOP was published in July of 2015. Our water use in 2015 was 17.79 acre feet. That is the baseline. End of story.

COURT RULINGS:

CEQA WATER BASELINE NUMBER TO BE USED IS UPON PUBLISHNIG THE NOP - IF THERE IS NO NOP PUBLISHING - WHEN ENVIRONMENTAL REVIEW
STARTS.

OUR NOP WAS DONE IN JULY OF 2015. OUR MPWMD water year annual production was 17.79 acre feet in 2015. That is the baselilne number - period.
As it relates to "multi-year" averaging as also was challenged and litigated over in the September Ranch lawsuit the Judge/Court stipulated for CEQA the multi-year
reasonable averaging WAS NOT TEN YEARS but THREE YEARS.

The continual reference to MPWMD community permit requiremens for a 10 year aveage or as they determine may be appropriate is for a COMMUNITY
PERMIT - NOT A CEQA BASELINE DOCUMENT.

Stop with the 10 year arbitrary crap-o-la retionale already.

REQUEST:

- Follow the clear and unambiguous - black and white - ruling and overriding CEQA regulations that apply to water baseline. Our NOP and environmental
review was done in 2015. Use and insert the MPWMD Historical Water Production Data as an exhibit AND use 2015 as the baseline number NOT a
ten year average starting in the mid-2000's. THAT is an OPTION for MPWMD in the community hearing process AND DOES NOT COMPLY WITH CEQA regulations.

DO NOT MAKE THE SAME BLATANT MISTAKE THAT WAS DONE WITH THE CANINE CENTER HYDROLOGY BASELINE AND SEPTEMBER RANCH BY
IGNORING THE CEQA REGAULATION.

- INSERT the CEQA regulation language and follow the regulation - environmental review was NOT stated in some arbitrary prior year. MPWMD can apply what they like during the community water distribution permitting process. OUR EIR CEQA BASELINE REGULATION IS NOT THE MPWMD 10 YEAR AVERAGING COMMINITY WATER SYSTEM RULE.

- MPWMD water year 2015 baseline at the time of NOP was 17.70 acre feet - insert this as the CORRECT baseline number - not a 10 year average stating in the mid-2000's

(Water year 2016 was 18.66 acre feet)

The graphic is nice but stops in water year 2014. Update the numbers to reflect "current" real world conditions. The information is available from MPWMD and has been supplied any number of times - why stop using data in water year 2014 when both 2015 and 2016 are available?

- MPWMD water year 2015 - 17.79 acre feet
- MPWMD water year 2016 - 18.66 acre feet

Regards,

Brian Clark

- enclosures - Lombardo challenge to Carmel Canine Center EIR - Baseline
- DEIR suggested changes

In general - CSA 50 and DA 27:

CAS 50 and DA 27 study is just that. A study. The Odello EIR referred to the study in one paragraph and moved on. That was it.

The Rancho Villages DEIR refers to the "study" since they propose to do a levee wall referred to as one of the options in the CSA 50 study. This was an elective OPTION Rancho put in their DEIR - each and every reference to CSA 50 and DA 27 could be taken out of the Rancho DEIR and it would have NO impact on the completeness of the EIR as it relates to meeting CEQA baseline criteria and completeness. Rancho proposes doing the levee as an "incentive" for project approval as a whole. That is a project approval strategy vs. an CEQA environmental review requirement.

1) CSA 50 is a study that ***HAS NOT UNDERGONE ENVIRONMENTAL REVIEW.*** Therefore, on that basis alone it cannot be used as a baseline document in our CEQA review process. The Study has allot of interesting data but the "options" and "suppositions" (many of which are highly debatable) are just that. Options have not been selected or undergone environmental review therefore the STUDY cannot be used under CEQA when determining environmental baselines.

2) Carmel Rio Road is NOT responsible to design, install, manage, or maintain anything to do with CSA 50 or DA 27. Referencing OPTIONS in the STUDY document in wholesale fashion over and over again in our DEIR is NOT appropriate in context of CEQA and our site baseline issues.

3) The EIR Request for Proposal let my Monterey County did not require a review of CSA 50.

4) The County entered into a Settlement Agreement with Carmel Rio Road - the settlement included Exhibit C technical documents and a Draft EIR - these were to be the baseline documents to be used in crafting the DEIR.

Nothing in any correspondence requested Rincon to interject CSA 50 and DA 27 into this DEIR and as pointed out the study has not undergone environmental review therefore is not eligible to be used as a CEQA environmental baseline document.

Carmel Rio Road is NOT required to do any aspect of any future DA 27 project. Project "as submitted" is NOT impacted by
the current DA 27 drainage, is not responsible for any future Monterey County Public Works project, and post project completion drainage has no impact on off-site DA 27 drainage.

How can I say our project site is "not impacted" by DA 27 in any way with certainty....

The "culvert" is 100% BLOCKED. The culvert has been filled in for what appears to be decades by organic material including
tree limbs, lawn cuttings, dirt, all matter of landscaping material thrown onto the culvert from the middle school athletic fields,
middle school grounds, and adjacent property owners.

Any water coming from the north side of Carmel Valley Road flowing to the south or toward Carmel River and Rancho Canada Golf Course simply is absorbed into the adjacent 50 acres of which our project is outside of...

THERE is NO directed or condensed culvert discharge originating from DA 27 and "directed" to the south or toward our site to the SW.

Therefore, EVERY reference to sheet flow and water from DA 27 moving to the SW and "sheet flow" specifically traveling through
our site is BASELESS. The elevations and real world conditions do NOT support these MODELING suppositions put forth in the CDA 50 study.

The Rancho DEIR do reference the "study" as just that and move on. Rancho expands on the CSA 50 study NOT in context of
CEQA but as a project approval "gave away" to garner application approval.

Our CEQA EIR environmental baseline is project specific. This unvetted STUDY deals with off-site regional issues. Our Draft EIR has
an inordinate amount of data and mitigating suggestions all tied into the CSA 50/DA 27 study that has not undergone environmental
review.

CSA 50 Background:

To make any number of project and site suggestions to "mitigate off site study modeling" using any number of "study" options is not
defensible and has NO basis being in our DEIR. Applicant is NOT responsible for this County public works project. A public works
project that has not undergone environmental review and no firm plan of action about what "options" may be pursued.

WHEN Public Works decides what course of action they may want to undertake then it's their obligation to FIRST do an

environmental review and then design, install, manage, and maintain.

AS an example - there is NO sheet flow across our site regarding drainage emissions from DA 27 outfall pipe. DA 27 "modeling" vs. real
world elevations is not correct regarding this "model".

Rancho DEIR stated DA 27 outfall drainage has no impact on Rancho project. Funny - Rancho property line is directly inline (downstream) with
the drainage culvert and immediately south as well. The drainage line is less than 200' from Rancho property line.

Just as water runs downhill - the water exiting the culvert runs DUE south directly at Rancho and the Carmel River - the discharge water DOES not
make some mysterious "right" hand turn and head toward our property.

As an example - none of the adjacent homes on the west side of Val Verde Drive have been flooded by DA 27 drainage in the past decades.
If one was to believe DA 27 modeling all homes west side Val Verde would be flooded "as is" yet this is not proven out by the facts on the ground.
Furthermore, the commercial buildings and parking lots adjacent to our common western property line have NOT been flooded
by drainage discharge emanating from DA 27 then "traveling' through our site to these commercial properties.

Has this DA 27 sheet flow flooding to adjacent properties ON ALL FOUR sides of our site as suggested in DA 27 data happened - no.

Furthermore, the DA 27 culvert is discussed as if it actually discharges water in a specific condensed fashion. That the culvert functions.

The DA 27 culvert, is in fact, 100% non-functioning. The culvert is full of organic material - dirt, trees and landscaping cuttings - the culvert is the dumping
grounds for the adjacent middle-school athletic fields and grounds for what appears to be decades.

Given the culvert is non-functioning all DA 27 modeling and assumptions about water discharge amounts and directions are rendered baseless.

Our site is over 500' from the culvert - not only that we are to the west of the culvert. We are not impacted in any way, shape, or form from the "culvert".

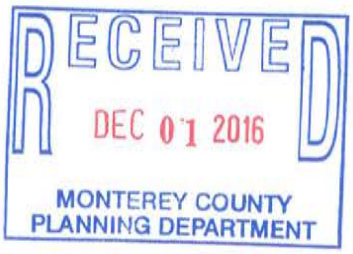
CSA 50 as it relates to DA 27 flow patterns and amounts that "go through" our project site are baseless as indicated by existing site elevations and "none specific"
surface water flows using several decades of real world conditions. Standing water on Val Verde drive is due to ground saturation and is not an indication
or by-product of DA 27 outfall discharges. Standing water on Val Verde Drive is a rare occurrence and is best described as a nuisance - 47 acre feet going through
the site - get real. One incredibly bizarre "study" comment.

To suggest 47 acre feet may be going through our site due to DA 27 is so wholly baseless and unsubstantiated as to be laughable
and calls into question the veracity of the preparers qualifications.

Strike this absurd conjecture.

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Wednesday, November 30, 2016 8:13 PM
To: Schubert, Bob J. x5183
Cc: Brian Clark
Subject: Project Manager - DEIR Errors



Bob -

The 64k question - did you review the ADEIR - if so - why didn't you catch any of these glaring errors. This is your job and purported professional background with requisite skill sets as the EIR project manager.

I am 100% serious and require an answer. Each issue I presented you was identified as not in compliance for the reasons presented by the number 1 CEQA attorney in the State. Regardless - I saw the deficiencies and asked the attorney to confirm my CEQA issues.

The attorney did. Have you taken one pro-active initiative to insure the ADEIR complies with CEQA regulations. Of the innumerable glaring errors you should have caught some - if not all - errors as the Project Manager. That is your job.

As Project Manager - what are you going to do to correct an ADEIR that is not legally defensible?

The ADEIR was 95% documents already prepared, done, and previously presented to Monterey Planning. The previous draft submitted three years ago is in fact a more legally defensible document than the Rincon ADEIR. Many of the area's Rincon flushed out have nothing to do with environmental mitigation - therefore those topics did not require any further discussion.

Furthermore, on the most basic and straight forward CEQA regulation on water baseline determination - you failed to insure Rincon stayed on task following NOP as the water baseline timing snap line.

Given each and every CSA 50 & DA 27 needs to be stricken from the ADEIR since the Study has not undergone environmental review. It cannot to used as an environmental baseline document.
Furthermore, CSA 50 and DA 27 are NOT environmental mitigating elements. Therefore - there is no reason to discuss, include, or have any further discussion regarding the "Study".

Are you aware of any of these basic fundamental EIR procedural requirements? What pro-active steps are you going to take to clean up the ADEIR - to craft a legally defensible EIR - to come into compliance with CEQA regulations?

Brian

Sent from my iPad

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Thursday, December 01, 2016 9:57 AM
To: dstoldt@mpwmd.net
Cc: Schubert, Bob J. x5183; Holm, Carl P. x5103; Brian Clark; Mcleodbuilding@aol.com
Subject: FW: Carmel Rio Road DEIR
Attachments: MPWMD CEQA Water Baseline 2016.pdf

TO: Mr. Stoldt, MPWMD
FR: Brian Clark
cc: Planner Schubert and Director Holms

The ADEIR sent to MPWMD is not a legally defensible EIR because it does not comply with CEQA water baseline "snap line" regulations.

Therefore, the ADEIR does not establish a meaningful water baseline for DEIR analysis that is in compliance with CEQA.

CEQA requires that an EIR identify the environmental setting of the project (PRC 15063 (d) d and PRC 15125). The environmental setting is to describe, "the physical environmental conditions in the vicinity of the project, as they exist at the time notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective."

The ADEIR water analysis by Todd Groundwater analyses water use focusing on year's 1995-2004.

Analyzing a ten year period is tied into the MPWMD community water system permit analysis criteria. This is a EIR. CEQA environmental analysis regulations apply - not MPWMD 10 year water use averaging.

Todd Groundwater using a 10 year water averaging analysis does not waive or change the requirement for the EIR to comply with the current water use baseline CEQA regulations. That baseline date being when NOP is done.

Whatever the justification for considering a baseline year other than current conditions, the EIR must also provide an analysis based on current period baseline to comply with CEQA.

Please inform Monterey Planning, as the lead agency, that ADEIR as drafted does not comply with CEQA regulations applying current "boots on the ground" real world conditions in determining the annual water use baseline.

The NOP for the EIR is date stamped July 16, 2015. Per CEQA that is the snap line for determining the baseline for water use. MPWMD water year metered use for 2015 is 17.79 acre feet. That is the water baseline that needs to be inserted and analyzed "side by side" with the existing 10 year analysis Todd has applied.

Per September Ranch court rulings FOR CEQA three years is the appropriate multi-year averaging time frame (not 10 as used by MPWMD for a water distribution system permit).

We are troubled that we have gone over and over and over these black and white unambiguous CEQA regulations with MPWMD. We have addressed these same issues with Ms. Stern and MPWMD has also done so with your legal counsel. There is no debate.

CEQA current boots on the ground is the water baseline at time of NOP to be used in the environmental analysis.

Please instruct Monterey Planning, as the lead agency, that the ADEIR as it is drafted does not comply with CEQA water baseline regulations. To come into compliance is easy and straight forward. Suggested wording to be included:

To comply with PRC 15063 & 15125 the NOP date was July 16, 2015 and the water use baseline is 17.79 acre feet.

(That is the correct CEQA baseline - not the 10 year average - that needs to be further analyzed.)

IF Todd Groundwater is going to do multi-year averaging then THREE years is appropriate. NOT TEN. Three year averaging per MPWMD metered water use would be:

- 2013 18.20 afy
- 2014 16.49 afy
- 2015 17.70 afy

Three year average: 17.79 afy

In closing, the Carmel Canine Center EIR did not follow CEQA regulations using current boots on the ground water baseline. On those grounds alone that EIR was not a legally defensible. No less than six land use attorneys immediately pointed out the CEQA deficiency regarding water baseline determination in that EIR.

Unfortunately, primarily the public hearing before the Board of Supervisors, not complying with CEQA on water baseline made the County Planner look very unprofessional and incompetent. The Planner in turn said they are just the messenger and that the water data section was just a reflection of what had been provided by MPWMD.

Soooo - MPWMD letter to Attorney Lombardo, which was read at the Supervisors meeting, was in conflict with what MPWMD staff had provided Monterey Planners for water use baseline in the EIR. A baseline methodology WHICH did NOT comply with CEQA.

In the Public Hearing MPWMD "thru Monterey Planning under the bus and the Planner thru MPWMD under the bus". Was not a pretty picture.

To avoid what can best be described as a circus of errors during the Carmel Canine Center appeal hearing before the Board of Supervisors and for a LEGALLY DEFENSIBLE EIR please instruct Monterey Planning and the EIR preparing firm Rincon and their water consultant Todd Groundwater to COMPLY with CEQA and include CURRENT water used at the time of the NOP for water baseline for analysis. To avoid re-writes the existing analysis done by Todd Groundwater can stay in the EIR.

BUT the ADEIR analysis by Todd Groundwater needs to be expanded to include "current" boots on the ground for

CEQA compliance (baseline for water year 2015 is 17.79 afy) and three years is the other multi-year compliance requirement (baseline for three years is 17.79 afy).

Thank you for your help in getting Monterey Planning on track and insuring we have a legally defensible EIR by adhering and complying with CEQA water baseline guidelines.

The enclosed letter from Attorney Silkwood to MPWMD dated 2014 is still applicable. The other three exhibits - one from you - regarding the Canine Center EIR review - highlight errors we DO NOT WANT TO REPEAT.

Thank you for your anticipated help.

Regards,

Brian Clark
Carmel Rio Road
(415) 310 - 2222

HORAN | LLOYD

ANTHONY T. KARACHALE
STEPHEN W. DYER
MARK A. BLUM
JAMES J. COOK
ELIZABETH C. GIANOLA
JEROME F. POLITZER
PAMELA H. SILKWOOD
JACQUELINE M. PIERCE
BIANCA KARIM
JENNIFER M. PAVLET

Of Counsel
FRANCIS P. LLOYD

LAURENCE P. HORAN
(1929-2012)

DENNIS M. LAW, *Retired*
SEAN FLAVIN, *Retired*

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

Tel: 831.373.4131
Fax: 831.373.8302
horanlegal.com

Pamela H. Silkwood

psilkwood@horanlegal.com

File No. 6490.03

June 9, 2014

Via Electronic & Regular Mail

Robert Shubert, Planner
Monterey County Resource Management Agency
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Henrietta Stern
Monterey Peninsula Water Management District
5 Harris Court
Monterey, CA 93940

RE: Carmel Rio Road Subdivision Project – Environmental Baseline

Dear Mr. Shubert and Ms. Stern,

With an understanding that water use will be part of the analysis to be included in the environmental impact report ("EIR") for Carmel Rio Road's subdivision project ("Project"), we provide you herein the regulatory standard set forth in CEQA for establishing the environmental baseline. Also provided herein, please find the historical water use information to be used in the Monterey Peninsula Water Management District ("MPWMD") Rule 40 assessment.

A. Environmental Baseline Under CEQA

Under CEQA Guidelines Section 15125(a)[1], an EIR's description of "existing physical environmental conditions in the vicinity of the project" should be used as the baseline for determining "whether an impact is significant." (See *Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202 CA4th 549.) The *Citizens* court further explains,

> [T]o afford meaningful environmental review of a proposed project's impact, a CEQA baseline must reflect the existing physical conditions in the affected area, that is the real conditions on the ground, rather than the level of development or activity that *could* or *should* have been present according to a plan or regulation. (*Id.* at p. 558.)

Under CEQA Section 15125(a), the existing physical condition or the real conditions on the ground at the time the notice of preparation is published or, if no notice of preparation is published, at the time the environmental analysis begins should be the environmental baseline to be used in the EIR.

For the Project, the notice of preparation will be published and environmental analysis will begin in the next couple of months. The real condition on the ground at the Project properties is a fully operational organic farm, and the water use baseline is the current water use for that operation, which activity will continue on the Project properties until the Project is approved. **Specifically, the total water use at the Project properties for the fully operational organic farm of 18.20 acre-feet for 2013 reflects the real conditions on the ground and is the environmental baseline for the purpose of determine whether the water resource impact by the Project would be significant or less than significant.**

CIRCA 2015 17.79 A.F.Y.

B. MPWMD Rule 40 Assessment

Separate and distinct from the environmental analysis under CEQA is the assessment set forth under MPWMD Rule 40. Under Rule 40, the MPWMD performs an assessment "that *may* consider" the following information: "Historical water use records (especially the 10-year period prior to the date of the assessment)." This optional consideration by the MPWMD as part of its assessment is further explained by the MPWMD counsel in a memorandum, dated August 15, 2006, for a different project (St. Dunstan's WDS) as follows:

[1] Section 15125(a) states, "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives."

> Staff may use a rule of reason to quantify the increments of water that fall under the definition of "historical use." By way of example, staff could use the average of the previous 10 years, assuming that data are available, to determine this increment of use. Alternative methodologies may also satisfy this rule of reason so long as an objective standard is used to quantify actual historical water use. (See Exhibit A)

Because the organic farming operation will continue on the Project properties until and unless the Project is approved, the time period during which the Project properties were used to build the organic farming operation to what it is today sets forth the objective standard to use to quantify actual historical water use.[2] The organic farming operation at the Project properties was being more fully developed in 2011, 2012 and 2013. The average water consumption for these three years is 12.63 acre-feet per year, which is the historical water use datum to use for the MPWMD Rule 40 assessment. CIRCA 2013, 2014, 2015 17.79 A.F.Y.

C. Conclusion

Based on the information provided herein, we conclude that (1) the water use baseline for the purpose of the Project's environmental review under CEQA is 18.20 acre-feet, which reflects the real conditions on the ground; and (2) the historical water use for the MPWMD Rule 40 assessment, using an objective standard, is 12.63 acre-feet per year, which reflects the average water consumption for the years the Project properties were/are being used to more fully develop the organic farming operation.

Respectfully submitted,

Pamela H. Silkwood

PHS/ecm
Enclosure
cc: Client
Jesse Avila, Esq.
John Ford
Mike Novo

4848-1872-6939, v. 1

[2] There were transition years (2005, 2006, 2007, 2008, 2009 and 2010) during which the Project properties were not being fully utilized because the properties were on the market and then transferred to new ownership. In 2006 and 2007, the meter for the Old Cypress Greens well malfunctioned and thus, the MPWMD's water production data for these years do not accurately reflect actual water consumption.

CARMEL RIO ROAD, LLC WELLS & PRODUCTION

PREPARED BY: Monterey Peninsula Water Management District

* WATER BASELINE - 3 YEAR AVERAGE: 17.49 AFA
CEQA BASELINE - 17.79 - 2015 use

HISTORICAL WATER PRODUCTION DATA
APN 015-021-015 -- 1993 Cypress Greens and 2012 Rio Road LLC Wells
APN 015-021-020 -- 2008 Rio Road LLC and Old Harms/Gamboa Wells
Reporting Year 1993 through Water Year 2014
(All values in Acre-Feet)

Year	No Permit # 1954 Harms Water Production	08-11428 2008 Rio Road LLC Water Production	93-0289 Old Cypress Greens Water Production	12-11990 2012 Rio Road LLC Water Production	
RY 1993	2.89	NA	0.00	NA	
RY 1994	2.89	NA	10.70	NA	
RY 1995	1.10	NA	8.91	NA	
RY 1996	1.10	NA	7.20	NA	
RY 1997	1.10	NA	5.15	NA	
RY 1998	1.10	NA	11.50	NA	
RY 1999	1.10	NA	11.08	NA	
RY 2000	1.10	NA	11.56	NA	
RY 2001	1.10	NA	14.62	NA	
WY 2002	1.10	NA	9.72	NA	
WY 2003	1.10	NA	11.49	NA	
WY 2004	1.10	NA	9.08	NA	
WY 2005	1.10	NA	0.37	NA	
WY 2006	1.10	NA	0.00	NA	
WY 2007	1.10	NA	0.00	NA	
WY 2008	0.00	0.01	0.59	NA	
WY 2009	0.00	0.26	0.74	NA	
WY 2010	NA	0.67	6.00	NA	
WY 2011	NA	0.29	8.61	NA	
WY 2012	NA	0.29	10.51	0.00	
WY 2013	NA	7.42	10.78	0.00	18.20
WY 2014	NA	5.60	10.89	0.00	16.49
WY 2015	NA	7.74	10.05	0.00	17.79
2016		11.38	6.51	.77	18.66

NOTES:

1 Reporting Years (RY) begin July 1 and end June 30.
2 Water Years (WY) begin October 1 and end September 30.
3 1954 Harms well reported by Land Use Method; it was destroyed and replaced by 2008 well. There is no drillers log or County permit number associated with this well. In 1995, District staff inspected the property and estimated Annual Production to be 1.10 acre-feet.
4 Well Permit WSAL 93-0289 issued December 1993; meter installed March 3 or 4, 1994. This well was issued a permit as Cypress Greens Agricultural Water Distribution System.
5 During the 3-month period between the end of Reporting Year 2001 and Water Year 2002, 5.39 acre-feet were produced by the Cypress Greens well.
6 The meter on the Cypress Greens well was replaced in WY 2008. Unsure if production shown for WY 2008 occurred in WY 2008 or WY 2009.
7 Well Permit 08-11428- issued September 2008; meter inspected February 2009. Well was worked on in 2013.

* 3 year averaging per CA. Courts / Supt. Ranch litigation is appropriate. Tens years is for a water distribution permit option. A water distribution permit - MPWMD - is sep. and distinct from EIR baseline.

FR: Mr. Wolfe / Attorney / RE: Canine EIR

the purported historic baseline calculation should take this fallowing into account. It makes no sense to count only the years in which the land was actually irrigated to determine average use for all years. In effect, the DEIR's baseline is an artificial number that overstates the actual historic average use. Since the land has been fallow for more than half of the past 10 years, the average of water used in the most recent ten year period should be cut at least in half. 10-56 (cont.)

Please provide historic water use by year for each year that the project site was farmed or fallowed. 10-57

Furthermore, even if there were some justification for considering a baseline year other than current conditions, the EIR must also provide an analysis based on a current period baseline unless that would be misleading or without informational value. Clearly there is informational value in understanding the water supply impacts with reference to a baseline reflecting actual average use in the current baseline period. Accordingly, the EIR should be revised and recirculated to assess water supply impacts using a current period baseline. 10-58

insert current water use NOP 2015 as corrected baseline per CEQA

M. Year-round diversions constraints are not disclosed.

The DEIR misstates the SWRCB position in claiming that if a water right of 96 afy were perfected, withdrawal would be permitted throughout the year rather than being restricted to winter months. The January 29, 2014 SWRCB letter in the DEIR appendix states that withdrawals would be limited to winter months. The February 21, 2014 legal opinion provided to MPWMD opinion concurs. 10-59

N. Water budget analysis is inadequate and monitoring should be required.

The water demand does not account for the high variation in annual precipitation. Compensation for a missing foot of rainfall would require pumping approximately 46 af of additional water. Mitigation should be proposed that would bar pumping in excess of the annual projected water use. 10-60

In addition, greenhouse gas increases are now projected to alter rainfall patterns and create climatic water deficits. Quantitative assessment of climate change effects are available for California through basin characterization GIS Model approaches that consider data for temperature, precipitation and other data from available global climate change models to determine climate-based water-deficits. See Flint, et al., "Fine-scale hydrologic modeling for regional landscape applications: the California Basin Characterization Model development and performance," Ecological Processes, 2:25, 2013, available at http://www.ecologicalprocesses.com/content/2/1/25. The EIR should assess climate change effects on the available water supply. Mitigation should be proposed that would limit water use to levels that can be sustained without impacts to the aquifer and dependent biological resources even after climatic water deficits. 10-61

CARMEL RIO RD. EIR WATER BASELINE
– do not make same mistake Canine Center.

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION
– water baseline is NOP Year 2015 – insert in our EIR
ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMIGNANI TIPTON
144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

May 18, 2015

Mr. Mike Novo, Planning Director
Monterey County Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901

197.036

RE: Carmel Canine Sport Center DEIR comments

Dear Mike:

We have completed our review of the CCSC DEIR. The DEIR is inadequate in a number of general and specific areas. The DEIR fails to fully describe the project and does not identify and analyze all reasonably foreseeable impacts. We believe that correction of the DEIR will require a significant rewrite of critical components and will trigger the need for recirculation.

GENERAL COMMENTS

CANINE CENTER EIR D.O.A. based on not following CEQA water baseline reg's.

(INSERT REG / IN OUR EIR AND FOLLOW THE REG!!!)

Baseline:

I have previously written on the need to establish a meaningful baseline for the DEIR's analysis. CEQA requires that an EIR identify the environmental setting of the project (PRC 15063 (d) d and PRC 15125). The environmental setting is to describe "... the physical environmental conditions in the vicinity of the project, *as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced*, from both a local and regional perspective."

13-1

The County failed to publish an NOP until months after the application was deemed complete and the EIR was substantially written. Therefore, date of the CCSC NOP as a baseline is meaningless as pointed out in my January, 2015 letter.

The appropriate baseline date would be the date the County accepted the application. While typically the County would have started its environmental review when the application was found to be complete (September 21, 2013) that date is inappropriate given that construction activities, including the construction of an illegal pond and installation of utilities, had been started without necessary permits prior to the date the application was submitted. The project proponents should not have benefit of those highly questionable and illegal activities.

Purported Agricultural Uses:

13-2

The DEIR in numerous sections speaks to the agricultural use of the land. The historical agricultural use of this property ended in 2008. The DEIR states that the project proponents have proposed "...a membership-based canine sports and event center as well as continuing to cultivate and harvest crops and raise livestock (DEIR pg ES-1)." At the time the application was

From G.M. – MPWMD

Canine Center non-compliance with CEQA – wrong baseline/NOP

purposes of issuing a MPWMD Water Distribution System Permit. MPWMD does not have authority to grant riparian rights and MPWMD's review and conclusion does not prohibit the SWRCB or the courts from making a different finding. 6-2 cont.

Regarding appropriative rights, the DEIR text describes the reservation of 96 acre-feet per year (AFY) identified in SWRCB Decision 1632, as amended by Order WRO 2003-0014. However, a January 29, 2014 SWRCB letter to the Monterey County Planning Department (**Enclosure 1**) questions the validity of the 96 AFY reservation for year-round use because the land was fallow for several years (2009-2012). In addition, the SWRCB questioned using a riparian right to supply the proposed 1.2-acre irrigation pond as seasonal diversion and storage under a riparian right is not allowed. Thus, the SWRCB asked for clarification on the role of the irrigation pond. This concern was reiterated in a May 27, 2014 letter from SWRCB to the property owner's attorney (**Enclosure 2**). The text on page 4.8-22 (lines 9-11) indicates that the irrigation pond would be removed from the project description if a future appropriative water rights permit was not adequate and the project had to rely solely on riparian rights. The role of the irrigation pond in providing adequate supply is unclear and should be clarified. 6-3, 6-4

MPWMD notes that diverting flow to storage in an irrigation pond during winter and using the water to irrigate in the summer could benefit the river by reducing summer pumping. 6-5

The DEIR describes the reservation by SWRCB as "historical use" and sets this as the CEQA baseline as described on page 4.8-22 (lines 27-36). For reference, the actual maximum annual production was 99.16 AF in year 2002 (**Enclosure 3**). The SWRCB reservation is a maximum diversion amount and will likely be subject to meeting instream flow requirements. This does not appear to meet the CEQA requirement for an existing environmental condition as the reservation dates to 2003 and no permit was in place at the time the Notice of Preparation (NOP) of the EIR was released. If the SWRCB reservation is characterized as a future condition with the project in place, then the limitations of the instream flows on water availability need to be taken into account and impacts associated with diverting water when the instream flows are not met need to be evaluated (e.g., if water is supplied under a riparian right). 6-6

MPWMD agrees that for the purposes of determining water rights or a future water system production limit, historical use rather than use in the year the NOP is issued is an appropriate baseline. A representative recent 10-year period of production was used by MPWMD to establish the proposed production limit of 62.91 AFY. MPWMD believes this level of production would not result in a cumulative increase of adverse impacts and would be an appropriate environmental baseline to assess impacts to Carmel River streamflow and aquifer levels from project water use. 6-7, 6-8

Throughout the text, potential impacts from riparian and appropriative diversions are often combined. These need to be separated. Adverse impacts from riparian diversions during dry periods are likely to occur, but will not exceed the current level of impact if the MPWMD production limit is used. On the other hand, diversions under an appropriative right that includes instream flow requirements are presumed to be protective of public trust resources and should have no significant impacts. 6-9

Monterey Peninsula Water Management District

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Thursday, December 01, 2016 10:36 AM
To: Holm, Carl P. x5103; Schubert, Bob J. x5183
Cc: Brian Clark; Mcleodbuilding@aol.com
Subject: Carmel Rio Road, ADEIR

TO: Director Holm
FR: Brian Clark
RE: ADEIR

I have many concerns about the ADEIR as it has been crafted. Since the document does not comply with CEQA it is not a legally defensible EIR.

As an example:

- CEQA regulations in determing water year baseline are not complied with (water baseline to be used is when NOP is published - current boots on the ground usage)
- Todd Groundwater uses water years 1995 - 2004

Using an alternative analysis is not a substitute for complying with CEQA regulations.
This topic discussed in depth under separate email to MPWMD and copied you.

Other:

The ADEIR inserts any number of assertions quoting data source as CSA 50 study and using sub-set of data regarding DA 27.

CSA 50 Issues:

1) To be a baseline resource document eligible to be use in CEQA analysis the source document must have undergone environmental review. This has not been done.

2) CSA 50 is a study. A "vetted factual environmental document" is only used when required to mitigate a site specific environmental issue.

CSA 50 does not apply to any site specific CEQA environmental mitigation issue in our ADEIR.

Stated another way - in the Planning Commission hearing on Rancho DEIR a few weeks ago the Monterey Planner told the PC panel:

- CSA 50 information in the EIR does not mitigate any Rancho environmental condition. Therefore, reference to CSA 50 or DA 27 could be removed from the EIR and it would have no impact upon the completeness of the EIR.

There you go.

Please instruct Planner Scherbert and Rincon that references to CSA 50 should be removed for the above reasons.

CSA 50 and DA 27 are Public Works projects. CSA 50 is a study with innumerable

options. Options Monterey Puplic Works has yet to selected and have not undergone environmental review. Furthermore, as a County public works project Carmel Rio Road is not obligated to design, install, manage, or maintain.

DA 27 "as is" has no impact on our site. Post construction our project will have no impact on DA 27.

Therefore, there is no project specific environmental baseline issue regarding DA 27 and under CEQA there is no need for further discussion.

Please have Rincon strike any reference to CSA 50 since the "study" is not qualified to be used as a CEQA environmental baseline source document. Nor is the CSA 50 "study" used to mitigate or offset any ADEIR environmental condition - again no basis for CSA 50 or DA 27 to be referenced.

As Odello EIR and Rancho DEIR does - they reference in one paragraph CSA 50 study. Yes, Rancho expands greatly on CSA 50 - however this is to support the levee and drainage "contribution" by Rancho. NOT to support the environmental document. A "marketing" give away for project approval. Great.

Please advise Bob and Rincon accordingly and try to get them on the correct CEQA track for a defensible and focused EIR.

Thank you for your anticipated help and cooperation.

Regards,

Brian Clark

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Wednesday, December 14, 2016 8:37 AM
To: Schubert, Bob J. x5183
Cc: Brian Clark; Bill Mcleod
Subject: DEIR Updates

TO: Bob Schubert
FR: Brian Clark
RE: DEIR Corrections - Updates

Rancho Canada Villages application for 130 Lots/homes was approved by the Board of Supervisors yesterday. Among the 111 conditions of approval the developer agreed to do three items related to CSA 50 and DA 27.

Those being installation of the 84" culvert (north and south from Carmel Valley Road) which deals with DA 27 drainage and doing the tieback levee that deals with flooding coming from Carmel River I.e., implementing the CSA50 report options.

Given the CSA 50 and DA 27 study that had not undergone environmental review did not mitigate any environmental element of our CEQA baseline categories it was inappropriate to have included any aspect of that study in our EIR.

Given conditions of approval from the County and Developer Williams has agreed to implement the tieback levee and the drainage culvert there are no physical requirements for Val Verde Drive to be raised and no elements required to address DSA 27 drainage within our EIR.

Our site plan with road elevations being at grade is the correct site plan.

In closing:

- correct Canada from 281 to 130 lots (had previously requested)
- delete any reference to CSA 50 & DA 27 as previously requested as Rancho Canada Villages has agreed to implement DA 27 culvert and tie back levee on their property line (500 feet east of our site) as a condition of approval (had previously requested based on several CEQA based
factors)

If there is any confusion about conditions of approval regarding CSA 50 and DA 27 please see County's package to Board of Supervisors adopting the FEIR and RMA's 111 conditions of approval.

While it is a moot point (MPWMD recently adopted baseline water reduction reg) because we have excess water and complying with reg does not impact our project - regulations that were in place at the time of an application being deemed complete is the "snap line" of what regulations apply to the CEQA analysis.

Please reframe from interjecting anymore regulations in the DEIR that do not follow CEQA regulations and guidelines. Case in point this MPWMD reg that may have been adopted in The third quarter of 2016 or over a year since our application was deemed complete.

Regards,

Brian

Sent from my iPad

Schubert, Bob J. x5183

From: Brian Clark [brian@surfloan.com]
Sent: Wednesday, December 14, 2016 9:22 AM
To: Schubert, Bob J. x5183
Cc: Brian Clark
Subject: Rancho Approval Conditions and FEIR aspects that may impact Rio Road DEIR
Attachments: Monterey Supervisors Rancho FEIR Approval 2016.pdf

Please review and forward to Rincon for updates to our DEIR.

- Updates:

- Unit counts Rancho Canada 281 to 130 lots (approved)
- Unit counts delete the 120 affordable units - developer cancelled project 90 days ago
- delete any aspect in our DEIR that references CSA 50 or DA 27

As a pratical matter we have done no less than 15 site plans. In essence - our first generation of site plan reflecting an "at existing grade" is the correct site plan.

If there is any confusion please refer to RMA Board of Superviors Meeting Agenda for Dec. 13, the adopted Rancho Canada FEIR, and the 111 conditions of approval for the 130 residential lots.

Regards,

Brian

proposed mix of small-lot attached and detached housing units builds in a degree of relative affordability and would, based on recent housing trends, provide housing types more in sync with younger, working families and seniors. As stated by the applicant, due to the significant reduction in housing units from the original 281-unit Project, the 130-unit Alternative would not, however, meet the "35% affordable/workforce housing criteria specified in Policy LU-1.19.

Finally, regarding "resource management" and "environmental impacts and potential mitigations," the RCV Project and Alternative propose to create a residential development that would be compatible with the remaining18-hole East Golf Course (which will likely become permanent open space and park land in the near future based on the site's recent purchase by the Public Trust for Land) and the surrounding park and open space land to the south. Specifically, the RCV Project and Alternative would add and enhance native landscaping, trails and natural-looking ponds to accommodate onsite drainage and benefit wildlife. The project site will also include connections to the existing bridge over the Carmel River, linking the site with Palo Corona Regional Park, and will maintain wildlife corridors allowing species access through the site to regional open space areas.

GP Policy LU-1.19 requires evaluating projects outside CA and RC, except projects developed under/using AHO. When considered in relation to the DES criteria specified in General Plan Land Use Policy LU-1.19:

- Project is consistent.
- Alternative is consistent, excepting the Policy's 35% affordable housing criteria. By adopting the proposed General Plan Amendment, modifying the Special Treatment Area to allow for a minimum provision of 20% affordable housing, notwithstanding any other General Plan policies, this inconsistency will be resolved.

Since the 2010 GP was adopted, based on PC interpretation, County can/has approved projects with analysis of the DES as part of findings pending adoption of the DES. Staff has drafted findings for RCV in the resolution attached for Board consideration. As presented, RCV is consistent with County's current practice for implementing Policy LU-1.19. Technically, the Board could support the Combined Development Permit (subdivision, design approval, etc) even if the GP amendment is not approved. However, the lot/unit configuration would likely change if there is greater affordability requirement. That said, the Project cannot change significantly with the buildout cap (CV-1.6).

Flood Control and Drainage Improvements

Community Service Area (CSA) 50 has commissioned various studies to address both riverine and interior drainage impacts. A Study "Final Lower Carmel River Stormwater Management and Flood Control Report" (dated October 31, 2014) completed for CSA 50 in 2014 (updating previous 2002 and 1975 studies/plans) includes a plan for capital improvements to address flooding effects to CSA50 resulting from the Carmel River and Drainage Area 27 (DA27).

This site is located along the northern levee of the Carmel River. In 1995 and 1998 the northern levee failed resulting in river flow through Rancho Canada Golf Course, down Rio Road, and over SR1 into Hatton Fields. The Study identifies areas along the eastern boundary of CSA50 to create barriers (levees, walls) that would protect CSA50 from the Carmel River. Installing these barriers creates a need to also address the interior drainage coming from foothills north of the river. This Study identifies three drainage areas that flow into CSA50.

Drainage Areas (DA) 27 is a large area that drains under Carmel Valley Road. Some properties have a drainage swale to direct water flows south toward the river. However, water currently

sheet-flows across undeveloped properties west of the school toward Val Verde Drive because there is not a continuous defined drainage swale to contain and direct the flow. The Study identifies the need for a drainage swale collecting runoff from under Carmel Valley Road along the western border of the middle school and directly south to the Carmel River. The plan adopted with the Study identifies multiple properties that would be subject to dedicating an easement for future drainage. This includes as easement along the western boundary of the subject property.

Because of the current (baseline) condition where water flows toward Val Verde Drive, not much water flows into the subject property. Therefore, the only obligation for this project would be to dedicate an easement to comply with the adopted drainage plan for this area (Condition 45). The County is looking to create an open swale from Carmel Valley Road to Carmel River. The applicant's proposed design includes a below-grade pipe oriented in a north-south direction along the site's western boundary. This pipe would connect to a future County drainage project, immediately to the north, that would direct storm water from Carmel Valley Road to the Carmel River, greatly lessening storm water-related flood impacts in the area. The County's share of costs related to this improvement will be based on the cost to install and maintain an open swale (Condition 55).

The Alternative also includes the installation of a large culvert (10' x 12') along the site's western edge that would address riverine flooding. These improvements, not required through the CEQA process as mitigations, should lessen both riverine and storm water-related flooding for properties at the mouth of the Valley. Such public improvement beyond the minimum required can provide justification for adopting findings of overriding considerations.

Long-Term Sustainable Water

The fundamental intent of the County General Plan Goal PS-3 and associated policies PS-3.1 and PS-3.9 (and other related policies) is that new development must have a long-term sustainable water supply in terms of quantity and quality. The analysis shows that the Proposed Project or the 130-unit Alternative would not increase consumptive water use, would result in increased recharge to the Carmel Valley Alluvial Aquifer, and would not result in any substantial adverse effect on Carmel River instream flows. In regards to quality, the Proposed Project or the 130-unit Alternative would draw water from the same location that Cal-Am already draws water to serve its customers. Regardless of the mode of water delivery for the proposed residential use (Cal-Am distribution system or a separate community services district or mutual water company), the water can be treated to all regulatory standards just like the water being drawn at present from Cal-Am wells on the Rancho Canada golf course property and in nearby adjacent areas. Thus, the water source is of an acceptable water quality.

The proposed water supply for this project was reviewed using the criteria in County General Plan Policy PS-3.2 (Policy criteria in italics):

- *Water Quality*: Water is the same quality as current local Cal-Am wells and is thus of acceptable water quality, as discussed above.
- *Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates:* The analysis in the EIR shows that the on-site pumping levels for the Project or Alternative would be less than baseline (i.e., golf course) pumping levels, which will help with groundwater recharge and thus would have no adverse effects to other wells or

 FEIR 12/16 RMA Supervisor Agenda

jobs and the creation of new property tax revenue through higher property valuation. The latter is of particular importance due to Proposition 13's limitation on increasing the assessed valuation of existing property. Given the intent to build the subdivision out over time by individual property owners this could also have the added benefit of involving local contractors and trade persons and enabling them to acquire current job skills and greater familiarity with current codes that will better prepare and serve them on future work.

v. The Alternative would reduce baseline consumptive water use on average by 23 percent which will be a benefit to the Carmel River and its biological resources. In addition, separate from any CEQA requirement, the Applicant proposes to make a separate dedication of water to the Carmel River for instream purposes that would provide downstream benefits to habitat.

vi. The Alternative includes flood control and drainage improvements unrelated to CEQA impacts. The first element is a below-grade pipe oriented in a north-south direction along the site's western boundary. This pipe would connect to a future County drainage project, immediately to the north, that would direct storm water from Carmel Valley Road to the Carmel River, lessening storm water-related flood impacts in the area. The second element is the installation of a large culvert (10' x 12') along the site's western edge that would address localized drainage. The third element is the completion of the so-called tieback levee, which will help to control riverine flooding in the CSA 50 area. These improvements, although not required to mitigate environmental impacts of the 130-unit Alternative, would help to better manage both riverine and storm water-related flooding for properties at the mouth of the Valley.

13. **FINDING:** **MITIGATION MONITORING PROGRAM** - Per Public Resources Code section 21081.6 and the County-adopted Condition of Approval and Mitigation Monitoring and Reporting Program (MMRP), the County is, as part of this action, adopting a reporting or monitoring plan for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment.

EVIDENCE: a) The mitigation measures identified in the FEIR will be incorporated as conditions of approval and are attached and incorporated into this resolution approving the project.

FEIR 12/16 RMA Supervisors Agenda

RMA Conditions of Approval

RANCHO CANADA VENTURES, LLC
" " Village Sub-division

55. PWSP04 – DRAINAGE IMPROVEMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a drainage improvement plan incorporating the CSA 50 Stormwater Management and Flood Control Report recommendations for drainage area number 27. Alternate drainage improvements may be considered, subject to RMA approval. The drainage improvements shall be constructed in accordance with approved plans. Prior to the acceptance of a Final Map, subdivider shall enter into a drainage improvement agreement. Subdivider shall pay for all maintenance and operation of drainage improvements from the time of installation until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility or as provided in the drainage improvement agreement.

Compliance or Monitoring Action to be Performed: Prior to Recordation of a Final Map, Subdivider shall submit a drainage improvement plan prepared by a licensed engineer to the RMA for review and approval. Prior to acceptance of a Final Map, the subdivider shall enter into a drainage improvement agreement to construct drainage improvements for drainage area number 27. Improvements shall be bonded prior to recordation of Final Map. Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity or as provided in the drainage improvement agreement. Consideration of provisions, if applicable, to address cost-sharing or fair-share contributions for improvements with regional benefits, dedication of easements, and annexation into county service area may be included in the drainage improvement agreement.

56. PWSP05 – BICYCLE/PEDESTRIAN PATHS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Improvement plans shall include on-site and off-site bicycle/pedestrian facilities, subject to the approval of the RMA.

Compliance or Monitoring Action to be Performed: Subdivider's Engineer shall include on-site and off-site bicycle/pedestrian facilities, including the connection along the levee from the project site to Rio Road. The site bicycle/pedestrian improvements shall be constructed in accordance with approved plans.

1 of 111 Conditions of Approval
- implementing CSA 50 & DA 27
(3) items elevates Val Verde Drive and our project site from any "physical" road or site improvements regarding any aspect of CSA 50 or DA 27
- Delete from our DEIR

pumping is not expected to result in any substantial change in instream flow conditions. The relative monthly decreased pumping levels in April to October compared to baseline levels is on the order of 4 to 24 AF. As a rough comparison, 24 AF per month is equivalent to approximately 0.8 AF per day, which corresponds to about 0.4 cubic feet per second (cfs) of flow. If anything, the relative shift from a baseline of more pumping in the spring and summer to a project condition of less spring/summer and more fall/winter pumping should be beneficial to instream flows during the critical low flow period in spring and summer. In addition, the Project Applicant proposes to dedicate up to 50 AFY of their asserted water right for instream beneficial purposes. CEQA: REGULATIONS APPLY AT TIME APPLICATION DEEMED COMPLETE

MPWMD Policy on the Carmel Valley Alluvial Aquifer

MPWMD adopted a new policy for the Carmel Valley Alluvial Aquifer in August 2016 after release of the RDEIR for this project. The new policy contains production limits for Water Distribution System permits and permit amendments for a site in the Carmel Valley Alluvial Aquifer (CVAA) as follows:

- *Upon conversion from vacant or agricultural to single connection residential: Determine existing consumptive use on site (evaporation & transpiration) and set as new production limit (adjusted for new project's consumptive use).*
- *Upon conversion from vacant or agricultural, or single connection residential, to 2 or 3 residential connections: Establish new limit at 85% of existing consumptive use and "retire" 15% to the benefit of the river.*
- *Upon conversion from vacant or agricultural, or from less than 4 residential connections, to 4 or more connections or to non-residential: Establish new limit at 75% of existing consumptive use and "retire" 25% to the benefit of the river.*

The third category would apply to the Proposed Project (or the 130-unit Alternative).

MPWMD describes this policy as intended to address whether the CVAA can be considered a "long-term water supply" in compliance with Policy PS-3.2 in light of cumulative impacts of existing and projected future demands for water, the ability to reverse adverse trends, and the effects of additional extraction or diversion of waters on instream flows to benefit biological resources.

While the policy references "vacant" or "agricultural" properties, it is possible that MPWMD would apply this to the Rancho Canada Village project. The policy, if applied to the Proposed Project (or the 130-unit Alternative) would only allow for 75% of baseline consumptive use of the project, which would be 25% less than the consumptive use baseline estimated in the revisions to the RDEIR (see discussion above and Chapter 4 of this document).

CEQA is intended to determine whether or not a project has an adverse effect on the environment over baseline conditions and whether a project would contribute considerably to cumulative conditions. As described in the revised Chapter 3.10, *Public Services, Utilities and Recreation*, the Proposed Project would result in a decrease in consumptive water use compared to the baseline by approximately 39 percent which would be compliant with the MPWMD policy. The 130-unit Alternative would result in a 23% decrease in consumptive water use compared to the baseline which is slightly less than the 25% requirement.

Furthermore, when considering the cumulative context of the entire Rancho Canada golf course, cumulative water use will be reduced by much more than the amounts shown above for the project compared to the baseline irrigation use of the entire golf course.

- Of the ~~190~~ 184 remaining new units in new subdivisions, 24 units are reserved for consideration of the Delfino property in Carmel Valley Village (former Carmel Valley Airport site), leaving 160 ~~166~~ units.
- As described in Chapter 2, Project Description, approval of the Proposed Project would require modification of the CVMP limit from 190 units to 311 ~~305~~ units (to allow for 281 units for the Proposed Project and 24 units for the Delfino Property and to account for the six previously approved units). If the CVMP were amended and the project approved, there would be no new units allowed in other new subdivisions. There would still be new units on existing legal lots and in previously approved subdivisions at other locations.
- With the 130-Unit Alternative, there would be 54 ~~60~~ units remaining in the quota. Of those 54 ~~60~~ units, 24 are reserved for the Delfino property, so 30 ~~36~~ units could be used for other new subdivisions (including the Val Verde property). Thus, cumulative development with the 130-Unit Alternative includes the potential for the Val Verde subdivision. There would also still be new units on existing legal lots and in previously approved subdivisions at other locations.

Page 4-6, lines 4-8 are revised as follows:

The units on this property would count against the residential unit quota. As noted above, with approval of the Proposed Project, no new subdivisions would be allowed for the Val Verde project but with approval of the 130-Unit Alternative, there would be 30 ~~36~~ units remaining in the quota (184 ~~190~~ units allowed overall minus 24 units for Delfino minus 130 units = 30 ~~36~~ remaining).

Page 4-10, lines 23-25 are revised as follows:

In addition, the Proposed Project includes a 84-inch buried pipe to convey DA-27 drainage along the western side of the ~~Rancho Canada~~ project site to the Carmel River, which would help in management of DA-27 flows that could otherwise result in flooding in CSA-50.

Page 4-13, lines 11 to Page 4-15 Line 8 are revised as follows: Figure 4-2 is deleted; the following text edits are also made:

- **Between Rio Road (East) and Rancho Cañada Clubhouse and Between the Clubhouse and Via Mallorca**—Wildlife can currently move from undeveloped areas south of the Carmel River, across the Rancho Cañada golf course between Rio Road (east) and the golf course clubhouse, across the clubhouse access road, and across Carmel Valley Road to undeveloped areas north of the road. The narrowest part (approximately 700 feet) of the corridor is between Rio Road (east) and the clubhouse parking lot. ~~New visitor-serving development could be placed within this corridor as allowed by the 2013 CVMP, which could block this corridor. However, if the~~ With the TPL acquisition of most of the east golf course ~~occurs, then~~ this area ~~would~~ will be used for park and restoration purposes, which would preserve the wildlife corridor.
- **Between Rancho Cañada Clubhouse and residences west of Via Mallorca**—Wildlife can currently move from undeveloped areas south of the Carmel River, across the Rancho Cañada golf course between the clubhouse and the residences west of Via Mallorca, and across Carmel Valley Road to undeveloped areas north of the road. The narrowest part (approximately 1,600 feet) of the corridor is between the clubhouse and the residences west of Via Mallorca. ~~New visitor-serving development could be placed within this corridor as allowed by the 2013 CVMP. However, if the~~ With the TPL acquisition of most of the east golf course occurs, then this area would be used for park and restoration purposes, which would preserve the wildlife corridor.

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Wednesday, December 14, 2016 11:02 AM
To: Schubert, Bob J. x5183
Cc: Brian Clark; Mcleodbuilding@aol.com
Subject: Rancho Canada Villages FEIR - CSA 50 DA 27- tie back levee - Rio Road DEIR updates

Bob -

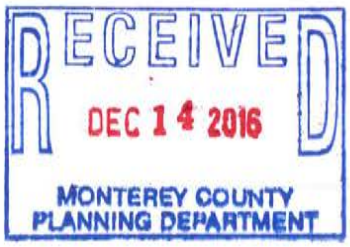
Please CC Rincon.

Please delete any reference to CSA 50 and DA 27 in our DEIR given Rancho Canada Village Project is now approved for 130 lots and the FEIR has been adopted along with 111 conditions of approval.

Project approval and scope include installing a DA 27 drainage culvert/pipe and a tie back levee. These improvements means Val Verde Drive is no longer a levee option and does not require anymore elevated alternate site plan designs or discussion regarding any aspect of CSA 50 or DA 27.

Regards,

Brian Clark



Rancho Canada Villages FEIR

file:///C:/Users/Brian/Downloads/Exhibit%20I%20-%20FEIR.pdf

Page 417 FEIR

Page 2-16, the following paragraph is added after Line 13:

Under the 130-Unit Alternative, the Project Applicant proposes to raise the Rio Road emergency access road. The raised road would essentially fill in the gap in the area from west of the Project Site to the Val Verde tie back levee. This would directly address the large potential flood flow path down Rio Road from the river, and provide a flood control benefit to the surrounding area. *The proposed elevation would be high enough to quality as a certified levee under FEMA guidelines (e.g., providing at least three feet of freeboard). A 10-foot by 12-foot box culvert would provide a path for stormwater runoff from the north to flow to the river.*

Page 429 FEIR

The 130-Unit Alternative was included in the CSA-50 2014 flood study (Balance Hydrologics 2014b) which shows that this alternative would not substantially change flooding conditions. In fact, the 130-Unit Alternative would provide flood control benefits to CSA-50. Under the 130-Unit Alternative, *the Project Applicant proposes to raise the Rio Road emergency access road which would essentially fill in the gap in the area from west of the Project Site to the Val Verde tie back levee. This will directly address the large potential flood flow path down Rio Road from the river.*

Carmel, January 3rd, 2017

Stan & Bozena Kluz
P.O. 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.

2. As mentioned in the Report, Val Verde Drive does not connect to Carmel Valley Road, it is a dead-end road, and the only access to all residences is via Rio Road. Should 31 dwellings be built, as the project calls for, Val Verde/Rio Road connection will be a chocking point, especially during any emergency. It is not wise to create a potentially dangerous and undesirable situation.

3. Further, as mentioned in the Report, in accordance with Carmel Valley Master Plan (CVMP) policy, the Board of Supervisors would not approve the creation of new units beyond the 190-unit cap. Looking at the Table 3-1, it seems that the proposed project (The Carmel Rio Road LLC) would contribute to the cumulative policy inconsistency, knowing that the Board of Supervisors has already approved the Rancho Canada Village project on December 13th, 2016.

4. There are two parcels (015-021-003-000 and 015-021-004-000) just across the proposed project, used at present for the agriculture purposes. Should the proposed project be approved, the owners of these two parcels could be encouraged to proceed along the same lines and, assuming that all owners must be treated equally under the law, there could be another subdivision being built. This is of course an assumption but, our point is that the proposed project creates a precedent of which consequences we even do not want to think about.

5. There is a great deal of references in the Report regarding the impact of the proposed project on the entire environment. Some activities are significant but can be mitigated, however, one topic that is significant and can not be mitigated is transportation/traffic. This is an enormous problem which has far reaching technical and financial consequences. The traffic is already bad along the Rio Road, Carmel Rancho Road and Highway 1. The entire region comprising of The Monterey Peninsula, Carmel and Carmel Valley is well build up and there is no reason to create more congestion, traffic, noise and pollution.

6. There is one extremely important matter that relates to the above, item A.5. It is a cost of all of the improvements related to the proposed project. One can assume that the construction cost will be covered by the owner, the Carmel Rio Road LLC. The Report doesn't clearly distinguish which improvement will be covered by the owner and which must be covered by the County of Monterey. One can easily assume that all road/intersections improvements will be covered by the County, not mentioning all other expenses associated with the proposed project.

7. As taxpayers, it would be extremely hard to understand why the County will spend public money to accommodate a private development. A few months ago I (Stan) requested that the County install a pedestrian stop light on Rio Road in Carmel, across the U.S. Postal Service building, so that disabled/vision impaired people can cross the street safely. The response I got was that the County doesn't have a problem with the request, however, there is no money to implement the idea. One would assume that, above all, the County should spend money to address safety matters and comply with the American with Disabilities Act and not to accommodate private development needs. There are 2 stop lights on Rio Road and 2 stop lights on Carmel Rancho Road in Carmel and, most likely in many more locations, that require an audible signals for vision impaired people.

We hope that the County will install these signals prior to spending money on the private development.

Having said that, we fully understand that, occasionally, the County must spend money on the infrastructure, especially in areas of some significant strategic developments such as the triangle between Marina, Salinas and Castroville, e.g. East Garrison development.

B. Specific concerns related to the proposed project.

Should the proposed project be approved, which would be an extremely unfortunate and undesirable act, the following is a list of problems that will arise during the construction:

1. The Report calls for raising the elevation of Val Verde Drive, if it is necessary. This would be an extremely undesirable undertaking resulting in flooding existing properties especially during a heavy rain downpour. It is very hard to understand why the Report did not take into consideration the impact of the proposed project on the existing properties.

2. The Report proposes to upgrade the existing Val Verde Drive to a 2-lane road, for a total of 35ft wide. The report also has mentioned that there will be a sidewalk but it is not quite clear that the sidewalk will be on both sides of the road. In addition, it is not clear if the sidewalk is part of the 35ft or in addition to that and, how wide will be the sidewalk. Question remains: if the sidewalk is not part of the 35ft road, will it be required to have an easement on properties along the Val Verde Drive. How wide must be the easement from the property line?

3. Should the sidewalk be constructed along Val Verde Drive on the west side of the road, to the corner of Rio Road, and will that sidewalk be extended along to Rio Road for about 200ft until it will meet the sidewalk in front of the building of the Carmel Area Wastewater District? That sidewalk is 8ft wide.

4. To accommodate the widening of Val Verde Drive to 35ft, or even more if sidewalks are not included, there will be a need to relocate several posts which support electric and communication lines. Obviously that work will take some time so that the question is – what will be the impact on services for the existing residences especially when an emergency service is needed.

5. The Report indicates that it may take several months, or more than a year, to complete the project. One phase of the project is very troubling – the construction of the new Val Verde Drive. There are several residents living at Val Verde that require a walker or a service/guide dog, and having the road under construction will present a tremendous difficulty for those people to move safely, not to forget that the road could be blocked entirely from time to time, causing a dangerous/life-threatening situation when an emergency service is needed.

6. Assuming that the new Val Verde Drive is constructed and connected to Rio Road, it is not quite clear where the pedestrian crossing will be located and is there any plan to place a stop sign on Val Verde Drive just before the connection with Rio Road?

7. As mentioned in the Report, Val Verde is a private road. One may assume that all of the present residents may have something to say about the proposed project. Unfortunately, there is no evidence in the Report that residents have been contacted regarding the proposed project. A basic courtesy would require that residents are somehow part of the effort.

C. Conclusions.

There are several alternatives to the proposed project in the Section 6 of the Report. The following is the summary of our recommendations:

1. We categorically reject the proposed project for reason mentioned above. Alternatives 6.4 (The Modified Subdivision), 6.5 (Reduced Density) and 6.6 (Clustered Design) are not acceptable as well for reasons described in the Report as significant and can not be mitigated regarding some activities (Transportation and Circulation).

2. There are two Alternatives, 6.2 (No Project/No Development) and 6.3 (No Project/Existing Zoning) which reduce impacts to the greatest extent. Both can therefore be considered environmentally superior to the proposed project with the No Project/No Development Alternative as the most superior. It is our most sincere expectation that the County considers Alternative 6.2 or 6.3 as the most desirable and wise approach.

Respectfully yours,

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Friday, January 13, 2017 11:29 AM
To: Schubert, Bob J. x5183
Cc: brianclark007@gmail.com; Mcleodbuilding@aol.com
Subject: DEIR - Water - Compliance with State and County Health Department Regulations for public drinking water

TO: Bob
FR: Brian
RE: DEIR and Scopes of Work - Water

I find it interesting that the Villages EIR - Eastwood project ***did not contain:***

- 8 or 24 hour well pump tests - water quantity tests including neighboring wells draw down impacts and recovery rates data
- no technical, managerial, or financial community water distribution documentation
- no water quality tests
- no legal recorded easements or identified 50' well control zones
- no water treatment plant, water treatment methodology, engineering or technical drinking water reports to comply with County and State Health water regulations for public drinking water

We have been required to do all of the above, and more, to the cost of $450,000 and yet this was not required or included in the Villages EIR. Not ONE of these scopes of work.

The EIR simply stated the "tests" and requirements would be completed at the appropriate time.

Obviously there is no consistancy about applying and adhereing to State and County Health Department Water regulations during the EIR process.

We have been held to an incredible high standard and been required to meet all State and County Health Board water regulations. Villages EIR has not been required to meet ONE State or County Health Department water regulation for it's project in the EIR.

Regards,

Brian Clark

Schubert, Bob J. x5183

From: Brian Clark [brian@surfloan.com]
Sent: Friday, January 13, 2017 11:57 AM
To: Schubert, Bob J. x5183
Cc: brianclark007@gmail.com; Mcleodbuilding@aol.com
Subject: DEIR Comments - Aquifer Recharge
Attachments: Runoff Quantities 2014.pdf; Appendix G.pdf; 4.8 Hydrology and Water Quality.pdf

TO: Bob Schubert
RE: DEIR Comments

Please forward to Rincon.

Aquifer Recharge:

Todd Groundwater as the "hydrology" expert in the DEIR (Rincon the preparer of the report) has water recharge calc's and assumptions that do match Bestor recharge water data amounts.

Please review:

- Hydrology PDF pages 27, 29, 35
(recharge of 1.92 & 1.67 afy etc...)

App. G - Todd Groundwater

Pages 8, 9, 12, 14

"ground water recharge would decrease..."

(recharge of 1.67 aft is not supported by Bestor Engineers work product and per regulations we must capture same amount of water on-site both pre and post development)

Bestor Engineer report "aquifer recharge" reflects of 5.02 acre feet a year and our hydrogeologist has also reviewed same data and agree's with numbers.

The methodology of capturing water on-site for aquifer re-charge has also been provided RMA and Rincon.

Todd assumptions on recharge do not reflect real world data provided by Bestor Engineers, acknowledge systems have been designed to recapture and maintain water on-site, or reflect that the end design by County regulations must capture pre and post development drainage water on-site.

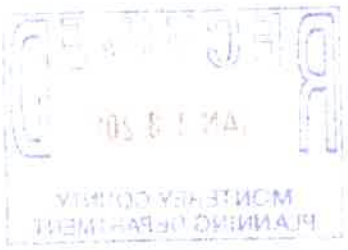
Please correct the re-charge data to reflect Bestor Engineers data that has already undergone "peer" review by two outside hydrogeologists.

Regards,

Brian

PS - Todd report so wildly missed the mark - did they actually see these Bestor calc's? Given the DEIR report and numbers it would seem this data never crossed their desk.

Bester water recharge data and engineered approaches to capture drainage/rain water on-site was forwarded to RMA - several times.



Val Verde Subdivision

Stormwater Storage Calculations

Flow Calculation

Q = CIA

Q = Runoff C = Runoff Coefficient T_c = Time of Concentration

I_t = Maximum Intensity: $I_t = (7.75*i)/(\text{sqrt}(T_c))$ i = 1 hour rainfall intensity from Monterey County Rainfall Intensities Chart, Plate No 25: i = 0.6

Q_{10}

$A_{pervious}$ = 7.92 ac. T_c = 20 min (Assumed)

Cpervious = 0.2

I_t = 1.72 in/hr

Q_{100}

$A_{impervious}$ = 3.01 ac. T_c = 20 min (Assumed)

$A_{pervious}$ = 4.91 ac. Cimpervious = 0.8 Cpervious = 0.2

A_{total} = 7.92 ac. I_t = 2.58 in/hr

$A_{impervious}$ = Roadway Area + Total Roof Area

Roadway Area= 1.23 ac. (calculated)

Roof Area = 2500 sq. ft per unit (assumed)

Total Roof Area= 31x2500 = 1.78 ac

Q_{10} =	2.72 cfs
Q_{100} =	8.74 cfs

Storage Volume Calculation

$Q_{100} = Q_{in}$ = Peak Inflow

$Q_{10} = Q_a$ = Allowable peak Outflow

T_e = Time of Event = 60 min. (Assumed)

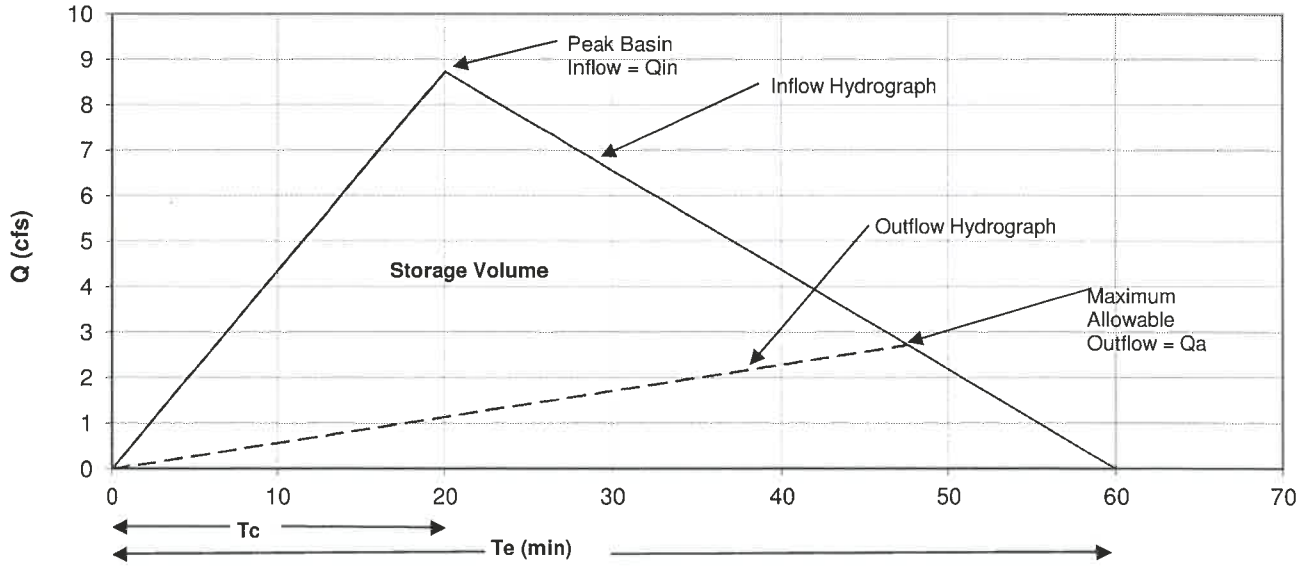
Vs = Approximate Storage Volume Required, cf

K = Factor to account for nonlinearity of actual hydrographs, K = 1.2

$V_s = (Q_{in} - Q_a) \times T_e \times (60\text{s/min}) \times 0.5 \times K$

V_s =	12,995 cf	97,201 gal.

Estimated Required Storage Volume



Val Verde Subdivision

Stormwater Storage Calculations

RETENTION STORAGE VOLUME

Vr = Vs

Vr =	13295 cf
Lr =	401 ft
Ar =	2604 sf

Vs = Approximate Storage Volume Required, cf

Vr = Storage Volume of Retention Pipe

Ar = Area of Retention Pipe

d = diameter of pipe 6.5 ft

Lr = Length of Pipe

Qannual = CIA

Qannual = ((3.1*0.8*17.49)+(4.82*0.2*17.49))/12

Qannual = 5.02 AF/year

$A_{impervious}$ = 3.1 ac. $A_{pervious}$ = 4.82 ac.

Cimpervious = 0.8 Cpervious = 0.2

I_t = 17.49 in/year

Appendix G

Hydrology and Water Quality Studies

Appendix G-1

Review of Stormwater Management and Flood Control Issues

MEMO

To: Megan Jones (Rincon Consultants)
From: Edward D. Ballman, P.E.
Date: August 16, 2016

Subject: Review of Stormwater Management and Flood Control Issues at the Carmel Rio Road Project, County of Monterey

Per your request, Balance Hydrologics has completed a technical review of issues associated with stormwater management and flood control at the proposed Carmel Rio Road project in the County of Monterey. The intent of the review is to identify issues that must be addressed in documentation to satisfy the California Environmental Quality Act, and to assess the degree to which information submitted by the project proponent addresses those issues.

Stormwater Management

Stormwater management strategies and infrastructure are typical aspects to be considered in any change of land use. The approach for dealing with stormwater runoff is most often predicated on (or required by) local and regional guidelines and regulations. For this site, the primary guidance comes from the County in the form of guidelines for control of peak flow rates and from regulations promulgated by the Central Coast Regional Water Quality Control Board (RWQCB). The latter are spelled out in detail in the Central Coast Post-Construction Stormwater Requirements (PCRs) adopted as Resolution Number R3-2013-0032.

The PCRs specifically require the Project to complete a Stormwater Control Plan, and we understand that one has not been submitted at this time. Therefore, the following comments are based on the review of site plans prepared by Bestor Engineers dated March 10, 2014 and a set of preliminary hydrologic calculations also prepared by Bestor Engineers and dated December 7, 2011.

Peak flow control. Sheet C-4 of the plan set indicates that the site will generally drain via gutter flow in a westerly direction and eventually enter a gravity-flow storm drain system that will connect to an existing 42-inch diameter trunk storm drain line that runs from north to south along the western boundary of the project. This trunk line is the main drainage conduit for County Drainage Area 28 (DA-28), a watershed of 184 acres that extends from north of Carmel Valley Road to eventually discharge directly into the Carmel River south of the Riverwood Townhomes. Storm drain modeling presented in the County Services Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (County of Monterey, October 2014, "CSA-50 Report") identified this trunk line as a potentially large source of drainage overflow that could lead to localized flooding along Rio Road and as far north as the retail businesses located just

south of Carmel Valley Road. The primary causes of the predicted overflow are insufficient trunk line capacity, high tailwater conditions in the main river, and lack of back flow prevention at the outfall.

The fact that the DA-28 trunk storm drain line has been identified as inadequate in its existing condition implies additional stormwater runoff likely cannot be added to the system without impacts. Therefore, it is reasonable to assume that the project will pursue measures to control peak runoff flow rates from the site. The current County of Monterey design guideline in this regard calls for the post-project 100-year peak discharge to be reduced to, or below, the pre-project 10-year value. Application of this standard at the Project would likely be sufficient to avoid impacts with respect to increases in peak flow.

The Bestor calculations from 2011 include a preliminary estimate of the required detention storage needs to meet the County criteria. The storage volume identified in the calculations is approximately 18,000 cubic feet, though the actual value may be considerably larger.[1] The site plans imply that the required storage volume will be provided in the form of a large underground perforated pipe along the western edge of the property. The pipe is called out as 6.5 feet in diameter with a total length of 401 feet. Such a pipe would have a total storage volume (without any allotment for freeboard) of roughly 13,300 cubic feet. No explanation is provided for the discrepancy between the calculated volume and that indicated on the plans.

Conceptually, underground detention storage can be made to work if properly designed and sized. However, additional details will need to be resolved including how the storage and flow routing will work with potentially high hydraulic gradelines in the existing trunk storm drain.

Stormwater quality. The Project location is such that it qualifies as a Special Circumstances case under Performance Requirement 5 of the PCRs. This is due to the fact that runoff from the project would be routed in an underground storm drain system to a discharge point in the Carmel River where the watershed area is greater than the threshold value of 200 square miles. Qualification under Performance Requirement 5 essentially exempts the Project from Requirement 4 (Peak Management) that would otherwise apply given the Watershed Management Zone 1 designation for the site. However, the site does overlie a designated groundwater basin and such sites with a WMZ 1 designation are not exempt from Performance Requirement 3 (Runoff Retention). Therefore, the Project needs to comply with the Performance Requirement 1 Site Design and Runoff Reduction, Requirement 2 Water Quality Treatment, and Requirement 3.

Performance Requirement 1 should be generally straightforward at the site. However, this does not appear to be the case for the latter two Requirements.

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[1] The calculations will need to be revised as site plans evolve, but we note that a number of non-conservative factors appear to have been used. These include: a runoff coefficient of 0.8 for impervious surfaces during a 100-year event, site impervious cover of roughly 56 percent (markedly at odds with the values cited in the landscaping plans), and identical times of concentration for pre- and post-project conditions (when development will almost certainly speed runoff from the site). Preliminary review by Balance engineers indicate that a more conservative value would be on the order of 25,000 cubic feet.

The site plans do not appear to include treatment controls capable of meeting the Low Impact Development (LID) standards enumerated in Performance Requirement 2. The site is underlain by relatively high permeability Pico sandy loam soils, and infiltration of stormwater could potentially be used as a component of the management approach, notably in a manner that would help to preserve groundwater recharge capacity at the site. However, the percolation capacity of the perforated pipe shown on the site plans appears to be considerably less than that required to meet the treatment requirements stipulated by the PCRs solely through infiltration of runoff.

Additionally, Performance Requirement 3 will require that the site retain (rather than detain) the entire volume of runoff associated with storms up to the 95th-percential 24-hour storm event. Per reference materials supplied by the RWQCB, this storm event represents 1.3 inches of rainfall in a 24-hour period. Calculations demonstrating compliance with this criterion have apparently not been completed, but comparison with similar projects indicates that a substantial area will need to be utilized. One viable approach would be through use of a stormwater infiltration basin with a floor area sufficiently large to percolate the required runoff volume given the infiltration characteristics of the underlying soils. The floor area of such a basin could be reduced if ponding depth is allowed, but will likely be on the order of 6,000 square feet or more. Appropriately designed, such a basin could also be used to limit peak flow rates to the off-site DA-28 storm drain system.

Flood Control

Per the CSA-50 Report, the site is exposed to flood risks from two distinct flooding sources: overbank flows from the Carmel River and overland flows from the current downstream end of the relatively large north bank tributary known as County Drainage Area 27 (DA-27).

Riverine flooding. A small portion of the Project at the southwest corner of the property is located within a Special Flood Hazard Area (100-year floodplain) mapped by the Federal Emergency Management Agency (FEMA) and analyzed in the CSA-50 Report. The primary source of this flood hazard is overbank flows from the main stem of the Carmel River due to channel overtopping east of Val Verde Drive and, to a lesser extent along the Riverwood Townhomes.[2] The site plans appropriately identify and map the boundaries of the floodplain, though it is important to note that the plans use a different vertical datum for elevations than that used on the currently-effective Flood Insurance Rate Map.

The site plans show that the lower existing ground elevation portions of the property will be raised through use of retaining walls and fill so that they are above the elevation of the 100-year flood. This is an appropriate measure for protecting the Project site from the riverine flood risk. However, the placement of fill will remove some floodplain storage and could potentially alter overbank flow paths as well. The Project documentation available for review did not address the latter issues, though the impact on residual flood elevations is likely to be very small.

The CSA-50 report identified a number of potential measures that could be implemented with the objective of eliminating the riverine flood risk in the north overbank area (including the Project

[2] The CSA-50 Report also shows that backwater flooding through the DA-28 trunk storm drain line can also contribute to localized flooding in the same low elevation areas at the site.

site). Such measures would have the benefit of removing the flood hazard at the site without the potential for adverse flooding impacts to other occupied structures. One such measure would be raising the elevation of Val Verde Drive so that it can function as a levee protecting areas to the west from the 100-year flood. An alternative configuration could use a tie-back levee from Rio Road to Rancho Cañada. However, it must be acknowledged that the required work would extend well beyond the Project site and would require addressing tributary drainage issues described below.

Flooding from DA-27. Modeling of overland flow break-outs from DA-27 was a component of the work for the CSA-50 Report. DA-27 is a moderately large local tributary to the Carmel River, with a total drainage area of 567 acres (0.88 square miles) extending to the ridgelines of Jack's Peak to the north. Flow paths within this drainage area are well defined in the steep canyon setting north of Carmel Valley Road, but essentially disappear on the south side of the road where a small ditch carries flow for a short distance before ending at a point approximately 700 feet north and west of the northeast corner of the Project. The overland flow modeling presented in the CSA-50 Report shows that the intervening topography is such that much of the runoff originating in DA-27 would flow south and west to cross Val Verde Drive at the Project site and into CSA-50. The modeling shows that as much as 46 acre-feet could enter CSA-50 from DA-27 and much of this would be overland flow through the site.

The site plans do not appear to include any accommodation of this potentially large overland flow. In fact, the street layout in the March 10, 2014 plans are configured such that there is a risk they would collect overland flow and route it into the Project with no clear indication of a means to avoid localized flooding on-site and/or an overland release compatible with adjacent properties. The on-site problem could be eliminated by raising the elevation of Val Verde Drive sufficiently to protect the Project from the DA-27 overland flows, but doing so would block the natural flow release across the property and would require some means of redirecting the flows in a manner that does not impair or endanger adjacent properties to the east. Absent measures to redirect runoff from DA-27, the Project site plan will need to be modified to explicitly address the means to safely collect and convey flow through the site and then disperse them at the downslope project boundary in a way that does not adversely impact adjacent parcels.

Appendix G-2

Groundwater Supply Technical Report

TODD GROUNDWATER

August 3. 2016

MEMORANDUM

To: Megan Jones, Senior Program Manager, Rincon Consultants, Inc.

From: Gus Yates, Senior Hydrologist

Re: Carmel Rio Road EIR—Groundwater Supply Technical Report

INTRODUCTION

The Carmel Rio Road development project would convert three parcels with a combined area of 8.12 acres in the lower Carmel Valley from a primarily agricultural land use to a residential subdivision with 24 single-family market-rate homes and 7 inclusionary housing units. The site is located between Carmel Valley Road and the Carmel River, 0.5 mile upstream of State Highway 1 (**Figure 1**). Two-thirds of the total site area was actively used to farm truck crops until the property changed hands and development was first contemplated in 2005. A single rural residence and natural vegetation occupied the remaining area. Prior to 2005, almost all of the irrigation supply was obtained from the Old Travers well located near the northeast corner of the site, and domestic supply was obtained from the Old Gamboa well in the southeastern part of the site. Both wells have since been replaced, and the replacement wells are located near one another in the southeastern part of the site (Figure 1). The Carmel Rio project proposes to use the Gamboa Replacement well as the primary source of supply, and the New Travers well would serve as a backup supply.

This report addresses several issues relevant to compliance with the California Environmental Quality Act and Monterey Peninsula Water Management District's (MPWMD) permit requirements for water distribution systems that rely on groundwater. These include evaluation of:

- average annual water use before and after construction of the project ("baseline" and "project" conditions),
- changes in water-table drawdown at nearby wells during the maximum-demand day and single pumping cycles,
- the adequacy of pumping rates at the primary and backup wells to meet peak day demand,
- groundwater quality with respect to drinking water standards,
- changes in on-site groundwater recharge, and
- potential induced percolation from the Carmel River due to changes in the annual groundwater balance.

This memorandum does not address several other hydrologic and water-system issues that need evaluation to complete the permitting and environmental review process, including water rights, fire flow adequacy, water system management, and site drainage.

Annual Water Use

Most of the Carmel Rio project's potential impacts related to groundwater depend on the amount of groundwater pumped. If the project would use less water than was used on the site under historical baseline conditions, it would not adversely impact groundwater conditions. Conversely, any increase in water pumping above pre-project levels would constitute an adverse and significant environmental impact, mandating mitigation. This general premise was described as "undisputed" by Monterey County Superior Court judge Bamattre-Manoukian in the 2001 decision regarding the September Ranch Project, which also proposed to build houses on undeveloped land in the Carmel Valley (87 Cal.App.4th 99 , 104 Cal.Rptr.2d 326). The comparison of baseline and project water use is commonly done on the basis of average annual water use, and those calculations are presented in this section. Subsequent sections address potential impacts for which additional factors play a role.

Baseline Water Use

Unlike the September Ranch case, historical land and water use on the Carmel Rio project site are both well documented. Aerial photographs during the late 1990s and early 2000s show that the site was used to grow truck crops (Google Earth images for 1998, 2002 and 2004). Plans for development commenced in 2005, and the fields were fallow during 2005-2009. Agricultural activities resumed in 2010 and gradually increased to the pre-2005 level of intensity by 2013.

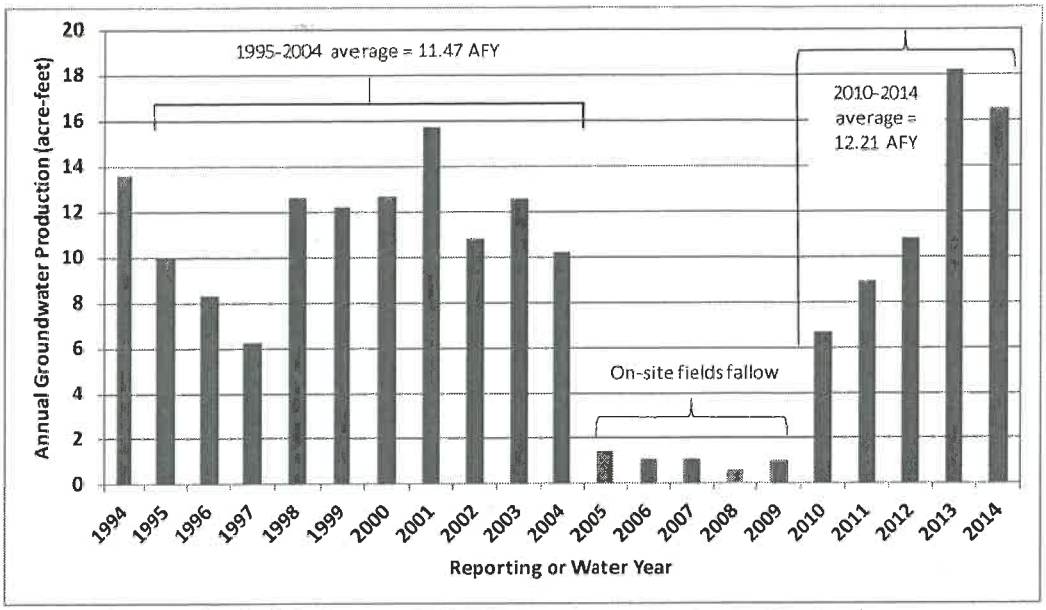
Production from wells at the site is metered and annual volumes have been recorded by MPWMD since 1994. Annual production during 1994-2014 is shown in **Figure 2**. Given the variability of water use during that period, it is important to select a baseline period that represents the most recent historical period prior to the beginning of the development process. The September Ranch decision expressed this criterion as follows:

> "An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, from both a local and regional perspective."

The Decision suggested that the date of the notice of preparation of the EIR or the time when environmental analysis commenced would be appropriate to use as the date representing existing conditions. The notice of preparation for the Carmel Rio project EIR issued on July 17, 2015, a decade after on-site land and water use changed markedly relative to the prior historical period of continuous farming. Therefore, the notice of preparation date is not suitable for evaluating baseline water use in this case.

The September Ranch decision allowed that "the date for establishing baseline cannot be a rigid one." It discussed the concern that the project applicant might have intentionally increased water use during the environmental review period—which stretched out over several years—in an attempt to establish a high baseline. In the Carmel Rio case the opposite occurred. The applicant ceased agricultural activities entirely once the development process was initiated in 2005. The applicant resumed agricultural activities in 2010 and water use returned to a level that equaled and in one year slightly exceeded amounts used prior to 2005. Thus, the 2005-2009 period is clearly not representative of water use on the site immediately before the development process commenced.

Figure 2. Metered Annual Groundwater Use at the Carmel Rio Site, 1994-2014



Note: Reporting year is July-June (1993-2001 data); water year is October-September (2002-2014 data)

The baseline period that best represents water use before the development process commenced is 1995-2004. The period includes wet, dry and normal years and is long enough that the average is not unduly influence by any unusual years. Metered water use during that period averaged 11.47 AFY.

MPWMD has suggested that the 2010-2014 period might also be appropriate for calculating baseline water use (Hampson, 2015). Average water use during that period (12.21 AFY) was slightly greater than during 1995-2004. However, the difference does not affect impact conclusions because project water use would be less than water use during either of the two possible baseline periods. Including 2005-2009 in the baseline period results in a much lower average water use but is not truly representative of conditions prior to the development effort. For example, average water use during the most recent 10 year of data (2005-2014) was 6.63 AFY, and average use during the entire period of record was 9.11 AFY. The remainder of this memorandum focuses on the 1995-2004 baseline period, which is considered more representative of pre-project conditions. However, comparisons with alternative baseline periods are included for informational purposes.

Water Use after Development

Average annual water use following development has been estimated by the project applicant using indoor water use factors provided by MPWMD and outdoor water use estimated using the procedures of the State Model Water-Efficient Landscape Ordinance[1] (Kane, 2014). Indoor water use is for 24 market-rate single-family homes plus seven inclusionary homes. Those values are summarized in **Table 1**.

[1] Information on the State Model Water Efficient Landscape Ordinance is available on the California Department of Water Resources website: http://www.water.ca.gov/wateruseefficiency/landscapeordinance/

Table 1. Estimated Average Annual Water Use after Project Completion

Water Use Item	Number of Residences	Number of Bathrooms	Water Demand Factor (AFY)[1]	Annual Water Use (AFY)
Indoor Use				
Single family	24	2.5	0.201	4.82
Inclusionary type 1	3	2	0.101	0.30
Inclusionary type 2	4	1.5	0.081	0.32
Total				5.45
Landscape Irrigation -- entire site[2]				1.09
Water treatment and system losses -- entire site[3]				0.76
Total water use				7.30

AFY = acre-feet per year

[1] Based on water demand factors per plumbing fixture. Factors are those used by MPWMD as of 2007 except that the factor for single-family residential toilets is scaled down from 1.6 to 1.28 gallons per flush. Single-family residences will have 2 bathtubs, 1 shower, 3 wash basins, 3 toilets, 1 kitchen sink, 1 laundry sink and 1 bar sink. Three inclusionary residences will have 2 bathtubs, 1 shower, 2 washbasins, 2 toilets and 1 kitchen sink. Four inclusionary residences will have 1 bathtub with shower, 2 washbasins, 2 toilets and 1 kitchen sink.

[2] Applicant's estimate, assuming 53,980 square feet of irrigated area,annual ET_0 of 49.7 inches, a plant factor of 0.2, effective precipitation equal to 10 percent of ET_0, and an irrigation efficiency of 85 percent (Kane, 2014).

[3] Average of estimates by Monterey County Health Department and MPWMD in 2009 decreased to reflect the smaller number of dwelling units and irrigated landscape area in the current project description (see text).

Indoor residential water use would average 5.45 AFY. The consumption per dwelling unit is based on the number and types of fixtures, as presented by the applicant.

The landscape irrigation water use estimate is based on a detailed site plan with a total irrigated area of 53,980 square feet, or 15 percent of the total site area (Kane, 2014). The site plan estimated annual irrigation demand using reference evapotranspiration (ET_0) equal to 49.7 in/yr, effective precipitation equal to 10 percent of annual ET_0, a plant factor (crop coefficient) equal to 0.2 year-round, and an irrigation efficiency of 85 percent. The resulting estimate of annual water use was 1.09 AFY. However, several factors in the analysis warrant reconsideration, and reasonable alternative assumptions and data values could substantially alter the estimated irrigation demand for the project. These are as follows:

1. **Type of vegetation.** The water use estimate assumed that all of the irrigated vegetation would consist of drought-tolerant groundcovers, shrubs and trees that are in the "very low" category of water use according to the Water Use Classification of Landscape Species (Costello and Jones, 1999). This category is assigned a "plant factor" of 0.2, and irrigation demand is directly

proportional to the plant factor. It may be optimistic to assume that homeowners would not want a certain amount of landscaping that is more verdant.

2. **Irrigation method and efficiency.** Plants in the "very low" water use category are drought-tolerant shrubs, which are almost always irrigated by drip hoses. The efficiency of drip irrigation is much higher than for sprinkler irrigation. An efficiency of 95 percent would be a reasonable assumption.
3. **Effective precipitation.** Because of their relatively large root depth and low plant factor, drought-tolerant shrubs meet much of their annual evapotranspiration demand from rainfall stored in the root zone. The "10 percent of ET_0" rule of thumb might be appropriate for plants with higher irrigation requirements but underestimates the use of rainfall by drought-tolerant vegetation.
4. **Irrigated area.** The water use estimate was based on a detailed but concept-level site map that assumed irrigation would occur only along strips of ground along the side and rear lot boundaries. No irrigation was assumed between the house and the street. This pattern would be very unconventional and not likely appealing to prospective home buyers. Furthermore, the assumed total irrigated area was only 1.24 acres, or 15 percent of the total project site. Allowing for the area occupied by streets, houses and other impervious surfaces, non-irrigated vegetation would occupy 3.46 acres, or three times the amount of irrigated landscaping. This contrasts sharply with landscaping in the Mission Fields development across Highway 1, where lot sizes are similar to those proposed for Carmel Rio, lawns are ubiquitous, and nearly all landscaping appears to be irrigated in aerial photographs.
5. **Reference evapotranspiration.** Irrigation requirements are driven by several climatic variables, which are typically consolidated into a single factor called reference evapotranspiration (ET_0). Estimated irrigation water use is directly proportional to ET_0. The water use estimate by Kane (2014) assumed an annual ET_0 value of 49.7 inches, which corresponds to Zone 6 in a statewide map of climate zones published by the California Irrigation Management Information System (CIMIS) (Jones, 1999). However, the Carmel Rio site is actually in Zone 1, which occupies a strip along the coast. The influence of cool marine air—particularly in summer—greatly reduces ET_0. The annual value for Zone 1 is only 33.0 inches. Fortuitously, a California Department of Water Resources CIMIS climate station has been in operation in the lower Carmel Valley since 2008, and data for that site confirm the steep coastal gradient in ET_0. Average ET_0 at the station is 40.0 in/yr, and the station is twice as far inland as the Carmel Rio site. Thus, ET_0 at Carmel Rio is probably in the neighborhood of 37 in/yr.

Alternative estimates of irrigation demand that incorporate different assumptions regarding average plant factor, effective precipitation, ET_0 and irrigation efficiency were developed using a soil moisture balance model. The model concurrently simulates groundwater recharge (from rainfall and irrigation deep percolation) and was applied to a range of vegetation types. The modeling is described below under "Groundwater Balance and Carmel River Percolation" and was used to obtain pumping and recharge estimates for the calculation of net consumptive water use.

Water treatment consumes a small amount of water for back-flushing filters, and water distribution systems inevitably leak to some extent. In 2009, Monterey County Health Department and MPWMD

estimated treatment would consume 0.52-0.75 AFY and system losses would amount to 0.45 AFY (Bierman, 2009b). However, the project description at that time included 31 single-family market-rate homes and 11 inclusionary affordable homes. The treatment and pipe-leak losses would be proportional to the number of residences and annual volume of residential water use. The current project description includes 24 single-family and 7 inclusionary homes, and water use is expected to be about 70 percent as large as for the original project description. The original loss estimates were decreased in proportion to the decrease in water use, resulting in an estimate of 0.76 AFY for treatment and system losses combined.

The sum of the applicant's estimates of indoor and irrigation water use and the scaled-down estimate of treatment and leakage losses is 7.30 AFY, or 64 percent of baseline water use. If the estimate of irrigation use were doubled—per the discussion of possible errors above—total water use would be 8.39 AFY, which is 73 percent of baseline water use. Because water use would decrease relative to baseline conditions, there would be no long-term adverse impacts directly related to well pumping. However, this does not preclude the possibility of short-term impacts related to pumping rates during the peak demand month or individual pumping cycles. Also, groundwater recharge would decrease under project conditions, so there remains a possibility that net consumptive use of groundwater would increase and thereby adversely impact Carmel River base flow. These issues are explored below.

Peak Water Use

Drawdown at Nearby Wells

To obtain a Water Distribution System permit, MPWMD requires an evaluation of drawdown impacts on neighboring wells. These impacts are greatest during periods of above-average pumping. If water use for the proposed project were more strongly seasonal than water use for baseline agricultural conditions, or if individual pumping cycles were longer than for crop irrigation, then short-term drawdown at neighboring wells could potentially be greater than under baseline conditions even if annual water use is smaller.

Records of monthly historical water use on the site are not available (only annual use is recorded), but a conservative assumption is that crops were grown year-round and that the monthly pattern of irrigation followed the monthly pattern of net irrigation demand. Non-irrigation uses including indoor use, water treatment and system losses are relatively constant year-round. **Table 2** shows the estimated monthly patterns of water use under baseline and project conditions, given these assumptions. Under baseline conditions the maximum monthly water use was 1.93 acre-feet in July. Under project conditions, the maximum would be 0.78 acre-feet, also in July. Thus, maximum monthly water use would decrease by more than half under project conditions.

The duration of individual pumping cycles would also be less under project conditions. Residential water use follows a fairly constant diurnal pattern, so wells typically operate about the same number of hours each day. Each daily pumping cycle would produce approximately one-thirtieth of the monthly volume. In contrast, crops do not need irrigating every day. An irrigation interval of 7 days would be typical in July. If the grower divided the site into four crops, there would be a total of roughly 16 irrigation events each month. Each irrigation event would produce one-sixteenth of the monthly volume. Thus, the duration of individual pumping cycles would decrease under project conditions.

The location of pumping would change under the project. Under baseline conditions, 90 percent of groundwater produced by on-site wells was pumped from the Old Travers well, whereas nearly 100 percent would be pumped from the Gamboa Replacement well following project construction (see Figure 1). Consequently, the center of pumping would be shifted 465 feet to the south. At both locations, wells produce groundwater from the Carmel Valley Alluvial Aquifer. The Old Travers well was screened from 90 to 130 feet below ground surface in material described as "river sand and gravel" on the well completion report. The Gamboa Replacement well is screened from 80 to 160 feet below ground surface in "sand, gravels and cobbles". The well completion reports do not reveal any major confining layers within the aquifer. The similar screen depths and alluvial textures indicate that the two wells tap the same aquifer.

The impact of the project on water-level drawdown at nearby wells is the net effect of changes in pumping location and duration of individual pumping cycles. These factors are listed in **Table 3**, along with estimated drawdown at nearby wells at the end of each pumping cycle. Drawdowns were calculated for this investigation using the non-equilibrium formula for wells in confined aquifers (Theis, 1935). Results are shown only for neighboring wells that are closer to the Gamboa Replacement well than they were to the Old Travers well, putting them at risk of increased drawdown. Calculated drawdowns in all cases are small (less than 0.02 foot), mainly because the aquifer storage coefficient is large enough to supply the pumped water from a relatively small radius around the pumping well for the 1-4 hours of pumping duration. Also, the shorter duration of pumping cycles under project conditions more than offset the smaller distance to the potentially impacted wells. In other words, the small drawdowns at neighboring wells under baseline conditions would become even smaller under project conditions.

Table 3. Drawdown at Nearby Wells at end of Pumping Cycle under Baseline and Project Conditions

Table 2. Drawdown at Nearby Wells at end of Pumping Cycle under Baseline and Project Conditions

Drawdown Factor	Baseline Conditions		Project Conditions	
Maximum monthly production (AF)	1.93		0.78	
Pumping cycles per month	16		31	
Volume per pumping cycle (gallons)	39,306		8,199	
Well pumping rate (gpm)	150		150	
Pumping cycle duration (hours)	4.37		0.91	
Aquifer transmissivity (gpd/ft)	4750		4750	
Aquifer storage coefficient (dimensionless)	0.026		0.026	
Drawdown at nearby wells at end of pumping cycle (ft)	Distance to well (ft)	Drawdown (ft)	Distance to well (ft)	Drawdown (ft)
Carmel Presbyterian Church	565	0.0128	400	0.0002
Howe	620	0.0073	410	0.0002
Russell	730	0.0020	340	0.0010
Emerson	780	0.0009	390	0.0003
"Not reported"	642	0.0055	440	0.0001

In summary, the impact of the project on groundwater levels would be less than under baseline conditions at all neighboring well locations and at all time scales ranging from a single pumping cycle to an average year.

Adequacy of Water System Flow Capacity

MPWMD requires that the capacity of wells supplying a water distribution system be sufficient to meet peak day demand with no more than 12 hours of pumping. Fire flows at Carmel Rio would be supplied by a connection to an off-site regional water distribution system and thus do not need to be added to the flow capacity requirement for the on-site wells.[2] The target well capacity in gallons per minute (gpm) is estimated by converting the average annual water demand to a continuous pumping rate, multiplying that by 1.5 to obtain the maximum day continuous pumping rate, and doubling that number to obtain the equivalent 12-hour pumping rate. Under project conditions, average annual water demand would be 7.73 AFY, and the corresponding maximum-day 12-hour pumping rate would be 14.4 gpm. MPWMD specifies procedures for calculating the theoretical yield of a well based on several factors, and those calculations produced estimates exceeding 1,000 gallons per minute for the Old Travers and Gamboa Replacement wells (Marks, 2009). A more realistic estimate of the actual pumping rate is the rate at which the Gamboa Replacement and Old Travers wells operated during an 8-hour constant-rate pumping tests in 2008, which was 150 gpm (Bierman Hydrogeologic, 2009a). That rate exceeds the required rate by a factor of ten. Given a similar diameter and screened interval, the New Travers well would pump almost certainly at a rate substantially greater than the required rate. Serving in a backup role, the New Travers well would be capable of supplying the maximum day demand pumping 12 hours per day if the Gamboa Replacement well were off-line for any reason. Therefore, pumping capacity for the project would be adequate.

Groundwater Balance and Carmel River Percolation

Change in Net Consumptive Water Use

The impact of the project on the water balance of the Carmel Valley alluvial aquifer and on flow in the Carmel River stems from the change in net consumptive use of groundwater at the project site. Net consumptive use is the amount of groundwater pumping minus the amount of groundwater recharge. The preceding sections demonstrated that the change in pumping by itself would not adversely impact groundwater levels. However, if the project caused a large decrease in on-site groundwater recharge, the overall groundwater balance could become more negative. The effects of such a change in water balance would spread off-site and could potentially lower groundwater levels beneath the Carmel River, which passes 1,100 feet south of the site. This could induce additional percolation from the river.

Groundwater recharge at the site depends on the amount of impervious area, the amount of irrigated area, the characteristics of irrigated and non-irrigated vegetation, the disposition of stormwater runoff and the presence of septic systems. Interactions among some of these variables are complex, and a soil-moisture-balance model was used to simulate the various land covers on the site. The model simulates the hydrologic processes of rainfall, interception, runoff, infiltration, evapotranspiration, irrigation, root zone soil moisture storage, and deep percolation (groundwater recharge). The model has been used to prepare groundwater recharge estimates and time series input for groundwater models in several Central Coast basins (Todd Groundwater, 2015). The model simulates the processes continuously on a daily basis, and water years 1984-2010 were selected for this analysis. This period includes wet and dry

[2] Empirical studies have found that average annual fire-fighting water use is 210 gallons per year per residence for unsprinklered buildings (Code Consultants, Inc., 2012). For the 31 Carmel Rio residences that would amount to 0.02 AFY. The addition of this small demand is not likely to significantly impact the reliability of the regional system.

periods and is long enough to represent long-term average conditions. Daily rainfall from the gage at San Clemente Dam and daily ET_0 from the Carmel Valley CIMIS station were both scaled to match long-term averages at the Carmel Rio site. ET_0 varies much less than rainfall from year to year, so it was reasonable to obtain daily values of ET_0 for the pre-CIMIS period (1984-2007) by replicating the data for 2008-2015.

Each type of land cover present on the site under existing and project conditions was simulated in one dimension, and the resulting recharge rate was multiplied by land cover area to obtain volumetric estimates of average annual applied irrigation water and groundwater recharge in acre-feet per year. Under existing conditions, the small amount of impervious area was assumed to be "disconnected", which means runoff does not flow to a storm drain system but rather flows onto adjacent pervious soils, where it typically ponds in a small area and contributes much more infiltration than the rain falling directly on that area. The additional infiltration can quickly fill the soil-moisture capacity of the soil and initiate deep percolation, which becomes groundwater recharge. A conservative estimate is that 20 percent of this impervious runoff is retained as soil moisture storage and 80 percent percolates through the root zone. Under project conditions, roads and parking lots were assumed to flow to a piped storm drain system that discharges into the Carmel River and leaves the valley. None of it was assumed to become groundwater recharge. Those "connected" areas account for 1.84 acres, or 54 percent of total impervious area. Runoff from rooftops, driveways, patios and walkways (1.58 acres) was assumed to be "disconnected".

Results of the soil-moisture-budget simulations are shown in **Table 4**. Groundwater recharge from pipe leaks and the one existing on-site septic systems are included, so that the table presents a complete picture of groundwater recharge at the Carmel Rio site under baseline and project conditions. Groundwater recharge under irrigated areas includes water derived from rainfall and from irrigation. Simulated irrigation of the baseline period truck crops was within a few percent of the measured historical irrigation pumping. For the simulation of irrigated landscape vegetation, the irrigated area and summer plant factor were as specified by the applicant. However, annual ET_0 was 37.0 inches, root depth was 36 inches, and irrigation efficiency was 95 percent (assuming drip irrigation). The vegetation draws on rainfall stored in the root zone during winter and spring. Irrigation events were simulated whenever soil moisture storage dropped below 30 percent of available water capacity. The existing rural residence was estimated to use 0.5 AFY of water—which is the value assumed for rural residences in the September Ranch decision—of which half was assumed to be for irrigation. The other half was assumed to be indoor use that flowed to the septic system and became groundwater recharge.

The simulated net impact of the project on groundwater recharge was a decrease of 1.92 AFY. Net consumptive use of groundwater under project conditions was 3.16 AFY, or 53 percent of the baseline value.

This net result is strongly affected by assumptions regarding irrigation and stormwater management under project conditions. If the landscape vegetation includes lawns, flowers and shrubs with higher plant factors, several variables in the soil moisture balance model would be affected, including root depth, plant factor, irrigation threshold, and irrigation efficiency. Those variables affect rainfall recharge in addition to irrigation demand and irrigation return flow. The model was used to simulate vegetation corresponding to three plant factors, and simulated irrigation, recharge and net consumptive use were all essentially linear functions of plant factor. To illustrate the change in variables, a plant factor of 0.8 (lawn) was assigned a root depth of 18 inches, irrigation threshold of 70 percent of available water

Table 4. Net Consumptive Use of Groundwater under Baseline and Project Conditions

PUMPING							
	Baseline			Project			
		Pumping			Plant	Pumping	
Land Cover	Area (ac)	(in/yr)	(AF/yr)	Area (ac)	Factor	(in/yr)	(AF/yr)
Baseline water use			11.47				
Project indoor use							5.45
Water treatment and pipe leaks							0.76
Landscape irrigation				1.24	0.20	5.59	0.58
Total			**11.47**				**6.79**

RECHARGE							
	Baseline			Project			
		Recharge			Plant	Recharge	
Land Cover	Area (ac)	(in/yr)	(AF/yr)	Area (ac)	Factor	(in/yr)	(AF/yr)
Irrigated truck crops	5.52	10.23	4.71	0.00		10.23	0.00
Irrigated lawn	0.02	15.99	0.03	0.00		15.99	0.00
Irrigated xeriscape	0.00	8.72	0.00	1.24	0.20	5.31	0.55
Non-irrigated natural vegetation	2.26	0.73	0.14	3.46		1.93	0.56
Connected impervious			0.00	1.84			0.00
Disconnected impervious	0.32		0.42	1.58			2.08
Water system leaks	n/a	n/a	0.00	n/a		n/a	0.45
Septic system recharge	n/a	n/a	0.25	n/a		n/a	0.00
Total	8.12		**5.54**	8.12			**3.63**

NET CONSUMPTIVE USE							
Volume (AF/yr)			**5.93**				**3.16**
Percent of baseline							53%

capacity, and an irrigation efficiency of 75 percent (sprinkler). With these relationships, the maximum plant factor and/or irrigated area that could be implemented without exceeding the significance threshold for net consumptive groundwater use was determined. The significance thresholds are different for CEQA analysis than for state and local policy compliance, as described in the following sections.

Impact Evaluation for CEQA

Environmental impact analysis under the California Environmental Quality Act (CEQA) compares physical environmental conditions that would result if a project were implemented with existing environmental conditions. For the Carmel Rio project, existing conditions with respect to groundwater are the conditions present during the baseline period. As described above, the recommended baseline period is 1995-2004. The key variable with respect to water quantity is net consumptive use of groundwater. If the project would increase net consumptive use, seepage losses from the Carmel River would tend to increase, which would adversely affect fish. Because fish populations in the watershed are already stressed, any increase in net consumptive use would be significant. Even a *de minimus* increase would be significantly adverse. Conversely, any decrease would be beneficial.

The preceding paragraphs concluded that net consumptive use would decrease under project conditions. This conclusion was based on simulated landscape irrigation and recharge for a plant factor of 0.2 and on the assumption that rainfall runoff from streets and driveways is connected to a piped storm drainage system while rainfall runoff from rooftops, patios and walkways is not.

The irrigation assumptions were adjusted to identify the maximum amount of landscape irrigation that could be allowed without increasing net consumptive use above the baseline level. The amount of irrigated area was held constant, and the average plant factor of the vegetation was increased until overall project net consumptive use equaled baseline net consumptive use.[3] Simulation results showed that the plant factor could be increased to as much as 1.0 (pasture) without causing net consumptive use of groundwater to exceed baseline conditions. If the estimated irrigated area is increased to 25 percent of the project site, the average plant factor could be as high as 0.84 (lawn) without causing an increase in net consumptive use of groundwater over baseline conditions.

Thus, it appears that even with more realistic estimates of landscape irrigated area and vegetation type, the project would not increase net consumptive use of groundwater over baseline levels.

Compliance with State and Local Water Management Policies

The State of California adopted a Model Water Efficient Landscape Ordinance that provides formulas for calculating the Maximum Applied Water Allowance (MAWA) and the Estimated Total Water Use (ETWU) for residential landscape irrigation (CCR Title 23, Div. 2, Ch. 2.7 Sections 490 et. seq.). The calculated MAWA for the project site is 2.33 AFY, and the ETWU is 0.80 AFY[4]. Therefore, the proposed landscaping complies with the ordinance.

Revisions to the Monterey County General Plan in 2010 included the addition of policies PS-3.1 and PS-3.2. Policy PS-3.1 states that new development for which a discretionary permit is required must demonstrate by specific evidence and findings that there is a long-term, sustainable water supply available for the project. Policy PS-3.2 lists specific factors to be used in determining the availability of such a supply. The factor most relevant to the Carmel Rio project is "cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply." The source for the Carmel Rio project is the Carmel Valley Alluvial Aquifer (CVAA). The CVAA has not been declared to be in overdraft. Groundwater levels still recover to a "full" level by the end of winter in most years. However, groundwater extractions during the rest of the year deplete Carmel River base flow and adversely impact fish.

A single development project cannot be expected to reverse a regional historical trend caused by all pumpers in the valley. However, it can be expected to contribute its share toward reversing the adverse condition. It is the role of local water management agencies to determine how much an individual project needs to contribute toward a collective solution, based on analysis that evaluates the cumulative

[3] Key parameters for the calculations include the following: Total irrigated area = 53,980 square feet (Kane 2014); average annual rainfall and reference ET at the site are 17.93 and 37.0 inches per year, respectively; the average root depth of irrigated vegetation decreases from 36 inches for a plant factor of 0.2 to 18 inches for plant factors greater than or equal to 0.8; irrigation efficiency decreases from 95 percent for a plant factor of 0.2 to 75 percent for a plant factor of 0.8.

[4] Factors for the calculations include: ETO = 37.0 in/yr; effective precipitation = 25% of annual precipitation = 4.48 in/yr; plant factor = 0.2; landscape area = 53,980 square feet; special landscape area = 0 square feet; irrigation efficiency = 95 percent.

effect of many projects on the hydrologic system. Toward that end, Monterey Peninsula Water Management District's Water Supply Planning Committee developed a draft policy in July 2016 specifying that proposed developments in Carmel Valley must decrease net consumptive use of groundwater by 25 percent relative to baseline conditions.

The simulated net consumptive use for the project with the applicant's proposed landscape vegetation would be 53 percent of the baseline amount (see Table 4) and therefore would comply with local water management policies. The plant factor could be increased to as much as 0.74 while still meeting this target. This corresponds to a mix of lawn, flowers and typical shrubs. However, the simulated annual irrigation volume for that plant factor slightly exceeds the MAWA (2.87 versus 2.33 AFY). The average plant factor would have to be at most 0.59 to comply with the State Model Landscape Ordinance. This corresponds to typical flowers and shrubs but little lawn area. If the irrigated area is increased to 25 percent of the total site, the maximum plant factor that would meet the MPWMD ordinance would be 0.48, which corresponds to typical shrubs with no lawn. This is also the maximum plant factor that would comply with the State Model Landscape Ordinance. Therefore, the project could decrease net consumptive use of groundwater to 75 percent of baseline use with landscaping more lush than proposed by the applicant but with less lawn than in nearby residential areas.

Additional reductions in net consumptive use of groundwater could be achieved by percolating rainfall runoff from streets and driveways in roadside drainage swales. This type of stormwater management is an example of "low impact development", or LID. To estimate the additional groundwater recharge benefit from LID stormwater management, unpaved drainage swales were assumed to be present along both sides of Val Verde Drive and the loop road within the project site. Assuming a flow width of 2 feet, the total percolation area of the swales would be 10,187 square feet, or about one-ninth of the area of pavement and driveways draining to the swales. The percolation capacity of the Metz sandy loam soils is at least 14 inches per day (Natural Resources Conservation Service, Web Soil Survey on-line at http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm accessed 28 July 2016). Evaporation of depression storage on paved surfaces was assumed to be 0.06 inch for each day of rain (or total rainfall that day, whichever is less). There are an average of 59 rainy days each year in Carmel Valley, so annual loss to evaporation of depression storage averages about 3.0 inches. Net available runoff is thus 14.93 inches. Furthermore, rain that falls at intensities greater than the percolation capacity of the swales would simply flow through the swales and out to the Carmel River without percolating. Given the ratio of pavement area to swale area and the losses to depression storage, the swales could infiltrate rainfall up to 1.66 inch per day, or 0.069 inch per hour. A comparison of hourly and daily rainfall for the Salinas 2E gage—scaled to the Carmel Rio location—indicated that 71 percent of annual rainfall occurs at intensities less than or equal to 0.069 inch per hour. Multiplying these factors by the 1.84 acres of street and driveway surfaces produced an estimate of 1.67 AFY of additional groundwater recharge that would result by implementing the LID stormwater design. This LID recharge would decrease net consumptive use at the project site by an additional 28 percent of the baseline amount.

Comparison with Alternative Baseline Periods

The above consumptive use calculations assumed the 1995-2004 baseline period, which is considered most representative of pre-development conditions. For comparison, calculations were also done for the 2005-2014 and 1994-2014 periods. Both of those periods include the five years when cropland at the site was fallow (2005-2009). Noting that groundwater recharge also changes under fallow conditions, the average net consumptive use amounts for the two alternative periods was calculated. The maximum plant factor that could be allowed in the proposed irrigated area while still achieving a 25

percent decrease in net consumptive use was then identified. For the 2005-2014 baseline period, completely eliminating landscape irrigation would not be sufficient to achieve a 25 percent reduction in consumptive use. If LID stormwater management were implemented, the proposed irrigated area could be planted with a maximum plant factor of 0.59, which corresponds to flowers and traditional shrubs but little or no lawn. For the 1994-2014 baseline period, a maximum plant factor of 0.32 would be needed to achieve a 25 percent reduction in net consumptive use. This corresponds to a mix of xeriscape and traditional shrubs.

WATER QUALITY

Water quality at the Gamboa Replacement well met all primary drinking water standards when it was tested in 2008, except that it tested positive for coliform bacteria (Bierman Hydrogeologic, 2009a; Marks, 2009). Bacteria can generally be eliminated by disinfecting the well and do not represent a long-term water-quality issue. Two constituents regulated under secondary drinking water standards that reflect aesthetics and consumer acceptability greatly exceeded the secondary MCLs: iron and manganese. Elevated concentrations of these minerals are common in Central Coast groundwater basins, and they are usually remedied by treatment at the wellhead. The applicant is planning to install a treatment system such as the Filtronics EM-1 ion-exchange package treatment system (Bierman Hydrogeologic, 2011), which is capable of bringing the delivered water quality into compliance with all drinking water standards.

Water quality data are not yet available for the New Travers well, which would serve as the backup to the Gamboa Replacement well. However, the well is located only 67 feet from the Gamboa Replacement well, so the water quality is assumed to be nearly identical. This assertion is supported by data from the Old Travers well, which is seven times farther away and had water quality substantially similar to the Gamboa Replacement well (Bierman Hydrogeologic, 2009a).

In summary, assuming the Gamboa Replacement well is disinfected and an iron and manganese treatment unit is installed and operated, delivered water quality should meet all drinking water standards and thus not adversely impact public health.

SUMMARY AND CONCLUSIONS

Groundwater pumping at the Carmel Rio site after development would be less than under baseline conditions for all time scales ranging from single pumping cycles to annual. Using simulation results for irrigated landscaping proposed by the applicant, average annual water use at the site after development would be 6.79 AFY, or about 59 percent of baseline use.

Drawdown impacts at nearby wells would be less than under baseline conditions even though the location of pumping would shift from primarily near the north edge of the site (Old Travers well) to the southeastern part of the site (Gamboa Replacement well). Available data indicate that groundwater quality will meet drinking water standards if treatment is provided to remove iron and manganese and if wells and piping are disinfected prior commencing water deliveries.

The capacities of the Gamboa Replacement well and New Travers well—which would serve as the primary and backup wells for the water distribution system—are large enough to easily meet peak day demand pumping only 12 hours per day.

Groundwater recharge at the site would decrease as a result of the project. Net consumptive use of groundwater with the landscaping proposed by the applicant would be 3.16 AFY, or 53 percent of baseline consumptive use. This complies with the State Model Landscape Ordinance, meets the target specified in local water management policies (75 percent of baseline or less) and is a beneficial impact under CEQA. Landscape vegetation could include flowers and traditional shrubbery, possibly some lawn and/or an increase in irrigated area and still meet the MAWA, MPWMD policy and CEQA criteria.

Additional groundwater recharge could be achieved by percolating rainfall runoff from streets and driveways in roadside swales. The estimated recharge (1.67 AFY) would further reduce net consumptive use of groundwater by 28 percent of the baseline amount.

Water quality concerns at the existing supply well (coliform, iron and manganese) are readily addressed through treatment. Assuming the project water system incorporates treatment facilities, the delivered water quality would meet drinking water standards.

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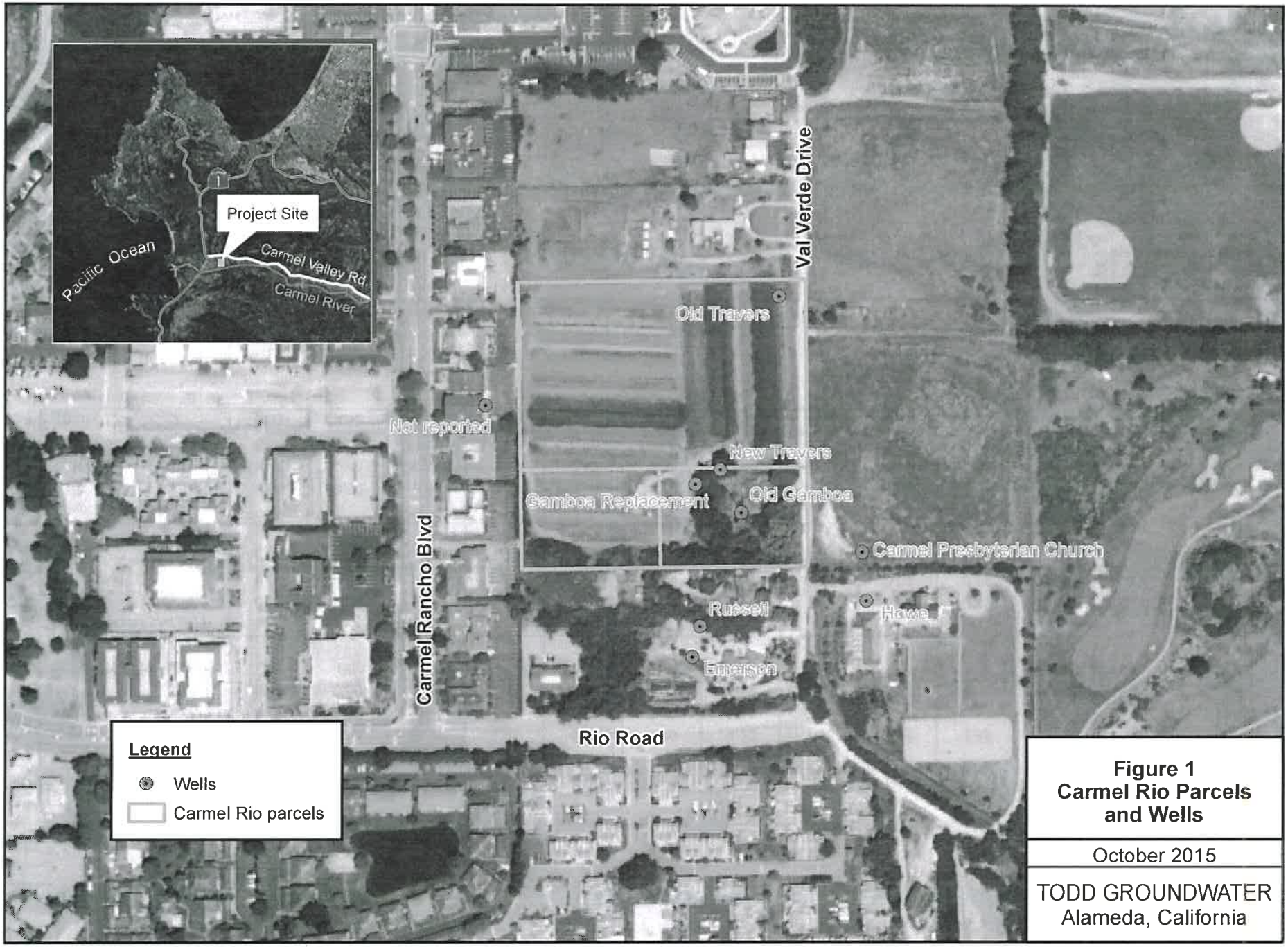

Figure 1
Carmel Rio Parcels and Wells

October 2015

TODD GROUNDWATER
Alameda, California

Table 2. Monthly Pattern of Groundwater Pumping under Baseline and Project Conditions

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Irrigation factors													
Eto (in)	1.77	1.94	3.09	3.93	4.23	4.30	4.20	3.96	3.49	2.86	1.82	1.40	37.00
Rain (in)	4.46	3.32	3.2	1.45	0.5	0.18	0.06	0.08	0.24	0.85	2.07	3.32	19.73
Net ETo (in)	0.00	0.00	0.00	2.48	3.73	4.12	4.14	3.88	3.25	2.01	0.00	0.00	23.61
Net ETo (% of annual)	0%	0%	0%	11%	16%	17%	18%	16%	14%	9%	0%	0%	100%
Baseline water use (AF)													
Irrigation	0.00	0.00	0.00	1.15	1.73	1.92	1.92	1.80	1.51	0.93	0.00	0.00	10.97
Residence	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.50
Total	0.04	0.04	0.04	1.19	1.77	1.96	1.97	1.84	1.55	0.98	0.04	0.04	11.47
Project water use (AF)													
Irrigation	0.00	0.00	0.00	0.06	0.09	0.10	0.10	0.10	0.08	0.05	0.00	0.00	0.58
Indoor	0.45	0.45	0.45	0.45	0.45	0.45	0.45	0.45	0.45	0.45	0.45	0.45	5.45
Treatment and losses	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.76
Total	0.52	0.52	0.52	0.58	0.61	0.62	0.62	0.61	0.60	0.57	0.52	0.52	6.79

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Summary

Table 4.8-1 summarizes the identified environmental impacts, proposed mitigation measures, and residual impacts of the proposed project with regard to hydrology and water quality. Additional detail is provided in Section 4.8.3 (Impact Analysis).

Table 4.8-1
Impact and Mitigation Summary: Hydrology and Water Quality

Impact	Mitigation Measures	Residual Impact
Impact H-1 Construction of the proposed project could potentially result in an increase in pollutant discharges to waters of the State, but compliance with Monterey County 2010 General Plan and Carmel Valley Master Plan policies, as well as existing regulatory requirements, would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not violate water quality standards or waste discharge requirements or otherwise degrade water quality. This impact would be Class II, significant but mitigable.	**H-1(a) Accidental Spill Control and Environmental Training**. Prior to the issuance of a grading permit, the applicant shall submit a Spill Response Plan and Spill Prevention, Control and Countermeasure Plan to the County of Monterey for review and approval. The Spill Response Plan (SRP) in combination with the Spill Prevention, Control and Countermeasure (SPCC) Plan to be prepared for the proposed project shall include procedures for quick and safe clean-up of accidental spills. The SRP and/or SPCC shall prescribe hazardous materials handling procedures for reducing the potential for a spill during construction, and shall include an emergency response program to ensure quick and safe clean-up of accidental spills. Additionally, an environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention and response measures to all field personnel. A monitoring program shall be implemented to ensure that the plans are followed during all construction activities. **H-1(b) Maintain Vehicles and Equipment**. All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order to minimize leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be updated and provided by the applicant to the County of Monterey RMA – Planning Department on a monthly basis for the duration of project construction.	Implementation of Mitigation Measures H-1(a) through H-1(d) would reduce impacts to a less than significant level.

Table 4.8-1
Impact and Mitigation Summary: Hydrology and Water Quality

Impact	Mitigation Measures	Residual Impact
	H-1(c) Design-level Drainage Analysis and Minimization of Runoff. The applicant shall conduct a design-level drainage analysis prior to issuance of a construction permit that shall identify existing drainage patterns across the project site and existing off-site stormwater discharge locations. The drainage analysis shall quantify, to the extent feasible, the existing and predicted post-construction peak runoff rates and amounts both on-site and off-site immediately downgradient of the project site. The drainage analysis shall identify any changes to the location of down-gradient discharge of stormwater runoff and any potential impacts on off-site property that would result from those changes. Stormwater control measures shall be developed to maximize on-site infiltration of stormwater and minimize off-site stormwater discharge. These stormwater control measures shall be designed to achieve conformance with Monterey County General Plan Safety Element Policy S-3.1 such that post-development, off-site peak flow drainage from the project site would not be greater than pre-development peak flow drainage. The stormwater control measures may include, as necessary, above-ground retention and/or detention basins, stormwater collection tanks, subsurface infiltration devices such as cisterns with permeable bottoms or perforated pipes, permeable pavement, and vegetated swales. The stormwater control measures required by this mitigation may be used, in whole or in part, to satisfy the erosion and runoff control standards of the NPDES-required SWPPP and the Monterey County Code-required erosion control plan. The design-level drainage analysis shall be submitted to and approved by Monterey County RMA – Public Works, Monterey County RMA – Environmental Services, and Monterey County Water Resources Agency prior to issuance of a construction permit. The identified	

Table 4.8-1
Impact and Mitigation Summary: Hydrology and Water Quality

Impact	Mitigation Measures	Residual Impact
	stormwater control measures shall be installed prior to issuance of occupancy permits. **H-1(d) Stormwater Control Plan, Operation and Maintenance Plan, and Maintenance Agreements.** Prior to issuance of construction permits, the applicant shall submit a Stormwater Control Plan, prepared by a registered professional engineer, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The plan shall include the location of the drainage facilities and construction details. A report with supporting calculations shall also be provided. The Stormwater Control Plan shall be reviewed by a licensed Geotechnical Engineer to ensure conformance with the Geotechnical Investigation or Engineering Geology Report. Prior to issuance of construction permits, the applicant shall submit an Operation and Maintenance Plan to RMA Environmental Services for review and approval. The plan shall be prepared by a registered Professional Engineer and include, at a minimum, the following: a) a site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed, b) O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices, and c) the O&M plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance. Prior to issuance of construction permits, the applicant shall enter into a Maintenance Agreement (Agreement) with Monterey County. The applicant shall submit a signed and notarized agreement to RMA Environmental Services for review and approval. The agreement shall clearly identify the responsible party for ongoing maintenance of structural Stormwater Control Measures. The	

Table 4.8-1
Impact and Mitigation Summary: Hydrology and Water Quality

Impact	Mitigation Measures	Residual Impact
	Agreement shall contain provisions for an annual report to be prepared by a registered Professional Engineer. The annual report shall be submitted to RMA Environmental Services, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of that same year. If maintenance is required, certification shall be provided that all recommended maintenance has been completed before the start of the rainy season.	
Impact H-2 Net consumptive use of groundwater for the proposed project would be less than the baseline consumptive use and would not result in a net deficit in aquifer volume or a lowering of the local groundwater table level. Sufficient water supplies are available to serve the project from existing entitlements and resources. Impacts would be Class III, less than significant.	No mitigation is required.	Impacts would be less than significant.
Impact H-3 Construction and operation of the proposed project would alter the on-site topography and increase the amount of on-site impervious surface, which could increase the rate and amount of on- and off-site runoff and result in erosion, flooding, and the need for expanded stormwater drainage facilities. Compliance with existing regulations and policies would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not result in on- or off-site erosion or flooding or the need for expanded stormwater drainage facilities. This impact would be Class II, significant but mitigable.	Mitigation Measure H-1(c) would ensure that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible. No additional mitigation is required.	Implementation of Mitigation Measure H-1(c) would reduce impacts to a less than significant level.
Impact H-4 Construction and operation of the proposed project would place housing within a 100-year flood hazard area which could result in the impedance or redirection of flood flows and the exposure of people and structures to a significant risk of loss, injury, or death involving flooding. Project design features would help to reduce flood risk. Mitigation would further reduce the risk of loss, injury, or death involving	Mitigation Measure H-1(c), combined with Mitigation Measure H-4 below, are required to ensure that on-site structures and people are protected from a significant risk of loss, injury, or death involving flooding and to ensure that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible. **H-4 Protect Project Structures and**	Implementation of Mitigation Measures H-1(c) and H-4 would reduce impacts to a less than significant level.

Table 4.8-1
Impact and Mitigation Summary: Hydrology and Water Quality

Impact	Mitigation Measures	Residual Impact
flooding. This impact would be Class II, *significant but mitigable*.	**Residents from Flood-related Loss, Injury, or Death.** The applicant shall design the project and all on-site structures in a manner that reduces the exposure to loss, injury, or death involving flooding to the maximum extent feasible. Prior to issuance of grading permits, the applicant shall submit a description of proposed flood control measures for review and approval. Measures can include on-site improvements, off-site improvements, or a combination of on- and off-site improvements. Examples of on-site improvements include: • Raising building foundations above the base flood elevation • Designing roadways in such a way that they serve as effective levees • Providing on-site flood capture systems that would intercept and infiltrate flood flows up-gradient of all on-site structures • Providing on-site drainage facilities to route flood flows around project structures (provided that those on-site drainage facilities do not result in a post-development discharge of runoff that would exceed pre-development levels) Examples of off-site improvements include: • Contribution to, and confirmation of, concrete plans for the implementation of regional flood mitigation strategies. Examples of regional flood mitigation strategies relevant to the project site include: o Installation of an upstream conduit to capture DA-27 flood flows and route those flows to the Carmel River (extension further to the north of an 84-inch drainage pipe as proposed by the Rancho Canada Village Project would address this requirement) o Raising the elevation of Val Verde Drive sufficiently to protect the project site from	

Table 4.8-1
Impact and Mitigation Summary: Hydrology and Water Quality

Impact	Mitigation Measures	Residual Impact
	the DA-27 overland flows, provided that those re-directed flood flows do not adversely affect off-site properties. In the case where the applicant chooses to contribute to regional flood mitigation strategies, the applicant shall confirm with the County or appropriate resource agency that those improvements would be constructed prior to the issuance of occupancy permits. If the applicant chooses not to contribute to regional flood mitigation strategies, then the applicant must implement one or more of the on-site improvements listed above such that the exposure to loss, injury, or death involving flooding (including project-induced off-site flooding) would be reduced to the maximum extent feasible. The applicant shall submit the proposed flood protection measures to Monterey County RMA – Public Works, Monterey County RMA – Environmental Services, and Monterey County Water Resources Agency for approval prior to issuance of a construction permit. The submittal shall clearly demonstrate that all on-site habitable structures would be raised above the base flood elevation or would be fully protected from DA-27 flood waters produced during the 100-year storm event.	

4.8.2 Setting

a. Regional Hydrology. The project site is located in the Central Coast Hydrologic Region. This region covers approximately 7.22 million acres and includes all of Santa Cruz, Monterey, San Luis Obispo, and Santa Barbara counties, as well as parts of San Benito, San Mateo, Santa Clara, and Ventura counties. Major geographic features that define the region include the Pajaro, Salinas, Carmel, Santa Maria, Santa Ynez, and Cuyama valleys; the coastal plain of Santa Barbara; and the Coast Range. The region is largely defined by the northwest-trending southern Coast Range, with a climate generally classified as Mediterranean. The region is the most groundwater-dependent hydrologic region in California; approximately 80% of the supply in the region is sourced from groundwater (DWR, 2003; MPWMD, 2014).

Within the Central Coast Hydrologic Region the project site is located in the Carmel River Hydrologic Unit between the Santa Lucia and Salinas Hydrologic Units. This hydrologic unit has elevations that range between sea-level at the northwestern end and 4,500 to 5,000 feet near the southeastern headwaters of the Carmel River in the Santa Lucia Mountains (MPWMD, 2014).

Watersheds. The project site is located in the Carmel River Hydrologic Unit (Watershed), a 255 square mile, southeast-northwest trending watershed in the coast ranges of central Monterey County. The Carmel River Watershed drains the Carmel Valley northwestward and feeds into the Carmel River, which meanders for 36 miles in a northwesterly direction merging with seven major stream tributaries until it flows into the Pacific Ocean at Carmel Bay (MPWMD, 2014). The terminus of the Carmel River with the Pacific Ocean is located approximately 0.7 mile northwest of the project site, just south of the City of Carmel-by-the-Sea, in Monterey County.

b. Surface Water. The primary surface water resource in the vicinity of the site is the Carmel River, located approximately 1,050 feet to the south. The Carmel River and its seven main tributaries drain the Carmel Valley northwestward to where it discharges into Carmel Bay (MPWMD 2014). The Carmel River has an average annual runoff of 74,440 acre-feet (AF) for the period of record 1962-2013 (MPWMD 2014); however, due to the weather patterns of the region, surface water supplies can vary substantially year-to-year. There was no flow recorded for a 16-month period at this station during the 1976-77 drought. The highest flow recorded by USGS was 368,000 AF during the 1982-83 El Niño event. Three of the largest flood events in the last 15 years include January 1995, March 1995, and February 1998. Recent drought flows for water year 2014 and 2015 were 12,140 and 13,420 AF, respectively. The most recent water year, 2016, had a flow of 41,710 AF (MPWMD 2016a).Approximately 70 to 80% of the surface runoff in the Carmel River watershed is generated from rainfall within the Los Padres National Forest (MPWMD 2014).

Local drainages contribute to the Lower Carmel River/Lagoon Sub-Watershed of the Carmel River, although they do not convey significant volumes of runoff (The Watershed Institute, 2004). The Carmel River passes approximately 1,050 feet south of the southern boundary of the project site. There are no drainages defined in the National Hydrography Dataset that cross the project site, and a review of recent aerial imagery did not reveal the presence of any defined channels or riparian areas. Surface water that flows across the project site occurs as either overbank flows from the Carmel River or sheet flow from the current downstream end of County Drainage Area 27 (DA-27), a tributary drainage area to the Carmel River (Balance Hydrologics, 2016).

Surface Water Quality. The Monterey Peninsula and its surrounding areas host a range of land uses including residential, commercial, industrial, agricultural, recreational, and open space uses. The Carmel River watershed consists primarily of rural to low-density residential land use, with urban development located near at the mouth of the Valley near the City of Carmel-by-the-Sea. Other land uses include wilderness, viticulture, grazing, recreation, sparse traditional agricultural, suburban residential, commercial and light industrial uses (MPWMD 2014). Similar to many watersheds along the Central Coast of California, commercial and residential development is most dense near the coast and becomes progressively less dense in

the upstream direction of the watershed. Stormwater runoff from urban and agricultural lands can be a source of water quality pollutants, including sediment, heavy metals, bacteria, pesticides, and fertilizers (RWQCB, 2016). Failure to implement Best Management Practices and pollutant control measures can result in water quality degradation for nearby waterbodies (RWQCB, 2016). Impairments to water quality in the Carmel River Watershed and measures to improve water quality and prevent further degradation are discussed below.

The Carmel River Watershed is within the jurisdiction of the Central Coast Regional Water Quality Control Board (RWQCB). The Central Coast RWQCB establishes requirements prescribing the quality of point and nonpoint sources of discharge and establishes water quality objectives through the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). A point source of discharge is defined as waste emanating from a single, identifiable point such as a wastewater treatment plant. A nonpoint source of discharge results from drainage and percolation of agricultural and urban stormwater runoff.

The Basin Plan defines beneficial uses of the Carmel River as municipal and domestic supply, agricultural supply, industrial process supply, groundwater recharge, freshwater replenishment, contact and noncontact recreation, commercial and sport fishing, warm and cold freshwater habitat, migration of aquatic organisms, reproduction and early development of fish, wildlife habitat, preservation of biological habitats of special significance, and support of habitats necessary for the survival and successful maintenance of rare, threatened, or endangered species (RWQCB 2016).

The Central Coast RWQCB assessed the Carmel River for potential pollutants that may impair one or more of its beneficial uses and found that this water body meets applicable water quality standards for the assessed pollutants. Therefore, the Carmel River is not included on the 2012 Clean Water Act Section 303(d) list of impaired water bodies. A tributary to the Carmel River, Tularcitos Creek, is listed on the 2012 303(d) list as impaired by Chloride, Fecal Coliform, and Sodium (SWRCB 2016). A Total Maximum Daily Load (TMDL) is required to address each of these pollutants by none has been developed as of this date. The confluence of Tularcitos Creek and the Carmel River lies upstream of the proposed project site and therefore water quality in Tularcitos Creek would not be affected by proposed project activities. The Pacific Ocean at Stillwater Cove, which is located approximately three miles north of the mouth of the Carmel River, is listed on the 2012 303(d) list as impaired by bacteria (Enterococcus). A TMDL is required to address this pollutant but has not yet been developed. Stillwater Cove is downstream of the proposed project site and water quality in the cove could potentially be affected by project activities.

The Monterey Peninsula Water Management District (MPWMD) has monitored surface-water quality in the Carmel River since 1991. This monitoring is used to help assess whether or not water-quality criteria for aquatic life are being met in various reaches of the Carmel River, and whether habitats for resources such as the South-Central Coast steelhead (*Oncorhynchus mykiss*) and California red-legged frogs (*Rana aurora draytonii*) are being sustained or impaired in the Carmel River (MPWMD 2004). Ambient conditions in surface waters are measured by dissolved oxygen, carbon dioxide, pH, temperature, turbidity, conductivity, and salinity, while groundwater is monitored for specific conductance, total alkalinity, pH, chloride, sulfate,

ammonia nitrogen, nitrate nitrogen, total organic carbon, calcium, sodium, magnesium, potassium, iron, manganese, orthophosphate, and boron.

MPWMD has found that, in general, dissolved oxygen, carbon dioxide, and pH levels in the main stem of the Carmel River meet the Basin Plan objectives set by the Central Coast RWQCB. However, average daily water temperature during the late summer and fall commonly exceeds the range for optimum steelhead growth (50-60°F). Monitoring stations along the river show that water temperature during these months remains in a stressful range and can reach levels that threaten aquatic life (above 70°F). Linear trend analysis of data from the eight-year period between 1996 and 2004 at the Garland Park station, where water temperature annually exceeded 70°F, showed a slight downward trend in maximum daily water temperature. This may have been due to the recovery of the riparian zone upstream and the shade it provides along the river. Additional data collected between 2004 and 2008 continue to show temperatures exceeding objectives, particularly at or downstream of existing reservoirs. Water temperature in winter and spring is frequently in the range that is considered optimal for steelhead growth (MPWMD 2004). A recent study showed a statistically significant downward trend in surface water temperature along the length of the Carmel River during a 16-year period from 1996 to 2011 (MPWMD, 2013).

Turbidity in the main stem of the Carmel River is normally low, except during the winter months when storm runoff events can elevate turbidity for several days during and after a storm event. Very wet years, such as in 1998, can cause extensive landslides and bank erosion, which can increase turbidity in the main stem for up to several months.
The San Clemente Dam was removed in the summer of 2015 as part of habitat restoration efforts along the Carmel River. Removal of the San Clemente Dam will likely help to improve water quality and habitat conditions in the river (CalAm 2016). There are discussions about the potential future removal of Los Padres Dam as well, but its fate is uncertain.

Water quality in the Carmel River Lagoon typically declines during late summer and fall as freshwater inflows cease and a sand bar forms that closes off the mouth of the river. Subsequently, ocean waves start to overtop the sandbar at the mouth of the river. Water temperature often exceeds 70°F, which is above Basin Plan guidelines. Dissolved oxygen levels also periodically drop below guidelines (not less than 7.0 mg/L), probably due to a combination of increasing water temperature and decomposition of marine organic material washed into the lagoon by high ocean waves (MPWMD, 2004.)

The Carmel River Basin watershed discharges into the Pacific Ocean in the Carmel Bay Area of Special Biological Significance (ASBS), a 6.2 mile section of the coastline bordering the City of Carmel-by-the-Sea which was designated by the State Water Resources Control Board (SWRCB) as requiring protection (SWRCB 2014a). The Carmel Bay ASBS is contained within the federally protected Monterey Bay National Marine Sanctuary (MBNMS), which runs 276 miles from Marin County in the north to northern San Luis Obispo County in the south and extends an average of 30 miles offshore. The Carmel Bay State Marine Conservation Area (SMCA) and a portion of the Carmel Pinnacles State Marine Reserve (SMR) are contained within the Carmel Bay ASBS. The Carmel Bay ASBS is affected by various types of runoff, including storm-water runoff from local watersheds that enters the bay from the Carmel Valley, City of Carmel-by-the-

Sea, and the Pebble Beach area watersheds (County of Monterey 2014). Runoff leaving the proposed project site would enter the Carmel River and travel to the Carmel Bay. Any pollutants carried by this runoff could affect water quality in the bay. No water quality data are available for runoff from the project site. Surface water quality in the project area is directly affected by stormwater runoff from adjacent streets and properties. Pollutants potentially present in this stormwater runoff include fertilizers, pesticides, metals, hydrocarbons, trash, and bacteria.

c. Groundwater. The project site overlays the Carmel Valley Alluvial Aquifer (CVAA; also referred to as the Carmel Valley Groundwater Basin by the California Department of Water Resources [DWR]). The CVAA has a surface area of approximately 5,160 acres, or eight square miles (DWR 2004). This area has been defined by MPWMD and SWRCB as the water-bearing strata directly associated with the Carmel River (MPWMD 2014). The groundwater basin consists of younger alluvium and river deposits, and older alluvium and terrace deposits. These deposits are underlain by Monterey Shale and Tertiary sandstone units. The primary water bearing formation is the younger alluvium with a typical thickness of 50 to 100 feet. The younger alluvium consists of boulders, gravel, sand, silt, and clay. The thickness varies from approximately 30 feet in the upper basin to about 180 feet near the mouth of the basin (DWR 2004). The Carmel River is the primary source of recharge for the basin contributing approximately 85% of net recharge (DWR 2004).

Groundwater Quality. The Basin Plan defines the beneficial uses of groundwater in the CVAA as agricultural water supply (AGR), municipal and domestic water supply (MUN), and industrial use (IND). The Basin Plan established water quality objectives for groundwater (including the CVAA) for bacteria, chemical constituents, organic chemicals, radioactivity, and tastes and odors (RWQCB 2016). Groundwater quality constituents of concern in the CVAA are nitrates from septic tanks, iron, and manganese (DWR 2003). MPWMD has maintained a groundwater-quality monitoring program in the Carmel Valley Aquifer since 1981. The sampling schedule for Carmel Valley is staggered, with upper valley wells sampled in spring and lower Carmel Valley wells in fall, to coincide with the historically higher nitrate concentrations in these respective areas. MPWMD is particularly interested in tracking indicators of potential seawater intrusion in the coastal portion of Carmel Valley. Test wells near the Carmel Bay show there is a slight increasing trend in Specific Electrical Conductance (SEC) and Chloride from 2008 to 2015, after a noticeable decline from 2006 to 2008. Testing 6.72 miles from the river mouth show both an increasing trend in SEC and Chloride from 2008 to 2011, after a noticeable decline from 2006 to 2008, but in 2012 both constituents were lower than in 2011 (MPWMD 2016). Groundwater withdrawals for water supply in the lower portion of the basin must be treated for iron and manganese prior to distribution (DWR 2003; as cited in Monterey County 2016).

Drinking water quality is regulated by the EPA through the establishment and regulation of Maximum Contaminant Levels (MCLs). Water quality at the primary water supply well for the proposed project, the Gamboa Replacement well, met all primary drinking water standards when it was tested in 2008, except that it tested positive for coliform bacteria (Bierman Hydrogeologic, 2009a; Marks, 2009). Bacteria can generally be eliminated by disinfecting the well and do not represent a long-term water-quality issue. Two constituents regulated under secondary drinking water standards that reflect aesthetics and consumer acceptability greatly

exceeded the secondary MCLs: iron and manganese (Todd Groundwater, 2016). Elevated concentrations of these minerals are common in Central Coast groundwater basins, and they are usually remedied by treatment at the wellhead (Todd Groundwater, 2016).

Groundwater Levels. Although the storage capacity for the CVAA is not known with certainty, estimates range from 36,000 to 60,000 acre-feet (DWR, 2004). The Carmel River is the primary source of recharge for the CVAA, constituting approximately 85% of the net recharge (DWR, 2004). Due to groundwater pumping by private well owners and California American Water (CalAm) during the spring and summer, the Carmel River commonly does not flow to the ocean during the summer and fall. The lower six miles of the river is dewatered during normal years and runs dry up to nine miles from its terminus during dry years (MPWMD 2014). Consequently, the SWRCB issued orders against CalAm to reduce pumping from the Carmel River Basin (SWRCB WRO 95-10 and WRO 2009-0060).

Groundwater levels in the CVAA recover rapidly with the presence of surface water and range from 5 to 30 feet below ground surface (bgs) when the basin is fully recharged (DWR, 2004). Groundwater levels typically fluctuate between 5 and 15 feet during normal years and can experience declines up to 50 feet during drought years (DWR, 2004). The CVAA has not been declared to be in overdraft (Todd Groundwater, 2016). Groundwater levels still recover to a "full" level by the end of winter in most years (Todd Groundwater, 2016). However, groundwater extractions during the rest of the year deplete Carmel River base flow and adversely impact fish (Todd Groundwater, 2016).

d. Flood Hazards.

FEMA Flood Hazard Zones. The Federal Emergency Management Agency (FEMA) establishes base flood heights for the 100-year flood zone and the 500-year flood zone. The 100-year flood zone is defined as the area that could be inundated by the flood which has a 1% probability of occurring in any given year, or once every 100 years. The 500-year flood zone is defined as the area that could be inundated by the flood which has a 0.2% probability of occurring in any given year, or once in 500 years. The majority of the project site is not located in a 100-year flood zone. As shown in Figure 4.8-1, the lower southwestern portion of the site does fall within the 100-year flood zone. The primary source of this flood hazard is overbank flows from the main stem of the Carmel River due to channel overtopping east of Val Verde Drive and, to a lesser extent, along the Riverwood Townhomes (Balance Hydrologics, 2016). Over half the site falls within the 500-year flood zone (FEMA 2016).

Overland flow from County Drainage Area 27 (DA-27) currently results in shallow flooding on-site (generally less than one foot in depth), but this flood risk does not appear to comprise a substantial component of the FEMA-identified 100-year floodplain. Flooding associated with DA-27 generally flows in a southwesterly direction across the project site towards the Carmel River. This runoff originates in the foothills of the valley wall north of the Carmel River. Flow paths within DA-27 are well-defined in the steep canyons north of Carmel Valley Road, but disappear into an alluvial plain with sheet flow north of the project site (Balance Hydrologics, 2016). The extent of and potential solutions to the DA-27 flooding were studied in the County Service Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (Balance Hydrologics, 2014). Recommended options to address flooding associated with DA-27

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FEMA Flood Map

Figure 4.8-1

include the construction of perimeter protection (levees) and conveyance of DA-27 runoff via pipeline to the Carmel River. Measures to address existing on-site flooding from DA-27 runoff and potential changes to off-site flooding due to construction and operation of the proposed project are discussed below in Section 4.8.3, Impact Analysis.

The site is not susceptible to flooding due to the failure of a dam. The Los Padres Dam is the nearest dam, located approximately 23 miles to the southwest of the project. The storage capacity of the Los Padres Reservoir has been reduced due to sedimentation from its original capacity of 3,130 acre-feet to its current capacity of approximately 1,785 acre-feet. Even if the Los Padres Dam were to fail when the reservoir was full, the amount of water that would be released would not result in substantial flooding at the project site, which lies more than 20 miles downstream of the dam. Peak flow in the Carmel River near the project site following failure of the Los Padres Dam would be substantially less than the FEMA estimated 100-year flood event peak flow of 23,300 cubic feet per second (cfs). The failure of existing non-accredited levees that run southeast of the project site, roughly parallel to Val Verde Drive, could increase the on-site flood risk during a 100-year flood event. However, due to the orientation of these levees relative to the project site, their failure would likely result in increased flood risk for property to the south and west of the project site rather than for the project site itself.

Tsunami and Seiche. A tsunami is a series of waves generated by an impulsive disturbance in the ocean or in a small, connected body of water. Tsunamis are produced when movement occurs on faults in the ocean floor, usually during very large earthquakes. Sudden vertical movement of the ocean floor by fault movement displaces the overlying water column, creating a wave that travels outward from the earthquake source. An earthquake anywhere in the Pacific can cause tsunamis around the entire Pacific basin. Since the Pacific Rim is highly seismically active, tsunamis are not uncommon.

A seiche is a standing wave oscillating in a body of water and may occur in any enclosed or semi enclosed bodies of water such as bays and lakes. Seiches are typically caused by strong wind and rapid changes in atmospheric pressure. They can also form along ocean shelves and harbors due to earthquakes, tsunamis, or severe storm fronts.

The outlet of the Carmel River and Carmel Valley is susceptible to tsunamis and seiches due to its location along the Pacific Coast and within Carmel Bay. According to the Tsunami Inundation Map for Emergency Planning for the Monterey Quadrangle, a tsunami could inundate up to 0.6 mile inland from the mouth of the Carmel River (California Emergency Management Agency [CEMA] 2009; as cited in Monterey County 2015).The project site is located approximately 1.4 miles east of the shoreline with an elevation of approximately 34 feet above mean sea level (amsl). Therefore, the site is not located in tsunami hazard area. Also, no enclosed waterbodies are located near the project site and therefore the site would not be subject to inundation by seiche.

e. Regulatory Setting.

Federal.

Federal Clean Water Act. In 1972, Congress passed the Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), with the goal of "restor[ing] and maintain[ing] the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). The CWA directs states to establish water quality standards for all "waters of the United States" and to review and update such standards on a triennial basis. Section 319 mandates specific actions for the control of pollution from non-point sources. The EPA has delegated responsibility for implementation of portions of the CWA, including water quality control planning and control programs, such as the National Pollutant Discharge Elimination System (NPDES) Program, to the SWRCB and the RWQCBs.

Section 303(c)(2)(b) of the CWA requires states to adopt water quality standards for all surface waters of the United States based on the water body's designated beneficial use. Water quality standards are typically numeric, although narrative criteria based upon biomonitoring methods may be employed where numerical standards cannot be established or where they are needed to supplement numerical standards. Water quality standards applicable to the project are contained in the Basin Plan (Central Coast RWQCB, March 2016).

Section 303(d) of the CWA bridges the technology based and water quality-based approaches for managing water quality. Section 303(d) requires that states make a list of waters that are not attaining standards after the technology-based limits are put into place. For waters on this list (and where the USEPA administrator deems they are appropriate), states are to develop "total maximum daily loads" (TMDL). TMDLs are established at the level necessary to implement the applicable water quality standards. A TMDL must account for all sources of the pollutants that caused the water to be listed. Carmel River near the project site is not an impaired water body and is not subject to any TMDLs.

Section 404 of the CWA prohibits the discharge of any pollutants into "waters of the United States," except as allowed by permit. 33 C.F.R. § 328.3(a)(3). Section 404 of the CWA authorizes the U.S. Army Corps of Engineers (Corps) to issue permits for and regulate the discharge of dredged or fill materials into wetlands or other waters of the United States. Under the CWA and its implementing regulations, "waters of the United States" are broadly defined to consist of rivers, creeks, streams, and lakes extending to their headwaters, including adjacent wetlands.

National Pollution Discharge Elimination System (NPDES). The goal of the NPDES nonpoint source regulations is to improve the quality of stormwater discharged to receiving waters to the "maximum extent practicable" through the use of best management practices (BMPs). The NPDES permit system was established in the CWA to regulate point source discharges (a municipal or industrial discharge at a specific location or pipe) and certain types of diffuse discharges, including urban stormwater and construction site runoff.

The SWRCB permits all regulated construction activities under NPDES General Permit for Storm Water Discharges Associated with Construction Activity (adopted September 2, 2009)

(the "Construction General Permit"). Every construction project that disturbs one or more acres of land surface or that are part of a common plan of development or sale that disturbs more than one acre of land surface would require coverage under this Construction General Permit. To obtain coverage under this Construction General Permit, the landowner or other applicable entity must file Permit Registration Documents (PRDs) prior to the commencement of construction activity, which include a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and other documents required by the Construction General Permit, and mail the appropriate permit fee to the SWRCB. Since the proposed project would disturb more than one acre, construction of the project would be subject to these Construction General Permit requirements.
Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation, that result in soil disturbances of at least one acre of total land area. The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of stormwater discharges; and (2) to describe and ensure the implementation of Best Management Practices (BMPs) to reduce or eliminate sediment and other pollutants in stormwater as well as non-stormwater discharges. BMPs are intended to reduce impacts to the Maximum Extent Practicable (MEP).

State.

Porter-Cologne Water Quality Act. The Porter-Cologne Water Quality Control Act establishes the SWRCB and each RWQCB as the principal State agencies for coordinating and controlling water quality in California. Specifically, the Porter-Cologne Act authorizes the SWRCB to adopt, review, and revise policies for all surface waters and groundwater of the State and directs the RWQCBs to develop regional Basin Plans.

The Central Coast RWQCB has the authority to implement water quality protection standards through the issuance of permits for discharges to waters in its jurisdiction. As described previously, water quality objectives for receiving waters within Monterey County are specified in the Basin Plan prepared by the Central Coast RWQCB in compliance with the federal CWA and the State Porter Cologne Act. The principal elements of the Basin Plan are a statement of beneficial water uses protected under the plan; water quality objectives necessary to protect the designated beneficial water uses; and strategies and time schedules for achieving the water quality objectives. Together, narrative and numerical objectives define the level of water quality that shall be maintained in the region. The water quality objectives are achieved primarily through the establishment and enforcement of waste discharge requirements (WDRs).

The RWQCBs have primary responsibility for issuing WDRs. The RWQCBs may issue individual WDRs to cover individual discharges or general WDRs to cover a category of discharges. WDRs may include effluent limitations or other requirements that are designed to implement applicable water quality control plans, including designated beneficial uses and the water quality objectives established to protect those uses and prevent the creation of nuisance conditions. Violations of WDRs may be addressed by issuing Cleanup and Abatement Orders (CAOs) or Cease and Desist Orders (CDOs), assessing administrative civil liability, or seeking imposition of judicial civil liability or judicial injunctive relief.

State Water Resources Control Board Order WR 2016-0016. In 1995 the State Water Resources Control Board (SWRCB) adopted WR 95-10, which found that CalAm was diverting more water from the Carmel River than they were allocated. WR 95-10 ordered them to decrease their water diversion to their legally allocated amount. In 2009 the SWRCB issued a cease and desist order (CDO) (WR 2009-0060) against CalAm because they had continued to draw 10,730 acre feet annually, which is 7,150 acre feet more than they are allocated, for the 13 years after WR 95-10 was adopted. As a result of the CDO, CalAm would have to decrease the amount of water diverted from the Carmel to 3,376 acre-feet by 2016. This is a 70% reduction in the amount of water diverted from 2009 to 2016. That reduction target was based on the assumption that a regional desalination plant would be built, enabling the area's municipal water needs to be met by new water supplies. It subsequently became clear that no desalination plant will be in operation by the end of 2016, and Cal-Am proposed modifying the compliance schedule to accommodate the anticipated pace of approval and implementation of several proposed water supply and conservation projects. The adopted Order WR 2016-0016 sets water supply and conservation project milestones, an effective diversion limit of 8,310 acre-feet per annum (afa) through December 31, 2021, and effective diversion limit penalties for failure to achieve water supply milestones.

Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032. The Central Coast RWQCB adopted post-construction requirements that municipal stormwater permittees must apply to new development and redevelopment projects, including new residential subdivisions, to protect the beneficial uses of waters of the State. The performance requirements include site design and runoff reduction measures, water quality treatment measures, stormwater control plan requirements, runoff retention requirements, and peak runoff management requirements.

Local.

Monterey County 2010 General Plan. The Monterey County General Plan contains numerous policies related to hydrology and water quality. For example, Open Space Policy 3.3 requires evaluation and design components to minimize and avoid potential hazards related to drainage, water quality and stream stability associated with new development and changes in land use designations. Other applicable policies require direct and indirect discharges of harmful substances into waterbodies to remain below state and federal standards (Policy OS 4.2). The Safety Element requires BMPs to protect groundwater and surface water quality, to ensure conformance with floodplain development standards, and to maintain and mitigate post-construction peak-flow drainage impacts. The Public Services Element requires the provision of adequate public facilities and services (including an adequate water supply and adequate stormwater drainage systems), the implementation of measures to minimize runoff and enhance groundwater recharge, and the demonstration of a long-term sustainable water supply. Consistency with specific hydrology and water quality policies that apply to the project is provided in Section 4.9, *Land Use.*

Carmel Valley Master Plan. The project site is located within unincorporated Monterey County in the Carmel Valley Master Plan (CVMP) area. Applicable CVMP policies related to hydrology and water quality include requirements that: construction activities reduce potential

erosion by limiting the amount of land cleared at any one time; development incorporate designs with water reclamation, conservation and new source production; not create adverse impacts on groundwater quality or quantity; and not impact the flow or vegetation of the Carmel River. Consistency with specific hydrology and water quality policies that apply to the project is provided in Section 4.9, *Land Use*.

Monterey County Code, Chapter 16.98, Grading. Chapter 16.08 of the Monterey County Code regulates grading activities. The purpose of these regulations is to minimize erosion, protect fish and wildlife, and to otherwise protect the environment. A grading permit is required for all activities that would exceed 100 cubic yards of grading. Where grading operations obstruct and/or otherwise impair the flow or runoff of a drainage course, appropriate drainage facilities are required to be implemented to convey flows past the point of obstruction (§16.08.330). Chapter 16.08 also contains measures to protect water quality from grading related activities and associated erosion. These requirements are codified in §16.08.340 of the Monterey County Code, which requires that all areas disturbed in connection with grading related activities shall be consistently maintained to control erosion. The project would be required to comply with these requirements.

Monterey County Code, Chapter 16.12, Erosion Control. Chapter 16.12 of the Monterey County Code requires that development activities control runoff to prevent erosion. An erosion control plan is required to be submitted to the County of Monterey prior to any land disturbing activities (§16.12.060). This plan is required to indicate methods to control erosion. Runoff control must be implemented to control runoff from a 10-year storm event (§16.12.070). All runoff must be detained or dispersed so that the runoff rate does not exceed the pre-development level. Any concentrated runoff which cannot be effectively detained or dispersed without causing erosion is to be carried in non-erodible channels or conduits to the nearest drainage course designated for such purpose or to on-site percolation devices with appropriate energy dissipaters to prevent erosion at the point of discharge. Runoff from disturbed areas must be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area. The project would be required to comply with these requirements.

Monterey County Code, Chapter 16.14, Urban Stormwater Quality Management and Discharge Control. Chapter 16.14 of the Monterey County Code contains regulations to enhance watercourses within the unincorporated urbanized areas of Monterey County by, amongst other things, controlling the entry of urban pollutants into stormwater runoff that may enter the County storm drain system. This chapter assures consistency with the Clean Water Act and the State stormwater general permit and applies to all dischargers or potential dischargers that discharge into the County storm drain system, with the exception of agriculture. To protect stormwater quality, this chapter prohibits specific discharges and conditions, and establishes requirements for containment and notification of spills. Further, this chapter gives the County authority to conduct inspections and established requirements for reporting potential violations.

Monterey County Code, Chapter 16.16, Flood Control and Floodplain Management. Chapter 16.16 of the Monterey County Code contains regulations for floodplains. This chapter discusses

general and specific standards to prevent flood damage and applies to all development in Special Flood Hazard Areas identified on FEMA Flood Insurance Rate Maps (FIRMs). These requirements apply to all areas within the 100-year floodplain, as well as areas within 200 feet of a river or 50 feet of a water course. County Code §16.16.050(k) requires a setback of 200 feet from the top of the bank of a river and 50 feet from the top of the bank of a watercourse. Encroachment within these setbacks is prohibited unless it can be proven that: 1) the proposed development would not significantly reduce the capacity of existing rivers or watercourses or otherwise adversely affect any other properties by increasing stream velocities or depths, or diverting the flow; and 2) the proposed new development would be safe from flow related erosion and would not cause flow related erosion hazards or otherwise aggravate flow erosion hazards.

4.8.3 Impact Analysis

a. Methodology and Significance Thresholds. This section describes the potential environmental impacts of the proposed project relevant to hydrology and water quality. The impact analysis is based on an assessment of baseline conditions for the proposed project area, including climate, topography, watersheds and surface waters, groundwater, and floodplains, as described in Section 4.8.2 (Setting). This analysis identifies potential impacts based on the predicted interaction between the affected environment and construction and operation of the proposed project. This section describes impacts in terms of location, context, duration, and intensity, and recommends mitigation measures, when necessary, to avoid or minimize impacts. This evaluation is based in part on the *Review of Stormwater Management and Flood Control Issues at the Carmel Rio Road Project, County of Monterey* ("*Stormwater Review*") prepared for the project by Balance Hydrologics, Inc. (August 2016; Appendix G), and the *Carmel Rio Road EIR – Groundwater Supply Technical Report* ("*Groundwater Report*") prepared for the project by Todd Groundwater (August, 2016; Appendix G).

In accordance with Appendix G of the *State CEQA Guidelines*, impacts would be significant if the proposed project would result in any of the following:

1. Violate any water quality standards or waste discharge requirements;
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
5. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
6. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;

7. Otherwise substantially degrade water quality;
8. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
9. Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
10. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam;
11. Be subject to inundation by seiche, tsunami, or mudflow; and/or
12. Have insufficient water supplies available to serve the project from existing entitlements and resources, such that new or expanded entitlements are needed.

It should be noted that the project site would not be subject to inundation by seiche, tsunami, or mudflow. The potential for inundation of the project site by seiche or tsunami is discussed above in Section 4.8.2 (Setting). These potential impacts were found to be not relevant to the proposed project site and therefore are not discussed further in this section. The potential impacts of mudflow on the project site are discussed in Section 4.6, *Geology and Soils.* Stormwater drainage improvements and requirements associated with implementation of the proposed project are discussed below under Threshold 6 and also referenced in Section 4.15, *Utilities and Service Systems*. Further discussion regarding Threshold 11 can be found in Section 4.16, *Effects Found not to be Significant.*

b. Project Impacts and Mitigation Measures.

Threshold 1:	*Violate any water quality standards or waste discharge requirements.*
Threshold 7:	*Otherwise substantially degrade water quality.*

Impact H-1 **Construction of the proposed project could potentially result in an increase in pollutant discharges to waters of the State, but compliance with Monterey County 2010 General Plan and Carmel Valley Master Plan policies, as well as existing regulatory requirements, would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not violate water quality standards or waste discharge requirements or otherwise degrade water quality. This impact would be Class II, *significant but mitigable.***

Construction. Construction of the proposed project would include grading and fill activities, road improvements, installation and potential realignment of utilities, demolition of an existing single-family residence, construction of housing units, and construction and/or improvement of drainage facilities. The topography of the site, the amount of soil disturbance, the duration that disturbed soil would be exposed, the amount of rainfall and wind that would occur during construction, and the proximity of the nearest waterbody all affect the potential for water quality degradation during construction.

Construction of the proposed project could result in soil erosion due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, cut

and fill activities, and grading. Although the project site is generally flat, runoff from DA-27 occurs as sheet flow and flood depths can reach approximately one foot. This amount of runoff has the potential to result in substantial amounts of erosion, resulting in off-site sediment transport via stormwater. The types of pollutants contained in runoff from construction sites would be typical of urban areas, and may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons, can attach to sediment and be transported downstream to the Carmel River and ultimately into the Pacific Ocean, contributing to degradation of water quality.

Construction of the proposed project could potentially result in the accidental release of hazardous materials such as diesel fuel, gasoline, lubricant oils, hydraulic fluid, antifreeze, transmission fluid, cement slurry, and other fluids required for the operation of construction vehicles or equipment. Motorized equipment used at the project site during construction could also leak the previously described hazardous fluids due to inadequate or improper maintenance, unnoticed or unrepaired damage, improper refueling, or operator error. These accidentally released or leaked hazardous materials could directly or indirectly impact water quality. Direct contamination of surface water is unlikely because no defined stream channels or perennial waters are present on the project site; the closest waterbody to the project site is the Carmel River, which is located approximately 1,100 feet south of the project site. However, accidental spills or releases of hazardous materials could indirectly impact water quality through runoff during a subsequent storm event, when the spilled material could come in contact with or be washed into flowing water. Similarly, groundwater could be contaminated through direct or indirect contact with potentially harmful or hazardous materials.

Because construction of the proposed project would disturb one or more acres of land surface, it would be subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the SWRCB. Compliance with the permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require development of a SWPPP, which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Inspection of construction sites before and after storms is also required to identify stormwater discharge from the construction activity and to identify and implement erosion controls, where necessary.

Implementation of the required SWPPP would reduce the potential for accidentally released or leaked hazardous materials to contaminate a waterbody following a storm event. Implementation of mitigation to develop a spill response plan and an environmental training program and to properly maintain vehicles and equipment would further reduce the risk of water quality degradation through the accidental release or leak of hazardous materials.

The proposed project would involve more than 100 cubic yards of grading and would require a grading permit and an erosion control plan in accordance with Monterey County Code. The grading permit includes requirements to consistently maintain the construction site to control erosion. The erosion control plan requires control of runoff from a 10-year storm event, and all runoff must be detained or dispersed so that the runoff rate does not exceed the pre-

development level. Concentrated runoff that would result in erosion must be directed via non-erodible channels (such as a storm drainage pipe or culvert) to the nearest drainage that is approved for receipt of stormwater flows or to on-site percolation devices such as infiltration basins. Runoff from disturbed areas must be detained or filtered to prevent the escape of sediment from the disturbed area.

Conformance with Monterey County General Plan Safety Element Policy S-3.1 would require that post-development, off-site peak flow drainage from the project site would not be greater than pre-development peak flow drainage. On-site improvements or other methods for stormwater detention would be required to maintain post-development, off-site peak flows at no greater than predevelopment levels. Neither the final design of the project nor the estimated off-site peak flows are known at this time. Therefore, mitigation is included to require the development of a final, design-level drainage analysis that would include a detailed evaluation of the potential drainage impacts associated with the project, including identification of measures to reduce runoff by promoting infiltration. Conformance with General Plan Safety Element Policy S-3.2 would require implementation of Best Management Practices to protect groundwater and surface water quality. Adherence to General Plan Safety Element Policy S-3.3 would require installation of drainage facilities concurrent with new development to mitigate the post-development peak flow impact of new development. Conformance with this policy may also be achieved by retaining stormwater flows on-site for infiltration into the underlying groundwater basin. Conformance with Carmel Valley Master Plan Safety Element Policy CV-4.1 would reduce erosion and rapid erosion by limiting the amount of land cleared at any one time to the area that can be developed during one construction season.

Compliance with the regulations and policies discussed above would reduce the risk of water degradation on- and off-site from soil erosion and other pollutants related to construction activities. Implementation of mitigation to develop a design-level drainage analysis and identify measures to reduce runoff by promoting infiltration would further reduce the potential for soil erosion and contaminated runoff. Because violations of water quality standards and waste discharge requirements and the potential for water quality degradation would be minimized, impacts to water quality from construction of the proposed project would be less than significant with implementation of mitigation.

Operation. Operation of the proposed project would result in a net increase of impervious surfaces. Without implementation of appropriate project design elements, Best Management Practices, and pollutant control measures, volumes or rates of discharge and associated pollutants in runoff would increase compared to current conditions. Additionally, operation of the proposed project could potentially result in the addition of contaminants into the stormwater runoff entering the local stormwater drainage system. If stormwater controls are not designed or maintained properly, runoff from the project site could contain contaminants such as oil, grease, metals, and landscaping chemicals (pesticides, herbicides, fertilizers, etc.) that could enter the local stormwater drainage system and ultimately degrade surface water and groundwater quality. Finally, groundwater that would be used for operation of the proposed project (drinking water and other water supply needs) may be treated on-site to remove iron and manganese. Any waste that would be generated by on-site treatment of groundwater would be disposed of in compliance with all applicable regulations, as described above in Section 4.8.2. Compliance with the regulations and policies discussed above would

reduce the risk of water degradation on- and off-site from soil erosion and other pollutants related to project operation. However, because treatment plans for on-site runoff prior to discharge off-site are unknown at this time, mitigation is included to require development of a stormwater quality management plan to minimize pollutant concentrations in on- and off-site runoff. With implementation of the required mitigation and compliance with applicable regulations and policies, this impact would be less than significant.

Mitigation Measures. Mitigation measures H-1a through H-1d are required to ensure that adequate prevention and response is implemented for the accidental release of hazardous materials, that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible, and that all stormwater runoff during construction and operation of the proposed project would be treated prior to discharge off-site to ensure that contaminated runoff does not enter the local stormwater drainage system or nearby waterbodies.

H-1(a) **Accidental Spill Control and Environmental Training**. Prior to the issuance of a grading permit, the applicant shall submit a Spill Response Plan and Spill Prevention, Control and Countermeasure Plan to the County of Monterey for review and approval. The Spill Response Plan (SRP) in combination with the Spill Prevention, Control and Countermeasure (SPCC) Plan to be prepared for the proposed project shall include procedures for quick and safe clean-up of accidental spills. The SRP and/or SPCC shall prescribe hazardous materials handling procedures for reducing the potential for a spill during construction, and shall include an emergency response program to ensure quick and safe clean-up of accidental spills. Additionally, an environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention and response measures to all field personnel. A monitoring program shall be implemented to ensure that the plans are followed during all construction activities.

H-1(b) **Maintain Vehicles and Equipment**. All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order to minimize leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be updated and provided by the applicant to the County of Monterey RMA – Planning Department on a monthly basis for the duration of project construction.

H-1(c) **Design-level Drainage Analysis and Minimization of Runoff**. The applicant shall conduct a design-level drainage analysis prior to issuance of a construction permit that shall identify existing drainage patterns across the project site and existing off-site stormwater discharge locations. The drainage analysis shall quantify, to the extent feasible, the existing and predicted post-construction peak runoff rates and amounts both on-site and off-site immediately downgradient of the project site. The drainage

analysis shall identify any changes to the location of down-gradient discharge of stormwater runoff and any potential impacts on off-site property that would result from those changes. Stormwater control measures shall be developed to maximize on-site infiltration of stormwater and minimize off-site stormwater discharge. These stormwater control measures shall be designed to achieve conformance with Monterey County General Plan Safety Element Policy S-3.1 such that post-development, off-site peak flow drainage from the project site would not be greater than pre-development peak flow drainage. The stormwater control measures may include, as necessary, above-ground retention and/or detention basins, stormwater collection tanks, subsurface infiltration devices such as cisterns with permeable bottoms or perforated pipes, permeable pavement, and vegetated swales. The stormwater control measures required by this mitigation may be used, in whole or in part, to satisfy the erosion and runoff control standards of the NPDES-required SWPPP and the Monterey County Code-required erosion control plan.

The design-level drainage analysis shall be submitted to and approved by Monterey County RMA - Public Works, Monterey County RMA - Environmental Services, and Monterey County Water Resources Agency prior to issuance of a construction permit. The identified stormwater control measures shall be installed prior to issuance of occupancy permits.

H-1(d) **Stormwater Control Plan, Operation and Maintenance Plan, and Maintenance Agreements**. Prior to issuance of construction permits, the applicant shall submit a Stormwater Control Plan, prepared by a registered professional engineer, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The plan shall include the location of the drainage facilities and construction details. A report with supporting calculations shall also be provided. The Stormwater Control Plan shall be reviewed by a licensed Geotechnical Engineer to ensure conformance with the Geotechnical Investigation or Engineering Geology Report. Prior to issuance of construction permits, the applicant shall submit an Operation and Maintenance Plan to RMA Environmental Services for review and approval. The plan shall be prepared by a registered Professional Engineer and include, at a minimum, the following: a) a site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed, b) O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices, and c) the O&M plan shall include short- and long-term

maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance. Prior to issuance of construction permits, the applicant shall enter into a Maintenance Agreement (Agreement) with Monterey County. The applicant shall submit a signed and notarized agreement to RMA Environmental Services for review and approval. The agreement shall clearly identify the responsible party for ongoing maintenance of structural Stormwater Control Measures. The Agreement shall contain provisions for an annual report to be prepared by a registered Professional Engineer. The annual report shall be submitted to RMA Environmental Services, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of that same year. If maintenance is required, certification shall be provided that all recommended maintenance has been completed before the start of the rainy season.

Significance After Mitigation. Implementation of Mitigation Measures H-1(a) through H-1(d) would reduce the rate and amount of post-development runoff on- and off-site to the maximum extent feasible and would minimize the potential for stormwater to come in contact with on-site pollutants or to transport pollutants off-site. With implementation of these mitigation measures, potential impacts related to violation of water quality standards or waste discharge requirements would be less than significant.

Threshold 2:	*Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.*
Threshold 12:	*Have insufficient water supplies available to serve the project from existing entitlements and resources, such that new or expanded entitlements are needed.*

Impact H-2 **Net consumptive use of groundwater for the proposed project would be less than the baseline consumptive use and would not result in a net deficit in aquifer volume or a lowering of the local groundwater table level. Sufficient water supplies are available to serve the project from existing entitlements and resources. Impacts would be Class III, *less than significant.***

The proposed project would convert three parcels with a combined area of 7.9 acres in the lower Carmel Valley from a primarily agricultural land use to a residential subdivision with 24 single-family market-rate homes and seven inclusionary housing units. Two-thirds of the total site area was actively used to farm truck crops until the property changed hands and development was first contemplated in 2005. A single rural residence and natural vegetation occupied the remaining area. Prior to 2005, almost all of the irrigation supply was obtained from the Old Travers well located near the northeast corner of the site, and domestic supply was obtained from the Old Gamboa well in the southeastern part of the site (Todd Groundwater, 2016). Both

wells have since been replaced, and the replacement wells are located near one another in the southeastern part of the site. The Carmel Rio project proposes to use the Gamboa Replacement well as the primary source of supply, and the New Travers well would serve as a backup supply (Todd Groundwater, 2016).

Historical land and water use on the Carmel Rio project site are both well documented. Aerial photographs during the late 1990s and early 2000s show that the site was used to grow truck crops (Google Earth images for 1998, 2002 and 2004). Plans for development commenced in 2005, and the fields were fallow during 2005-2009. Agricultural activities resumed in 2010 and gradually increased to the pre-2005 level of intensity by 2013. Production from wells at the site is metered and annual volumes have been recorded by MPWMD since 1994 (Todd Groundwater, 2016). The baseline period that best represents water use before the development process commenced is 1995-2004. The period includes wet, dry and normal years and is long enough that the average is not unduly influence by any unusual years. Metered water use during that period averaged 11.47 AFY (Todd Groundwater, 2016).

Average annual water use following development was estimated by the project applicant using indoor water use factors provided by MPWMD and outdoor water use estimated using the procedures of the State Model Water-Efficient Landscape Ordinance (Kane, 2014). Indoor water use is for 24 market-rate single-family homes plus seven inclusionary homes. Indoor residential water use would average 5.45 AFY (Todd Groundwater, 2016). The consumption per dwelling unit is based on the number and types of fixtures, as presented by the applicant.

The landscape irrigation water use estimate is based on a detailed site plan with a total irrigated area of 53,980 square feet, or 15% of the total site area (Kane, 2014). The site plan estimated annual irrigation demand using reference evapotranspiration (ET_0) equal to 49.7 in/yr, effective precipitation equal to 10% of annual ET_0, a plant factor (crop coefficient) equal to 0.2 year-round, and an irrigation efficiency of 85%. The resulting estimate of annual irrigation water use was 1.09 AFY (Todd Groundwater, 2016). The accuracy of this estimate of irrigation demand for the proposed project depends on the implementation of applicant-reported project design features, including: planting only drought-tolerant "very low" water use vegetation, installation of drip irrigation, the limitation of irrigation to only 15% of the project site (with approximately 43% of the project site covered by non-irrigated vegetation). In addition to the required implementation of these ambitious project design features, the irrigation demand estimate suffers from several potentially faulty assumptions, including an overestimation of both reference and effective precipitation, and an underestimate of the irrigated area (Todd Groundwater, 2016).

In order to account for the potential deficiencies in the applicant's irrigation water demand estimate, Todd Groundwater doubled the estimate of irrigation use. The revised estimate of total project water demand (from residential use, water filter back-flushing demand, pipe-leak losses, and the revised irrigation water demand) would be 8.39 AFY, or approximately 73% of baseline water use (Todd Groundwater, 2016).

In order to assess the potential drawdown effects on neighboring wells, Todd Groundwater estimated monthly patterns of water use under baseline and project conditions. Under baseline

conditions the maximum monthly water use was 1.93 acre-feet in July (Todd Groundwater, 2016). Under project conditions, the maximum would be 0.78 acre-feet, also in July (Todd Groundwater, 2016). Thus, maximum monthly water use would decrease by more than half under project conditions. Also, the duration of individual pumping cycles would be less under project conditions compared to baseline conditions because residential water use would result in daily pumping cycles, whereas irrigation pumping would occur approximately every other day (but for a longer duration for each event) under baseline conditions.

The location of pumping would change under the project. Under baseline conditions, 90% of groundwater produced by on-site wells was pumped from the Old Travers well, whereas nearly 100% would be pumped from the Gamboa Replacement well following project construction. Consequently, the center of pumping would be shifted 465 feet to the south. At both locations, wells produce groundwater from the Carmel Valley Alluvial Aquifer. The Old Travers well was screened from 90 to 130 feet below ground surface in material described as "river sand and gravel" on the well completion report. The Gamboa Replacement well is screened from 80 to 160 feet below ground surface in "sand, gravels and cobbles". The well completion reports do not reveal any major confining layers within the aquifer. The similar screen depths and alluvial textures indicate that the two wells tap the same aquifer.

The impact of the project on water-level drawdown at nearby wells is the net effect of changes in pumping location and duration of individual pumping cycles. Drawdowns were calculated by Todd Groundwater using the non-equilibrium formula for wells in confined aquifers (Theis, 1935). Drawdown estimates were calculated only for neighboring wells closer to the Gamboa Replacement well than the Old Travers well because those wells would be at risk of increased drawdown. Calculated drawdowns for neighboring wells under both baseline and project conditions are less than 0.02 foot (Todd Groundwater, 2016). The small drawdowns at neighboring wells under baseline conditions would become even smaller under project conditions. The impact of the project on groundwater levels would be less than under baseline conditions at all neighboring well locations and at all time scales ranging from a single pumping cycle to an average year.

MPWMD requires that the capacity of wells supplying a water distribution system be sufficient to meet peak day demand with no more than 12 hours of pumping. The maximum-day 12-hour pumping rate under the applicant's water use assumptions would be 14.4 gallons per minute (gpm) and 15.6 gpm under Todd Groundwater's revised water use assumptions. The Gamboa Replacement well operated at 150 gpm during an 8-hour constant-rate pumping test in 2008, which is roughly an order of magnitude greater than the required rate. Given a similar diameter and screened interval, the New Travers well would pump almost certainly at a rate substantially greater than the required rate. Serving in a backup role, the New Travers well would be capable of supplying the maximum day demand pumping 12 hours per day if the Gamboa Replacement well were off-line for any reason. Therefore, pumping capacity for the project would be adequate.

The impact of the project on the water balance of the Carmel Valley alluvial aquifer and on flow in the Carmel River stems from the change in net consumptive use of groundwater at the project site. Net consumptive use is the amount of groundwater pumping minus the amount of

groundwater recharge. The preceding sections demonstrated that the change in pumping by itself would not adversely impact groundwater levels. However, if the project caused a large decrease in on-site groundwater recharge, the overall groundwater balance could become more negative which could induce percolation from the Carmel River and adversely affect aquatic habitat. Todd Groundwater prepared a soil-moisture-balance model to estimate the net consumptive use of groundwater at the project site. The model accounts for the amount of runoff under both baseline and project conditions that would be retained on-site as soil moisture, the amount that would percolate through the root zone into the underlying aquifer, and the amount that would be discharged through the stormwater drainage system to the Carmel River and leave the valley. The simulated net impact of the project on groundwater recharge was a decrease of 1.92 AFY. Net consumptive use of groundwater under project conditions was 3.16 AFY, or 53% of the baseline value.

This decrease in net consumptive use is based on plant water use and irrigation area estimates provided by the applicant. These assumptions were adjusted to identify the maximum amount of landscape irrigation that could be allowed without increasing net consumptive use above the baseline level. The model concluded that even with more realistic estimates of landscape irrigated area and vegetation type, the project would not increase net consumptive use of groundwater over baseline levels.

In accordance with Monterey County General Plan Policies PS-3.1 and PS-3.2, Todd Groundwater determined the long-term, sustainable water supply available for the project. The Monterey Peninsula Water Management District's Water Supply Planning Committee developed a draft policy in July 2016 specifying that proposed developments in Carmel Valley must decrease net consumptive use of groundwater by 25% relative to baseline conditions. This policy (Draft Ordinance 175) is expected to be adopted prior to issuance of a construction permit for the proposed project and therefore will likely apply to groundwater use for the proposed project. The simulated net consumptive use for the project with the applicant's proposed landscape vegetation would be 53% of the baseline amount and therefore would comply with local water management policies (Todd Groundwater, 2016). Todd Groundwater found that the project could decrease net consumptive use of groundwater to 75% of baseline use with landscaping more lush than proposed by the applicant but with less lawn than in nearby residential areas. Additional reductions in net consumptive use of groundwater could be achieved by percolating rainfall runoff from streets and driveways in roadside drainage swales. Todd Groundwater estimated that an additional 1.67 AFY of groundwater recharge could be achieved through implementation of Low Impact Development (LID) stormwater design in the form of unpaved drainage swales.

The above analysis demonstrates that construction and operation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The net consumptive use of groundwater for the proposed project would be less than the baseline net consumptive use and on-site wells have sufficient pumping capacity to satisfy the maximum daily water demand of the proposed project. No new or expanded entitlements would be required. No mitigation is required and impacts would be less than significant.

Mitigation Measures. No mitigation is required.

Significance After Mitigation. Impacts would be less than significant without mitigation.

Threshold 3:	*Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.*
Threshold 4:	*Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.*
Threshold 5:	*Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.*
Threshold 6:	*Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.*

Impact H-3 **Construction and operation of the proposed project would alter the on-site topography and increase the amount of on-site impervious surface, which could increase the rate and amount of on- and off-site runoff and result in erosion, flooding, and the need for expanded stormwater drainage facilities. Compliance with existing regulations and policies would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not result in on- or off-site erosion or flooding or the need for expanded stormwater drainage facilities. This impact would be Class II, *significant but mitigable*.**

The proposed project would alter the existing drainage pattern of the site through the introduction of impervious surfaces and project infrastructure. The introduction of impervious surfaces and other project features, such as access roads, parking lots, rooftops, driveways, patios, and walkways, could increase the rate and/or amount of surface runoff. The rate and amount of surface runoff is determined by multiple factors, including the following: amount and intensity of precipitation; amount of other imported water that enters a watershed; and amount of precipitation and imported water that infiltrates to the groundwater. Infiltration is determined by several factors, including soil type, antecedent soil moisture, rainfall intensity, the amount of impervious surfaces within a watershed, and topography. The rate of surface runoff is largely determined by topography and the intensity of rainfall over a given period of time.

The proposed project would not alter any precipitation amounts or intensities, nor would it require any additional water to be imported into the proposed project area. As described above under Impact H-2, the amount of pumped groundwater that would be applied on-site would be substantially less than that amount of pumped groundwater that was applied under baseline conditions. However, construction would include earth-disturbing activities which may affect site-specific infiltration and permeability during construction (temporary) and during operation (permanent). Temporary changes to on-site permeability would be minimal and limited to covered stockpiles, impermeable surfaces of construction staging areas, and temporarily compacted soils. Permanent impervious areas that would be introduced by the proposed project include impervious access roads, parking areas, rooftops, driveways, patios, and walkways. Based on a review of preliminary site plans, Todd Groundwater estimated the total amount of permanent impervious surface introduced by the proposed project to be approximately 3.42 acres, or approximately 42% of the project site (Todd Groundwater, 2016). In contrast, the applicant reported total on-site impervious cover to be approximately 56% of the total site area (Balance Hydrologics, 2016). Depending on the actual amount of impervious surface that would be introduced by the proposed project, the estimated increase in runoff amount reported below may change. In addition, site preparation would likely result in long-term changes to the infiltration capacity of permeable surfaces due to soil compaction. A soil-moisture-balance model prepared by Todd Groundwater (2016) estimated that on-site groundwater recharge would decrease from 5.54 AFY under baseline conditions to 3.63 AFY under project conditions. This change in groundwater infiltration would result in an additional runoff amount of 1.91 AFY.

In addition to increasing the amount of total annual runoff, the introduction of impervious surfaces would increase the rate of peak runoff leaving the project site. Increase in the amount and rate of runoff could result in increased erosion and sediment transport off-site. The potential erosion and sedimentation impacts of increased runoff are discussed above under Impact H-1. The magnitude of change in peak runoff that would result from implementation of the proposed project is unknown at this time. Mitigation Measure H-1(c), which would require completion of a design-level drainage analysis prior to commencement of construction activities, would result in the quantification of the change in the peak runoff rate and the development and implementation of measures to reduce peak runoff both on- and off-site.

Along with changes to the amount and rate of on- and off-site runoff, construction and operation of the proposed project would result in changes to drainage patterns across the project site and discharge locations for off-site runoff. Grading of the project site and the importation of approximately 11,359 cubic yards of fill to raise the southwest corner of the project site would substantially alter on-site topography, which would alter on-site drainage patterns. The presence of roadways, residential structures, and retaining walls would redirect runoff across the project site. Currently, on-site runoff occurs as sheet flow towards the southwest. Preliminary site plans for the proposed project indicate that runoff would generally drain via gutter flow in a westerly direction before entering a 6.5-foot diameter, 401-foot long perforated stormwater detention pipe. Overflow from the perforated stormwater detention pipe would eventually enter a gravity-flow storm drain system that would connect to an existing 42-inch diameter trunk storm drain line that runs from north to south along the western boundary of the project. This trunk line is the main drainage conduit for County Drainage Area 28 (DA-

28), a watershed of 184 acres that extends from north of Carmel Valley Road to eventually discharge directly into the Carmel River south of the Riverwood Townhomes. Storm drain modeling presented in the County Services Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (County of Monterey, 2014) identified this trunk line as a potentially large source of drainage overflow that could lead to localized flooding along Rio Road and as far north as the retail businesses located just south of Carmel Valley Road. The primary causes of the predicted overflow are insufficient trunk line capacity, high tailwater conditions in the Carmel River, and lack of back flow prevention at the outfall (Balance Hydrologics, 2016). The fact that the DA-28 trunk storm drain line has been identified as inadequate in its existing condition implies additional stormwater runoff likely cannot be added to the system without impacts.

Preliminary hydrologic calculations and a review of preliminary project site plans by Bestor Engineers concluded that approximately 18,000 cubic feet of stormwater detention capacity would be required to meet County requirements for post-development off-site runoff discharge (Balance Hydrologics, 2016). Balance Hydrologics noted that the planned 6.5-foot diameter, 401-foot long perforated stormwater detention pipe would have a total storage volume of approximately 13,300 cubic feet (Balance Hydrologics, 2016). Balance Hydrologics also concluded that a conservative estimate of the stormwater detention capacity that would be required to meet County requirements for post-development off-site runoff discharge would be approximately 25,000 cubic feet (Balance Hydrologics, 2016). Therefore, current project site development plans would be inadequate to retain the required amount of post-development off-site runoff discharge. Implementation of Mitigation Measure H-1(c), described above under Impact H-1, would require that stormwater control measures be developed to maximize on-site infiltration of stormwater and minimize off-site stormwater discharge. These stormwater control measures shall be designed to achieve conformance with Monterey County General Plan Safety Element Policy S-3.1 such that post-development, off-site peak flow drainage from the project site would not be greater than pre-development peak flow drainage. The stormwater control measures may include, as necessary, above-ground retention and/or detention basins, stormwater collection tanks, subsurface infiltration devices such as cisterns with permeable bottoms or perforated pipes, permeable pavement, and vegetated swales.

Finally, development of the proposed project would alter the existing drainage pattern for off-site, upstream flows that currently cross the project site as sheet flow. Modeling of overland flow break-outs from DA-27 was a component of the work for the CSA-50 Report. DA-27 is a moderately large local tributary to the Carmel River, with a total drainage area of 567 acres (0.88 square miles) extending to the ridgelines of Jacks Peak to the north. Flow paths within this drainage area are well defined in the steep canyon setting north of Carmel Valley Road, but essentially disappear on the south side of the road where a small ditch carries flow for a short distance before ending at a point approximately 700 feet north and west of the northeast corner of the site. The overland flow modeling presented in the CSA-50 Report shows that the intervening topography is such that much of the runoff originating in DA-27 would flow south and west to cross Val Verde Drive at the project site and into CSA-50 (Balance Hydrologics, 2016). The modeling shows that as much as 46 acre-feet could enter CSA-50 from DA-27 and much of this would be overland flow through the site (Balance Hydrologics, 2016).

The site plans do not appear to include any accommodation of this potentially large overland flow. In fact, the street layout in the March 10, 2014 plans are configured such that there is a risk they would collect overland flow and route it into the project with no clear indication of a means to avoid localized flooding on-site and/or an overland release compatible with adjacent properties (Balance Hydrologics, 2016). The on-site problem could be eliminated by raising the elevation of Val Verde Drive sufficiently to protect the project from the DA-27 overland flows, but doing so would block the natural flow release across the property and would require some means of redirecting the flows in a manner that does not impair or endanger adjacent properties to the east. Absent measures to redirect runoff from DA-27, the project site plan would need to be modified to explicitly address the means to safely collect and convey flow through the site and then disperse them at the downslope project boundary in a way that does not adversely impact adjacent parcels. Potential measures to detain and/or retain runoff on-site are discussed under Impact H-1. Implementation of Mitigation Measure H-1(c) would ensure that post-development off-site runoff would not exceed pre-development conditions. Additional mitigation would be required to ensure that on-site structures and residences are not exposed to a risk of loss, injury, or death involving flooding associated with DA-27. The Draft EIR for the proposed Rancho Canada Village project (May 2016) proposes a 84-inch buried drainage pipe along the Rancho Canada Village project boundary, approximately 500 feet east of Val Verde Road. This pipe could connect to the proposed future drainage channel described in the County Services Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (2014) intended to capture stormwater flows from DA-27.

Compliance with existing regulations and policies and implementation of required mitigation measures would ensure that development carried out under the proposed project would maximize on-site infiltration and minimize off-site runoff, and would not result in the discharge of stormwater that would result in off-site erosion or flooding or exceed the stormwater conveyance capacity of existing or planned stormwater drainage systems.

Mitigation Measures. Mitigation Measure H-1(c) would ensure that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible. No additional mitigation is required.

Significance After Mitigation. Implementation of Mitigation Measure H-1(c) would reduce the rate and amount of post-development runoff on- and off-site to the maximum extent feasible, would minimize the potential for off-site flooding, and would eliminate the need for new or expanded stormwater drainage facilities. With implementation of this mitigation measure, potential impacts related to increased runoff would be less than significant.

Threshold 8:	*Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.*
Threshold 9:	*Place within a 100-year flood hazard area structures which would impede or redirect flood flows.*

Threshold 10:	*Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.*

Impact H-4 **Construction and operation of the proposed project would place housing within a 100-year flood hazard area which could result in the impedance or redirection of flood flows and the exposure of people and structures to a significant risk of loss, injury, or death involving flooding. Project design features would help to reduce flood risk. Mitigation would further reduce the risk of loss, injury, or death involving flooding. This impact would be Class II, *significant but mitigable.***

As described in the County Services Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (CSA-50 Report), the site is exposed to flood risks from two distinct flooding sources: overbank flows from the Carmel River and overland flows from the current downstream end of the relatively large north bank tributary known as County Drainage Area 27 (DA-27). A small portion of the project site at the southwest corner of the property is located within a Special Flood Hazard Area (100-year floodplain) mapped by FEMA and analyzed in the CSA-50 Report. The primary source of this flood hazard is overbank flows from the main stem of the Carmel River due to channel overtopping east of Val Verde Drive and, to a lesser extent along the Riverwood Townhomes (Balance Hydrologics, 2016). The CSA-50 Report also shows that backwater flooding through the DA-28 trunk storm drain line can contribute to localized flooding in the same low elevation areas at the project site (Balance Hydrologics, 2016).

The project site plans show that the lower existing ground elevation portions of the property would be raised through use of retaining walls and fill so that they are above the elevation of the 100-year flood. This is an appropriate measure for protecting the project site from the riverine flood risk. However, the placement of fill would remove some floodplain storage and could potentially alter overbank flow paths as well. The project documentation available for review did not address the latter issues, though the impact on residual flood elevations is likely to be very small (Balance Hydrologics, 2016). The CSA-50 report identified a number of potential measures that could be implemented with the objective of eliminating the riverine flood risk in the north overbank area, including the project site. Such measures would have the benefit of removing the flood hazard at the site without the potential for adverse flooding impacts to other occupied structures. One such measure would be to raise the elevation of Val Verde Drive so that it can function as a levee protecting areas to the west from the 100-year flood. An alternative configuration could use a tie-back levee from Rio Road to Rancho Cañada. However, it must be acknowledged that the required work would extend well beyond the project site and would require addressing tributary drainage issues as described above under Impact H-3. Although flooding from upstream flows associated with DA-27 is not associated with a Special Flood Hazard Area (100-year floodplain), improper redirection of those flood flows could result in a significant risk of loss, injury or death involving flooding (Threshold 10) for residents both on- and off-site. The risks associated with improper modification of DA-27 runoff are discussed in detail above under Impact H-3.

If the applicant chooses to remove the southwest portion of the project site from the 100-year floodplain through the placement of fill in that area, the applicant would be required to prepare and submit to FEMA prior to commencement of construction activities a Conditional Letter of Map Revision Based on Fill (CLOMR-F). FEMA would then review the CLOMR-F and determine based on final site design plans whether or not the proposed development would be eligible to be removed from the Special Flood Hazard Area. If FEMA accepts the CLOMR-F, then following construction the applicant would need to demonstrate that the proposed project "as-built" matches the submitted final site designs that were used to support the CLOMR-F. After FEMA determines that the project "as-built" matches the previously submitted final site design plans, the agency would issue a Letter of Map Revision Based on Fill (LOMR-F) to remove the project site from the Special Flood Hazard Area.

Compliance with existing regulations and policies regarding floodplain development and post-development off-site runoff, including Monterey County Code requirements for development within a floodplain, and implementation of required mitigation measures would ensure that project-related structures would not impede or redirect flood flows such that off-site property would be adversely affected and would ensure that on-site structures and people would not be exposed to a significant risk of loss, injury or death involving flooding.

Mitigation Measures. Mitigation Measure H-1(c), combined with Mitigation Measure H-4 below, are required to ensure that on-site structures and people are protected from a significant risk of loss, injury, or death involving flooding and to ensure that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible.

H-4 **Protect Project Structures and Residents from Flood-related Loss, Injury, or Death.** The applicant shall design the project and all on-site structures in a manner that reduces the exposure to loss, injury, or death involving flooding to the maximum extent feasible. Prior to issuance of grading permits, the applicant shall submit a description of proposed flood control measures for review and approval. Measures can include on-site improvements, off-site improvements, or a combination of on- and off-site improvements. Examples of on-site improvements include:

- Raising building foundations above the base flood elevation
- Designing roadways in such a way that they serve as effective levees
- Providing on-site flood capture systems that would intercept and infiltrate flood flows up-gradient of all on-site structures
- Providing on-site drainage facilities to route flood flows around project structures (provided that those on-site drainage facilities do not result in a post-development

discharge of runoff that would exceed pre-development levels)

Examples of off-site improvements include:

- Contribution to, and confirmation of, concrete plans for the implementation of regional flood mitigation strategies. Examples of regional flood mitigation strategies relevant to the project site include:
  - Installation of an upstream conduit to capture DA-27 flood flows and route those flows to the Carmel River (extension further to the north of an 84-inch drainage pipe as proposed by the Rancho Canada Village Project would address this requirement)
  - Raising the elevation of Val Verde Drive sufficiently to protect the project site from the DA-27 overland flows, provided that those re-directed flood flows do not adversely affect off-site properties.

In the case where the applicant chooses to contribute to regional flood mitigation strategies, the applicant shall confirm with the County or appropriate resource agency that those improvements would be constructed prior to the issuance of occupancy permits. If the applicant chooses not to contribute to regional flood mitigation strategies, then the applicant must implement one or more of the on-site improvements listed above such that the exposure to loss, injury, or death involving flooding (including project-induced off-site flooding) would be reduced to the maximum extent feasible.

The applicant shall submit the proposed flood protection measures to Monterey County RMA – Public Works, Monterey County RMA – Environmental Services, and Monterey County Water Resources Agency for approval prior to issuance of a construction permit. The submittal shall clearly demonstrate that all on-site habitable structures would be raised above the base flood elevation or would be fully protected from DA-27 flood waters produced during the 100-year storm event.

Significance After Mitigation. Implementation of Mitigation Measures H-1(c) and H-4 would protect on-site structures and people from a significant risk of loss, injury, or death involving flooding and would reduce the rate and amount of post-development runoff on- and off-site to the maximum extent feasible, which would minimize the potential for off-site flooding. With implementation of these mitigation measures, potential impacts related to flooding would be less than significant.

c. Cumulative Impacts. The geographic extent for this cumulative impact analysis is the Carmel River Watershed, which includes the project site. This watershed is a 255 square mile, southeast-northwest trending watershed in the coast ranges of central Monterey County. The Carmel River Watershed drains the Carmel Valley northwestward and feeds into the Carmel River, which meanders for 36 miles in a northwesterly direction merging with seven major stream tributaries until it flows into the Pacific Ocean at Carmel Bay (MPWMD, 2014). The terminus of the Carmel River with the Pacific Ocean is located approximately 0.7 mile northwest of the project site, just south of the City of Carmel-by-the-Sea. This geographic extent is appropriate for the issue area of hydrology and water quality because the watershed is hydrologically connected, and any surface water quality impacts in one part of the watershed could potentially affect surface water quality elsewhere downstream in the watershed. In addition, this cumulative extent fully encompasses the CVAA (also referred to as the Carmel Valley Groundwater Basin by the California Department of Water Resources [DWR]). This groundwater basin forms the appropriate geographic extent for groundwater quality and recharge effects, as it is the only groundwater basin that would be affected by the proposed project. Thus, the larger geographic scope of the Carmel River Watershed encompasses both geographic extents.

Storm Water Runoff. Cumulative development throughout the Carmel River Watershed, including past, present and reasonably foreseeable future development, along with the project, would generally increase impermeable surface area, thereby potentially increasing peak flood flows and overall runoff volumes. However, Monterey County requires all subdivisions to maintain post-development runoff volumes at or below pre-development levels. Cumulative development would be subject to the applicable runoff regulations, thereby ensuring that a cumulative impact would not result. In addition, as discussed above, the project would result in less than significant impacts to stormwater runoff with implementation of mitigation to minimize off-site runoff. For these reasons, the project's cumulative impacts related to increases in stormwater runoff and associated downstream flooding and water quality concerns would be less than significant, and the project's contribution to such effects would not be considerable in any event.

Water Supply. While cumulative development would place additional demand on groundwater and other water sources, those projects would be subject to environmental review that would assess and seek to minimize the potential impacts to water supply and groundwater levels in the CVAA. The CVAA has not been declared to be in overdraft (Todd Groundwater, 2016). Groundwater levels still recover to a "full" level by the end of winter in most years (Todd Groundwater, 2016). Further, compliance with SWRCB Order WR 2016-0016 requires a regional solution to excessive municipal water supply withdrawals in the CVAA. Finally, Monterey County 2010 General Plan Public Services Element Policies PS-1.1 and PS-1.3 prohibit the discretionary approval of new development unless the County finds that a long-term, sustainable water supply exists or will be provided concurrent with the development. The impact analysis above shows that implementation of the proposed project would result in a net reduction in consumptive groundwater use, thus reducing overall water demand on the aquifer. Cumulative impacts related to groundwater recharge would be less than significant, and the project's contribution to this cumulative effect would not be considerable in any event.

Water Quality-Waste Discharge. Construction activity associated with cumulative development would increase erosion and sedimentation resulting from grading and construction. In addition, new development would increase the generation of urban pollutants that may adversely affect water quality in the long term. However, future construction activity on projects that disturb one or more acres of soil would be required to comply with the NPDES program through preparation of a SWPPP, which outlines BMPs that would address post-construction runoff. In addition, future development would be required to comply with Monterey County codes and General Plan policies that regulate grading, drainage, and erosion and contain requirements regarding discharge and construction site stormwater runoff control. Also, cumulative development projects would be required to comply with Central Coast RWQCB adopted Resolution No. R3-2013-0032, which sets forth post-construction stormwater management requirements for development projects in the central coast region. These requirements include specific performance requirements with the objective to ensure reduction of pollutant discharges to the maximum extent practical and to prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards. In addition, as discussed above, the project would result in less than significant impacts to water quality, with implementation of required mitigation and the applicable requirements and standards as part of the project's design. For these reasons, the project's contribution to cumulative impacts would be less than significant.

Flooding. Cumulative development may potentially increase runoff volumes that could contribute to increased flood volumes. However, the project, along with other cumulative development in Monterey County, would be required to comply with existing County and FEMA floodplain management and storm water discharge regulations, if such development is located in a flood zone. As discussed above, the project would result in less than significant impacts related to flooding with implementation of required mitigation. Therefore, cumulative impacts would be less than significant, and the project's contribution to cumulative impacts would be less than significant.

Schubert, Bob J. x5183

From: Brian Clark [brianclark007@gmail.com]
Sent: Friday, January 13, 2017 12:27 PM
To: Schubert, Bob J. x5183
Cc: brianclark007@gmail.com; Mcleodbuilding@aol.com
Subject: DEIR Comments - Todd Report
Attachments: MPWMD Annual Water Use 2015.pdf

TO: Bob
FR: Brian
RE: Todd Groundwater Report - Appendix G-2, Page 3

Previously requested: Yes

The bar graph Todd uses stops at water year 2014 and the report is dated August 3, 2016.

Our NOP was in July of 2015 and that water data was available to Todd as is water year 2016.

Please have Todd include the water use table for 2015 that MPWMD supplies and update the bar graph as two more water year data is available.

Per CEQA - water use is "real world" boots on the ground water use at time of NOP.

RMA - Rincon released the DEIR report that omits the most current water data when it was readily available to all parties from MPWMD and had been provided all interested parties.

Regards,

Brian

CARMEL RIO ROAD, LLC WELLS & PRODUCTION

PREPARED BY: Monterey Peninsula Water Management District

* WATER BASELINE - 3 YEAR AVERAGE: 17.49 AFA
CEQA BASELINE - 17.79 - 2015 use

HISTORICAL WATER PRODUCTION DATA
APN 015-021-015 -- 1993 Cypress Greens and 2012 Rio Road LLC Wells
APN 015-021-020 -- 2008 Rio Road LLC and Old Harms/Gamboa Wells
Reporting Year 1993 through Water Year 2014
(All values in Acre-Feet)

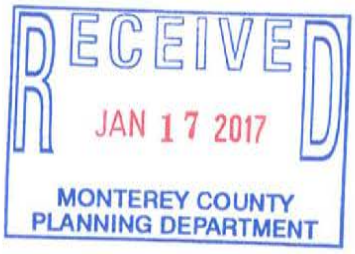
Year	No Permit # 1954 Harms Water Production	08-11428 2008 Rio Road LLC Water Production	93-0289 Old Cypress Greens Water Production	12-11990 2012 Rio Road LLC Water Production	
RY 1993	2.89	NA	0.00	NA	
RY 1994	2.89	NA	10.70	NA	
RY 1995	1.10	NA	8.91	NA	
RY 1996	1.10	NA	7.20	NA	
RY 1997	1.10	NA	5.15	NA	
RY 1998	1.10	NA	11.50	NA	
RY 1999	1.10	NA	11.08	NA	
RY 2000	1.10	NA	11.56	NA	
RY 2001	1.10	NA	14.62	NA	
WY 2002	1.10	NA	9.72	NA	
WY 2003	1.10	NA	11.49	NA	
WY 2004	1.10	NA	9.08	NA	
WY 2005	1.10	NA	0.37	NA	
WY 2006	1.10	NA	0.00	NA	
WY 2007	1.10	NA	0.00	NA	
WY 2008	0.00	0.01	0.59	NA	
WY 2009	0.00	0.26	0.74	NA	
WY 2010	NA	0.67	6.00	NA	
WY 2011	NA	0.29	8.61	NA	
WY 2012	NA	0.29	10.51	0.00	
WY 2013	NA	7.42	10.78	0.00	18.20
WY 2014	NA	5.60	10.89	0.00	16.49
WY 2015	NA	7.74	10.05	0.00	17.79
2016		11.38	6.51	.77	18.66

NOTES:

1 Reporting Years (RY) begin July 1 and end June 30.
2 Water Years (WY) begin October 1 and end September 30.
3 1954 Harms well reported by Land Use Method; it was destroyed and replaced by 2008 well. There is no drillers log or County permit number associated with this well. In 1995, District staff inspected the property and estimated Annual Production to be 1.10 acre-feet.
4 Well Permit WSAL 93-0289 issued December 1993, meter installed March 3 or 4, 1994. This well was issued a permit as Cypress Greens Agricultural Water Distribution System.
5 During the 3-month period between the end of Reporting Year 2001 and Water Year 2002, 5.39 acre-feet were produced by the Cypress Greens well.
6 The meter on the Cypress Greens well was replaced in WY 2008. Unsure if production shown for WY 2008 occurred in WY 2008 or WY 2009.
7 Well Permit 08-11428- issued September 2008; meter inspected February 2009. Well was worked on in 2013.

* 3 year averaging per CA. Courts / Sept. Ranch litigation is appropriate. Tens years is for a water distribution permit option. A water distribution permit - MPWMD - is sep. and distinct from EIR baseline.

From: LandWatch ED <execdir@mclw.org>
Subject: Comments on DEIR for Carmel Rio Road Subdivision
Date: January 17, 2017 at 10:20:38 AM PST
To: schubertbj@co.monterey.ca.us
Cc: holmcp@co.monterey.ca.us



Dear Mr. Schubert,

LandWatch is a nonprofit land conservation and planning organization representing more than 1000 residents of Monterey County.

LandWatch has reviewed the draft environmental impact report (DEIR) for the proposed Carmel Rio Road subdivision. 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. Although some of these are well described in the DEIR, others are not, rendering the DEIR legally defective. Our comments are attached.

Thank you for your consideration.

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

January 17, 2017

Bob Schubert
Project Planner
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

SUBJECT: DEIR FOR CARMEL RIO ROAD PROJECT

Dear Mr. Schubert:

LandWatch Monterey County has reviewed the draft environmental impact report (DEIR) for the proposed Carmel Rio Road subdivision, which would convert approximately eight acres of farmland, currently used for row crops, into 31 residential units. 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. Although some of these are well described in the DEIR, others are not, rendering the DEIR legally defective. Among its most obvious flaws, the DEIR:

- Ignores traffic and circulation Policy CV-2.17.
- Defers analysis of flood protection.
- Excludes analysis of air quality impacts from construction traffic.
- Excludes analysis of conflicts with County affordable housing policy.

Our specific comments follow.

1. **Air Quality**

A. Diesel Exhaust. Short-term Construction Toxic Air Contaminants (TACs). The DEIR states that TACs were only qualitatively assessed. The DEIR finds:

> The health risk associated with high concentrations of diesel exhaust PM10 from construction equipment has a carcinogenic and chronic effect. The project could potentially expose sensitive receptors to temporary health hazards associated with TACs due to the operation of construction equipment. However, concentrations of mobile source diesel particulate matter (DPM) would only be present during temporary construction activities. PM10 emissions associated with construction activity would be well below the 82 pounds per day threshold established by the Monterey Bay Unified Air Pollution Control District. Additionally, the lower density setting of the project site and lack of tall buildings to block air movement would allow emissions to disperse. (DEIR, P. 4.2-19)

Temporary emissions of TACs could have significant impacts on sensitive receptors. A quantitative assessment using an accepted model to specifically address diesel exhaust emissions should be undertaken to support the finding. Modeling should address impacts

at the Carmel Middle School, which is 500 feet east of the project as well as the Bialek Garden adjacent to the school.

Additionally, haul trips and related motor vehicle emissions appear to be significantly underestimated. Appendix C shows the number of grading trips at 10 for four vehicles and a hauling trip length of 20 miles. (DEIR Appendix C, P. 6) The assumptions regarding the number of haul trips is unclear. However, the Project Description states a total fill of 11,359 cu. yds. is needed for the project (DEIR P. 2-15). An average commercial dump truck holds 10 to 14 cu. yds. Assuming a range of 10 to 14 cu. yds. per trip, 811 to 1,136 trips would be needed to deliver the soil and an additional 811 to 1,136 trips would be return trips to the site. The number of haul trips assumed in the emission calculations should be clearly identified in DEIR Appendix C and a revised estimate prepared as needed.

B. Project Consistency with the AQMP. The consistency analysis shows no "approved but not built DUs" in Monterey County (DEIR, Appendix C, P. 155). This conflicts with the traffic analysis, which includes trips for approved but unbuilt projects. The Traffic and Circulation section of the DEIR references a list of approved but unconstructed projects identified in DEIR Appendix G. However, Appendix G addresses hydrology and water, not traffic.

LandWatch's data show the following approved but unconstructed projects in unincorporated Monterey County: East Garrison 1,142; Morisoli-Amaral 318; Rancho San Juan 1,147; September Ranch 95; Ferrini Ranch 185; Harper Canyon 17; Santa Lucia Preserve 178; Pebble Beach Inclusionary Housing 24; and Rancho Canada Village 130. The analysis should be updated to address these data.

2. **Aesthetics**

A. The DEIR finds:

> The proposed project would convert the existing rural character of the site to a more urban character. However, the project location makes it a natural extension of the existing urban landscape of lower Carmel Valley. By adhering to the CVMP policy CV-1.1, the development would maintain the rural character of the region and thus would not degrade the existing visual character or quality of the site. Impacts would be Class III, less than significant.

Please explain how replacing existing agriculture with the construction of four residential units per acre maintains the rural character of the area. Please also address consistency with the following surrounding land uses:

> The properties directly to the north and south of the project site are consistent with the rural setting. The properties directly to the north consist of two roughly 2.6 acre lots, each with a single residence and the remaining property dedicated to equestrian uses or open space. To the south, properties are similarly dedicated to single family residences coupled with equestrian uses and woodland habitat. (DEIR P. 4.1-6)

3. **Hydrology and Water Quality**

A. The DEIR finds:

> Construction of the proposed project could potentially result in an increase in pollutant discharges to waters of the State, but compliance with Monterey County 2010 General Plan and Carmel Valley Master Plan policies, as well as existing regulatory requirements, would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not violate water quality standards or waste discharge requirements or otherwise degrade water quality. This impact would be Class II, significant but mitigable.

Mitigation would include measures "to the maximum extent feasible."

Please describe feasible mitigation measures and identify which measures or parts of measures were included in the impact analysis. If they are not defined, please explain how a finding of significant but mitigable impact was determined.

Additionally, neither the final design of the project nor the estimated off-site peak flows are known at this time. (DEIR, P. 4.8-21) Please explain how a finding of significant but mitigable impact was determined when data are not available to quantify impacts.

B. The DEIR finds:

> Construction and operation of the proposed project would alter the on-site topography and increase the amount of on-site impervious surface, which could increase the rate and amount of on- and off-site runoff and result in erosion, flooding, and the need for expanded stormwater drainage facilities. Compliance with existing regulations and policies would help to reduce or avoid such impacts. Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not result in on- or off-site erosion or flooding or the need for expanded stormwater drainage facilities. This impact would be Class II, significant but mitigable.

Mitigation would include measures "to the maximum extent feasible."

Please describe feasible mitigation measures and identify which measures or parts of measures were included in the impact analysis. If they are not defined, please explain how a finding of significant but mitigable impact was determined.

Also, as noted, neither the final design of the project nor the estimated off-site peak flows are known at this time. (DEIR P. 4.8-21) Please explain how a finding of significant but mitigable impact was determined when data are not available to quantify impacts.

C. The DEIR finds:

> Construction and operation of the proposed project would place housing within a 100-year flood hazard area which could result in the impedance or redirection of flood flows and the exposure of people and structures to a significant risk of loss, injury, or death involving flooding. Project design features would help to reduce

flood risk. Mitigation would further reduce the risk of loss, injury, or death involving flooding. This impact would be Class II, significant but mitigable.

Mitigation measures are deferred to a later date and include a wide variety of measures that may or may not be implemented. Specific measures to address on-site flooding should be included in a RDEIR. The impact of proposed measures on downstream land uses should also be identified.

D. The DEIR identifies the construction of retaining walls up to six feet to allow the site to be raised above the flood plain. Please address the impact of the retaining walls on downstream flooding.

E. Assessment of the availability of water is incomplete and needs further verification (Memorandum from MPWMD Larry Hampson to Molly Erickson, January 9, 2017). This information should be included in a Recirculated DEIR.

4. **Land Use and Project Consistency with the Carmel Valley Master Plan and 2010 County General Plan**

A. Policy CV-1.10 applies to the proposed project:

> 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 and should be found to be an unavoidable significant impact.

B. The 2010 General Plan policy LU-1.19 applies to the project and was not addressed in the consistency analysis. It requires the following:

> 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 the 10% Workforce housing, is inconsistent with the policy.

C. 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.

D. OS 10.9 applies to the proposed project, 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 ensure that health-based standards for diesel particulate emissions are met.

As noted in item 1A above, temporary emissions of TACs could have significant impacts on sensitive receptors and a quantitative assessment using an accepted model to specifically address diesel exhaust emissions should be undertaken to support the finding.

E. County General Plan Policy C 1.1 applies to the project. It 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.

As noted in the DEIR, LOS D has been established as the minimum acceptable level of service for several segments along Carmel Valley Road. While the traffic impact analysis prepared for the proposed project utilizes these identified LOS standards, the project does not meet the LOS D standard and should be identified as inconsistent.

F. Policy CV-2.17 was not addressed in the general plan consistency analysis. It 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 condition.

The project is inconsistent with this policy, and project impacts should be identified as significant and unavoidable.

Previously, in the Rancho Canada Village project, County staff claimed the project consistent with this Policy CV-2.17 because an EIR had been prepared. We encourage you to avoid making a similar finding for this project. The County's interpretation would permit land uses that are not supported by transportation systems and therefore violate state law that requires circulation policies be consistent with land use policies. It is impossible to imagine the California Environmental Quality Act would let the County deny small projects for which no EIR is prepared but approve large projects for which EIRs are prepared.

5. **Traffic and Circulation**

A. This section does not address construction-related traffic that could be substantial (item 1A above). This information should be included in a Recirculated DEIR.

B. The DEIR finds that project impacts to the following intersections and road segments would remain significant and unavoidable under the existing plus project conditions:

- Intersection #3
- Intersection #7
- Intersection #8
- Road segment #1 (northbound and southbound)
- Road segment #2
- Road segment #3 (northbound and southbound)
- Road segment #6
- Road segment #7

The project would violate Policy CV-2.17 which states: "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 condition."

Inconsistency with this policy should be identified as significant and unavoidable.

Thank you for the opportunity to review the DEIR.

Sincerely,

Michael DeLapa
Executive Director

m | r | wolfe
& associates, p.c.
attorneys-at-law

June 6, 2014

Via E-mail

Carl Holm
Resource Management Agency
County of Monterey
168 West Alisal Street, 2nd Floor
Salinas, CA 93901
HolmCP@co.monterey.ca.us

Mike Novo
RMA- Planning
County of Monterey
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Development Evaluation System

Dear Mssrs. Holm and Novo:

I write on behalf of LandWatch to express concern that 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 such projects that are outside of Community Areas, Rural Centers, and Affordable Housing Overlay districts.

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 two and a half 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 a modified proposal at some uncertain date in the future. LandWatch has provided 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 deem applications complete or approve projects subject to Policy LU 1.19 until it implements its General Plan by establishing the DES.

A. 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 does provide specific criteria for affordable housing for residential development subject to the DES, i.e., any subdivision 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.

B. 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.

C. 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 subdivision 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.

We are aware of several proposed projects that are subject to LU Policy 1.19. Pending the establishment of the DES, the County should not allow these projects, or other projects subject to LU Policy 1.19, to avoid the development constraints that the

General Plan mandates be implemented through the DES. Accordingly, 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.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.

John H. Farrow

Cc: Amy White
Janet Brennan

Schubert, Bob J. x5183

From: LandWatch ED [execdir@mclw.org]
Sent: Thursday, January 19, 2017 2:02 PM
To: Schubert, Bob J. x5183
Cc: Holm, Carl P. x5103
Subject: Additional comments on DEIR for Carmel Rio Road Subdivision
Attachments: LandWatchAdditionalCommentsRioRoadAmend.pdf; DES-fromMarkWorld.doc

Dear Mr. Schubert,

The attached letters contain additional comments related to the DEIR for the Carmel Rio Road subdivision project.

Thank you for your consideration.

Regards,

Michael

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

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monterey county

January 19, 2017

Bob Schubert
Project Planner
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

SUBJECT: DEIR FOR CARMEL RIO ROAD PROJECT – ADDITIONAL COMMENTS

Dear Mr. Schubert:

This letter provides additional comments to our previous letter regarding the DEIR for the Carmel Rio Road subdivision project.

As noted in our previous comments, 2010 General Plan policy LU-1.19 applies to the project and was not addressed in the consistency analysis. LU 1.19 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 such projects that are outside of Community Areas, Rural Centers, and Affordable Housing Overlay districts.

The goal of LU 1.19 is to ensure that at least 80% of future development occurs in Community Areas, not as sprawl. Even though the General Plan requires the County to adopt the DES within one year (i.e., by 2011), we understand the County has still not adopted it. An ad hoc or purely qualitative assessment of the Project to find it consistent with the LU 1.19 criteria is not consistent with the procedure required by LU 1.19.

Thank you for the opportunity to review the DEIR.

Sincerely,

Michael DeLapa
Executive Director

Post Office Box 1876 • Salinas • CA • 93902 • 831-759-2824 • www.landwatch.org

m|r|wolfe
& associates, p.c.
attorneys-at-law

June 6, 2014

Via E-mail

Carl Holm
Resource Management Agency
County of Monterey
168 West Alisal Street, 2nd Floor
Salinas, CA 93901
HolmCP@co.monterey.ca.us

Mike Novo
RMA- Planning
County of Monterey
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Development Evaluation System

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h. Jobs-Housing balance within the community and between the community and surrounding areas
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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 subdivision 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.

We are aware of several proposed projects that are subject to LU Policy 1.19. Pending the establishment of the DES, the County should not allow these projects, or other projects subject to LU Policy 1.19, to avoid the development constraints that the

General Plan mandates be implemented through the DES. Accordingly, 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.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.

John H. Farrow

Cc: Amy White
Janet Brennan

Schubert, Bob J. x5183

From: Glenn Robinson [aahq@comcast.net]
Sent: Thursday, January 19, 2017 8:38 PM
To: Schubert, Bob J. x5183
Subject: Val Verde Drive Project

Dear Mr. Schubert,

I was a principal negotiator for the legal settlement between the County and the Carmel Valley Association that capped new units in the CVMP area to 190 in the current master plan. By my count, the approval of the Rancho Canada subdivision leaves 6 units remaining to be created outside of the airport property. Yet I understand you are processing an application for 31 units along Val Verde Drive. Why is this happening? Please let me know why the County is considering a project that so obviously violates a legal settlement, something that cannot be simply changed by the Board of Supervisors. I look forward to your response.

Sincerely,

Glenn E. Robinson

Friedrich, Michele x5189

From: Charles Hayes [charlesrhayes@comcast.net]
Sent: Friday, January 20, 2017 12:34 PM
To: ceqacomments
Cc: Schubert, Bob J. x5183
Subject: Questions submitted re. DEIR for Carmel Rio Road Project (PLN 140089; SCH#2015071046)
Attachments: Ltr - Bob Schubert - DEIR Carmel Rio Rd Project.pdf

Importance: High

Attached please find a scanned copy of my 2-page letter, dated January 20, 2017, to Mr. Bob Schubert, Monterey County Resource Management Agency - Planning, wherein I ask two (2) questions regarding what I perceive to be omissions that the above referenced DEIR should examine. I am writing on behalf of the 92 homeowners who live in the Arroyo Carmel Community at 3850 Rio Road.

My contact information:

Charles R. Hayes
3850 Rio Road, Unit 67
Carmel, CA 93923
(831) 625-2721 (home)
charlesrhayes@comcast.net

Please notify me of hearings relating to this project.

Thank you,

Charlie Hayes

Arroyo Carmel Homeowners Association

January 20, 2017

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

Re: Questions - DEIR for CARMEL RIO ROAD PROJECT (PLN 140089; SCH#2015071046)

Dear Mr. Schubert:

1. Why has the traffic at the intersection of Rio Road and Via Nona Marie NOT been identified and studied in the DEIR? There is no mention of it in Section 4.14, TRANSPORTATION AND CIRCULATION. It should be studied and improved. Its impact is significant!
   a. This intersection is NOW heavily trafficked! The Carmel Rio Road Project and the recently approved Rancho Canada Village Project would add vehicles using this traffic- impacted intersection.
   b. Vehicles travel EB and WB on Rio Road to this intersection, turning north to go to:
      i. The US Post Office on the northeast corner of this intersection. I suspect most of this constant traffic is employees of West Carmel Valley businesses and the many residents living in the West Carmel Valley and Mission Fields areas, served by this Post Office (93923 zip code).
      ii. The businesses on Via Nona Marie, e.g., Monterey County Bank, investment brokerages, numerous small business, et al.
      iii. Shops and restaurants in the Barnyard Shopping Center.
      iv. Shops, banks and businesses in the Carmel Center Shopping Center.
   c. Vehicles travel EB and WB on Rio Road to this intersection, turning south into the Arroyo Carmel Community (92 townhomes). All vehicles from this community exit onto Rio Road at this intersection.
   d. There is a wide, N/S crosswalk along the eastern side of this intersection. Although clearly marked, residents in the crosswalk are often at risk from speeding vehicles, more often EB on Rio Road, accelerating to speeds beyond the clearly marked 25 MPH speed limit, from Intersection #5 (the Shell Station) to Intersection #6 (Rio Road & Carmel Rancho Blvd).
      i. I cannot stress strongly how common it is to see pedestrians in this crosswalk dodging oncoming vehicles. Last fall, Arroyo Carmel residents observed a speeding EB driver veer into a WB lane to avoid hitting a woman and her dog in the crosswalk; fortunately, there was no traffic in the two WB lanes.
      ii. Pedestrian accident prevention methods are needed: sequential lighting when a pedestrian is in the crosswalk; flashing traffic lights on a 25 MPH sign drawing drivers' attention to this speed limit and the impending crosswalk; or a traffic signal.

444 Pearl Street, Suite B1, Monterey, CA 93940
Office: 831-205-5994 ♦ Fax: 408-226-3406

2. Why does the DEIR not address flood control measures?
   a. This project should make some contribution to fund this area's flood mitigation & prevention measures.
   b. Is it not in CSA 50?
   c. Although its location on Val Verde Drive lies just north of the 100 Year Flood plain, the project's access is via Rio Road that is in that flood plain.

Thank you for answering my questions.

Charlie Hayes

Sincerely,

Charles R. Hayes, President
Arroyo Carmel Home Owners Association
3850 Rio Road, Unit #67
Carmel, CA 93923
(831) 625-2721

444 Pearl Street, Suite B1, Monterey, CA 93940
Office: 831-205-5994 ♦ Fax: 408-226-3406

Friedrich, Michele x5189

From: Bob Byrne [bob8679@att.net]
Sent: Friday, January 20, 2017 1:40 PM
To: ceqacomments
Subject: Carmel Rio Road Subdivision (PLN140089)

Mr. Schubert
Senior Planner
Monterey County

Dear Mr. Schubert,

In regards to the above Subject, please note that I oppose the subdivision. The reasons are as follows:

The project plan does not comply to the affordable housing requirements of the Carmel Valley Master Plan and the County General Plan.
The added occupants and associated services personnel would overburden the existing heavy traffic in the immediate area, especially The
Crossroads, Rio Road, Highway 1 and Carmel Valley Road.
A sufficient water resource and supply is highly questionable. As you well know water is a very critical issue, especially in Carmel Valley.
The subject land is an agricultural site. It is paramount to maintain the rural character of the area. Altering the site is contrary to its rural
character.

Please greatly consider the above as some of the obvious reasons that this project should be denied. In all due respect to the developer and his associates, it is not a proper place for a subdivision - the location cannot tolerate more traffic, more noise, more pollution in this rural area. The project does not comply to the Plan(s) stated above.

Thank you for you time.

Sincerely,

Bob Byrne
27640 Selfridge Lane Carmel 93923
bob8679@att.net
C 582-7316

Carmel Rio Road Project--Attn: Bob Schubert--filePLN140089

1. Why are there 4 wells on the project site--details, please.Are all the wells producing water? Have any been abandoned? IF so, please describe how they were capped.

2. Please list in detail the steps the applicant has taken to perfect his water rights.

3. Why are there no limits on the amount of water used by this project. Explain in detail.

4. It is my understanding that there are two wells on this property and that one well was too close to the sewer line and was allowed to be replaced. Please explain in detail and locate the wells.

5. Please explain in detail why the Gamboa well is being used as back up.

6. Please explain in detail why the wells used by this project will not affect the well at Riverwood and the well at Arroyo Carmel-- especially since the reports states that the center of pumping for this project would be moved almost 500 feet to the south and much closer to the wells at Riverwood and Arroyo.

7. Please list all the reports and plans the applicant must

submit for Hydrology and Water Quality beteen now and before the issuance of a Certificate of Occupalncy. Please explain in detail why this material is not available now so the public has time before January 23rd to submit comments and questions

8. • Why is the DA-28 trunk storm drain trunk line bein proposed for use when the report states that trunk line has been identified as inadequate in its existing condition ... additional stormwater run-off cannot be added without impacts. Details, please!

9. • What plans should be required to maximize storm water retention on-site and minize storm water discharge off-site? Please explain in detail.

10. • Explain in detail the proper handling of run-off from DA-27 so as not to impair or endanger adjacent properties.

11. • How many truckloads of fill are required to raise the southwestern portion of the project from the 100-year floodplain? How many days would this takeplace and between what hours? What route would these trucks take to and from the project. What mitigations are planned to reduce this extra traffic to a level less than significant? Details please!

12. • Page4.8-33 and 4.8-34. Please explain in detail what the appicant proposes to do among the steps listed to prevent exposure to less, injury or death from project induced off-

site flooding. Details should be made available now so the public hs time to comment before January 23rd.

13 • On page 2, Appendix G, please explain in detail the importance of footnote 1. On page 3, I do not understand the second full oaragraph-- please explain in detail.

14 • On the same page please explain the last sentence under Riverine Flooding --"the plans use a different vertical datum for elevations than that used on the currently-effective Flood insurance Map. Why dues this mke a difference?

15 • Please indentify the CSA50 report by its corrent name -- there is more than one CSA50 report.

16 • Page 4 paragraph 3 please explain in detail the problems that are raised and explain in detail what plan modifications are needed.

17 • Only 30 units under the 190 Unit Carmel Valley Cap are now available for this project. Please submit revised plans and detailed drawings for a 130 unit project.

18 • I Understand there is a definite time when this oroject must be completed. Please explain all the details, potential dates and what happens if this ddeadline is missed.

19 • Please explain in detail and provide detailed drawing of raising Val Verde Drive. I under stand this is now to be a two lane road. How many feet will the road be raised? Will any land be needed from other Val Verde Property Owners?

Who will be responsible for reparing current driveways?

20. Who will monitor the landscaping so the owners will not remove drought tolerant plants and replace with heavy water using plants? Will this be done on a 6 month basis or what?

21. Pleae describe in detail the "existing entitlements and resources" rhat provide the water needed for this project.

22. Please provide detailed drawing of the upstream conduit to capture DA-27 flood flows.

23. When will the applicant be required to show which off-site improvements he has selected?

24. When will on-site drawiings and details be made available for on-site improvements. Explain why these are not avaiable now -- details.

25. Why is the Gamboa replacement well the primary water supply for the project? Details, please.

26. When wil the applicant provide a detailed erosion plan? Why is it not available now-- details, please.

27. The report assumes that crops were watered year round. Rhis is not tuue. I wailed Val Verde many times and crops were not grown year round. Please correct this assumptionm and provide new figres.

28. On Page 12 of Todd Groundwater, it states that rainfall data

was used from the Salinas 2R gage. Please explain in detail why the Salinas gage was used? There surely are othr rainfall gages closer.

Margaret Robbins

Margaret Robbins

3850 Rio Road #26. carmel, CA 93923 (624-1153)

January 16, 2017

Schubert, Bob J. x5183

From: Richard Stott [rhstott@comcast.net]
Sent: Sunday, January 22, 2017 1:55 PM
To: Schubert, Bob J. x5183
Cc: 100-District 5 (831) 647-7755
Subject: PLN140089 - Carmel Rio Rd Subdivision
Attachments: PLN140089.docx

Hello Bob Schubert,

Attached are my comments on PLN140089. Please enter them into the record and respond <<...>> .

Thank you!

Dick Stott
4000 Rio Road #3
Carmel, CA 93923

831 624 9048
rhstott@comcast.net

January 22, 2017

From: Richard Stott
4000 Rio Road #3
Carmel, CA 93923
rhstott@comcast.net

Re: Carmel Rio Road Subdivision (PLN14089) DEIR
Bob Shubert, Planner
168 W. Alisal St.
2nd Floor
Salinas, CA 93901

Dear Mr. Shubert,

Please explain why the following are acceptable without mitigation:

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 significantly 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.

And why should this project be approved when project alternatives "No Project/No Development" and "No Project/Existing Zoning" described in the DEIR are significantly superior both in terms of environmental impact and adherence to the Master Plan?

Sincerely,

Richard Stott

Schubert, Bob J. x5183

From: kathy west [tasker928@hotmail.com]
Sent: Sunday, January 22, 2017 2:30 PM
To: Schubert, Bob J. x5183
Subject: Val Verde

I am a CV resident. I'm against taking our rural farmland that is being used and placing residential housing. I'm confused since if the 131 home project passes- would this not put us over the limit anyway- or would they allow BOTH to pass and then we have even more growth within the same area. We need the mouth of the Valley to not become filled with traffic congestion. The entire reason I moved to CV is to finally free myself from the dreaded traffic I've had to endure for the past 20 years. Please keep CV rural.

Karen Wood

Schubert, Bob J. x5183

From: Neil Johnston [nmjorbis@yahoo.com]
Sent: Monday, January 23, 2017 3:04 AM
To: Schubert, Bob J. x5183
Subject: Carmel Rio Road Subdivision PLN1 40089
Attachments: Rio Road Development.doc

Bob Schubert,

I am attaching our objections to the above planning application.

Neil and Stephanie Johnston

Neil M and Stephanie D Johnston
PO Box 217
Carmel Valley CA 93924

email: nmjorbis@yahoo.com

January 23, 2017

Bob Shubert
County Planner
SchubertBJ@co.monterey.ca.us

Reference:
Carmel Rio Road Subdivision (PLN140089)

Dear Sir,

As residents of the Monterey Peninsula for over 15 years in both Monterey and Carmel Valley, we have significant concerns and objections to the proposed development of the Carmel Rio Road Subdivision.

We understand from public reports that the proposed development does not meet previously agreed (legal) guidelines with regard to the Carmel Valley Master Plan, County General Plan, affordable housing requirements and mitigation of traffic increase on Highway One.

However, our objections are based also on the medium and longer term impact of continued development in areas that are affected by adverse weather. Major weather events are likely to increase in intensity over the foreseeable future. Increased flooding in coastal areas supports the need to plan residential development significantly away from medium and high risk areas. Our experience of living in the Netherlands demonstrated the high and significant ongoing costs of protecting against rising sea levels.

We have to start now to make development decisions that take into account the world in which our children and grand children are going to live. We have the opportunity to protect the valuable environment of the Carmel Valley and avoid significant cost consequences in the future.

Yours sincerely,

Neil and Stephanie Johnston

Schubert, Bob J. x5183

From: extrarovers@aol.com
Sent: Monday, January 23, 2017 8:37 AM
To: Schubert, Bob J. x5183
Subject: PLN140089

There is nothing good about This 31 unit development. It destroys open space which is agricultural land, creates more traffic to an impacted road condition, it is visual pollution, noise pollution, air pollution. It consumes more of the limited water supply. Carmel Valley should never have had the 190 unit build out. This provision needs to be rescinded. Wrong is wrong.
The planning commission and board of supervisors mission is to preserve the rurual/agriculture presence of Monterey County.This means new developments degrade the County and quality of life in all areas. Every new development has an effect that can not be repaired. Stop destroying Monterey County.

Lea Magee
831-594-4515

Friedrich, Michele x5189

From:	schachtersj@comcast.net
Sent:	Monday, January 23, 2017 11:53 AM
To:	Holm, Carl P. x5103; Adams, Mary; Schubert, Bob J. x5183; ceqacomments
Cc:	Walton, Priscilla; Sanders, Timothy; Sand, Eric; sand, eric; Molly, Erickson
Subject:	Carmel Rio/ ValVerde Response
Attachments:	Final Response to .DEIR..January 23 Rio.v3.docx

Attached is the response from Carmel Valley Association president Priscilla Walton in regard to the Rio Road Subdivision draft EIR (PLN 140089). Please let us know when you have received this.

Sandra Schachter, Secretary, Carmel Valley Association

Carmel Valley Association

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

January 23, 2017

Bob Schubert, Project Planner
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

Mr. Schubert:

The Carmel Valley Association Carmel Valley Association is one of the oldest, largest, and most successful community organizations in Monterey County. Our mission is to defend the beauty, resources and rural character of our beautiful valley. We are longstanding advocates for enforcing the Carmel Valley Master Plan and the General Plan.

Our volunteer experts represent Carmel Valley's interest, testifying before governmental bodies concerning development, water, traffic, road signs, and other environmental issues. We are an entirely volunteer organization with no paid employees.

The Carmel Valley Association team of reviewers has reviewed Carmel Rio Road Subdivision Project draft EIR (PLN140089). Our review and analysis finds major concerns and omissions in the DEIR document. The project would violate a number of General Plan and Carmel Valley Master Plan Policies.

We make the following comments.

A. Land Use: As proposed the Project is inconsistent with Carmel Valley Master Plan and the County General Plan policies.

1. Policy CV-1.10 applies to the proposed project. Only 22.6% of the units would be built on site. The remaining balance of the required 25% would be met through an in-lieu fee of $206,544. This is inconsistent with Policy CV-1.10.

This inconsistency was not addressed.

2. The 2010 General Plan Policy LU-1.19 is not addressed in the DEIR consistency analysis. The DEIR excludes analysis of conflicts with Monterey County's affordable housing policy. The policy 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.

3. Project is inconsistent with General Plan Policy LU-2.3. The Project does not include a mix of affordable housing as required.

The project would use up all the 30 remaining available units in the Master Plan allotment. It also would exceed the exceeding CAP to 161 when combine with Rancho Canada. Prior to approving the remaining 30 units to an area that is already significantly impacted, the County should review where the optimal placement of those units should be. That would be good planning and the DEIR should have addressed it.

The DEIR should require a mitigation to reduce the number to of units approved to 30 to fall within the CAP.

The DEIR contains no discussion of the fact that the 31 proposed units would exceed the CAP.

4. County Plan Policy C.1.1. Applies to this project. The DEIR notes that LOS D has been established as the minimum acceptable level of service for many segments on Carmel Valley Road. The traffic impact analysis uses the LOS standards; the project does not meet the LOS D standard and thus is inconsistent with the General Plan.

5. Policy CV-2.17 was not addressed in the General Plan consistency analysis, and should have been.

B. Traffic and Circulation: The project will have a traffic impact that is significant and unavoidable, according to the county. Currently, the level of service is at Service Level F. Adding additional traffic to the worst level of traffic

will not improve but exacerbate the already immitigable situation. Increased traffic will impede the movement of local traffic and emergencies services.

1. The cumulative effect of this project is to add 300 more daily trips in an already congested area. This amount of traffic will be added to the 130 units from the Rancho Canada Project, and many more from the new grocery store. This means more delay, safety risks for business, customers, employees and residents. In addition, the DEIR does not adequately disclose, consider and mitigate the 4000 additional trips that will occur during construction.

2. The following road segments or study lengths show significant project impacts or unacceptable levels of service (whether AM or PM); the project impact or unacceptable level occurs first at the stage indicated (third column: existing, existing + project, background, background + project, etc.), and in some cases at a later stage, as indicated (fifth column):

seg	direction	1st unacceptable scenario	LOS	2nd unacceptable scenario	LOS
11	northbound	existing	E		
13	eastbound	existing	D		
14	westbound	existing	E	cumulative	F
14	eastbound	existing	D	cumulative	F
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		

3.The following intersections show significant project impacts or unacceptable levels of service (whether AM or PM), with the project impact occurring first at the scenario (existing, existing + project, background, background + project, etc.) indicated, as above:

seg	1st unacceptable scenario	LOS	2nd unacceptable scenario	LOS
1	bckgnd + project	D		
3	existing	D		
7	existing	D	cumulative	E
8	existing	D	cumulative	E

Thus this project would add many trips to already unacceptable and significantly impacted traffic conditions. The unacceptable conditions adversely affect current residents and users of our traffic infrastructure even now, and hinder their access to emergency transportation and services, as is measured for example by the number of times the word "existing" appears in the lists above.

Given the local constant threat and recent experience of wildfire, earthquake and/or flood, together with strictly limited evacuation and emergency vehicle routes, no traffic impacts from this or other projects in this area are tolerable from the perspective of local safety and emergency management.

These are potential threats to local safety and emergency management.

Please explain the environmental analysis of these issues that is lacking in the DEIR for this particular project. The DEIR should have investigated the impacts and proposed feasible mitigations.

Given that the subject DEIR identifies significant and unavoidable impacts that would adversely affect present users of local roadways, the only path to lawful approval of the project is providing a statement of overriding conditions.

This project provides no benefits that would qualify to override the adverse traffic environmental impacts that would accrue from approval of this project.

4.Two intersections on Carmel Valley Road, generally near the project, are known to present difficult entries onto Carmel Valley Road; one has received an LOS F rating in a recent traffic study. Neither intersection was included in the subject DEIR, but both should have been included, given that about 45 daily trips, most of them probably during peak hours, would be added by the project to Carmel Valley Road. The intersections are at Brookdale Drive and Valley Greens Drive.

The Brookdale Drive and Valley Greens Drive intersections with Carmel Valley Road were improperly omitted from this study.

5. Critical access to this project is along Highway 1, through the unavoidable restriction of the 1-lane "choke section" between Ocean Avenue and Carmel Valley Road. The analysis of this segment (segment 2 in the DEIR tables of segment levels of service) was "outsourced" to the earlier traffic study by CCSC in the RDEIR for Rancho Canada Village. That traffic study is fatally flawed in several respects, and yielded a false level of service value, LOS C, for the relevant segment of Highway 1. In fact, that segment is well known now, and has been known for some years, to be operating.at LOS F.

Elsewhere in these comments, as well as in the public comments in the FEIR for the Rancho Canada Village project, are analyses of the CCTC study that conclusively demonstrate, including substantial evidence, that the CCTC study is fundamentally wrong and that its results should not be used or quoted. We attach here the comments on the Rancho Canada Village traffic study, which we incorporate fully here as if made on the Carmel Rio Road subdivision DEIR traffic study and traffic analysis. Please respond to those questions and comments.

The DEIR for this project relied improperly on the CCTC study, which was materially flawed. We address the CCTC study here.

The fatally flawed CCTC study should not have been used for this Project. Please explain why it was recommended for use by County staff, then used in the present project DEIR.

Please explain why the serious flaws in the CCTC study, which are discoverable upon reading and understanding the study method used, were not identified by either the consultant or County staff. Those errors fatally infect this project traffic analysis, as well, and result in undercounting impacts.

The CCTC's LOS C assignment on the segment of Highway 1 between Ocean Avenue and Carmel Valley Road (where the LOS F assignment has long been known to be correct and is consistent with daily experience) is not factually supportable. Why was the LOS C rating used? Why did the DEIR rely on the MMLOS/LOS+ method that produced it, in preference to the established LOS F rating? Please explain the method that produced it the LOS C rating, based on actual traffic counts.

In the MMLOS method (i.e., the method of NCHRP 3-70) used for Highway 1 segments, "Auto level of service is a function of stops and left turn lanes." According to NCHRP Web-Doc 128, p.6). However the required number of s tops and left-turn lanes are not specified in the CCTC report using MMLOS on which the DEIR traffic study is based.

Please provide the required MMLOS data for Auto LOS (e.g., as indicated in Exhibit 2, on p. 7 of NCHRP Web-Doc 128) that were used to calculate the Highway 1 LOS values in the subject DEIR as it incorporated by reference information from Rancho Canada Village RDEIR.

6. The software called LOS+ is used to obtain LOS values for Highway 1, presumably on the basis of the MMLOS method, yet the definition of road segments in the software is different from that in MMLOS according to the authors of the software (Fehr & Peers). There is no reference to LOS+ in the CCTC study or the subject DEIR), except through the output data from the software. As a result the LOS, the LOS score, and the v/c are not supported by any visible evidence. This violated CEQA Guidelines.

Please provide in detail the equations and methods used to calculate the values of v/c, the LOS Score and LOS that are presented in the LOS+

tables of the CCTC report. Absent that information and the other information requested in this letter, we cannot adequately and meaningfully comment on the traffic analysis.

Please describe the role of v/c in assigning LOS scores in LOS+.

Please explain the difference between v/c as obtained in LOS+ and the usual meaning of v/c as peak traffic volume divided by roadway capacity. (Comparison of LOS+ values of v/c with LOS ratings [e.g., v/c =0.20, LOS F in the 1st LOS+ data sheet in RDEIR] shows that in some cases LOS+ results are inconsistent with the usual HCM meaning of v/c; **please explain this,**)

Please explain whether travel speed plays a role in the LOS+ calculations of Auto LOS, and if so what that role is.

Please describe and demonstrate in detail the use and role raw traffic data and/or roadway configuration to auto LOS in the CCTC analysis.

6. It is obvious that all impact data for all projects that generate vehicle trips are fundamentally dependent on existing traffic volume, that they are obtained by adding projected new trips to existing volume, and that therefore whenever existing traffic volume is incorrectly measured or estimated, traffic volumes for all future scenarios will be incorrect. Thus erroneous values for existing traffic volumes and level of service ratings (especially on Highway 1) – i.e., baseline data – render useless all estimates of background and cumulative traffic that are computed from them, and consequently also invalidate all such estimates that include project-generated traffic.

Baseline or existing traffic volumes are of fundamental importance. The EIR failed to identify and correct (1) estimates of existing traffic, and (2) the methods for analyzing them. Instead, it appears that the County has gone to considerable effort and cost of producing an entire study – this one in particular – that is essentially worthless because environmental impacts cannot reasonably be estimated in the DEIR because of the study's flawed character.

Further comments on traffic issues in the DEIR are contained in Appendix A attached to this letter.

C. Air Quality: There is no analysis of air quality impacts from construction. The DEIR does not consider the construction impact from diesel exhaust. This poses a threat to the Carmel Middle School students, the Bialek Garden and the senior care facilities that are only 500 feet away. The DEIR states that no quantitative assessment has been done to quantify the impact of construction emissions. (DEIR P.4.2-19)

A quantitative analysis should be done and the DEIR should be recirculated.

D. Hydrology and Water Quality

1.The DEIR finds that construction of the proposed project could result in an increase to pollutant discharges to waters. The DEIR indicates "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.

What information and what measures were used in the impact analysis? That critical information is omitted from the DEIR.

The DEIR fails to describe feasible mitigation measures. The DEIR failed to explain and quantify what the DEIR means by "the maximum extent feasible" and what impacts would remain. The DEIR should have investigated and provided the data that quantifies the impacts and the mitigations' effect, Please provide it so we can review and comment on it.

2. Flooding: The DEIR defers analysis of flood protection and includes a wide variety of measures that may or not be implemented.

This project will increase the numbers of families by 31 in a known high risk flooding area. The lower river area has flooded 22 times in the last century. The most recent three floods occurred in the decade of the 1990's.

The installation of a floodwall of up to 6 feet in height suggests potential problems to downstream residents. At a time when climate change and projected increases in the rise of sea level, the county should be reluctant to approve any additional projects in the flood plains. In fact, a major flood control project should be completed for the entire area prior to consideration of the feasibility of any new projects in this area.

Please explain and identify in detail the specific measures that would mitigate the downstream impacts that all project aspects would have. The EIR should have provided a description of the measures and recommended mitigations for their impacts. Without this information we are not able to make informed comments.

3. 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. The County acknowledges that the drainage is inadequate, but to date has not funded a solution.

Please provide an explanation of why has the county not funded a solution.

4. Groundwater: The Carmel Valley Alluvial Aquifer suffers from water table loss every year. There is no guarantee that the 31 new residents would not exceed the water demand assumed in the EIR. Exceeding water demand would further harm the river and habitat.

E. Aesthetics: 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 CVMP Policy CV-1.1. which would maintain the agricultural character of the area. It also would continue to minimize traffic in trucking agricultural products from outside that result in increasing traffic.

Carmel Valley Association comments
Carmel Rio Road LLC subdivision

1.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 explain how replacing the current agricultural use of the land with a density of 31 houses (average of four houses per acre) maintains the rural character of the area.

2.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. (DEIR p.4.1-6)

Please explain address how the project is consistent with the current surrounding land use.

To summarize, the draft EIR is inadequate in its content and analysis and omits important information and applicable policies. The information and analysis described above should be included in a revised draft EIR and recirculated for comment by CVA and others.

The Carmel Valley Association thanks you for the opportunity to review this document.

Sincerely,

Priscilla H. Walton, President, Carmel Valley Association

Cc. Carl Holm
Supervisor Mary Adams, 5th District

APPENDIX: A

Further Comments on Traffic for Carmel Rio Road Project

Section 4.14 of the (Draft) EIR Must Be Recirculated

The traffic section and traffic study for the project are seriously deficient in a variety of ways. Under CEQA guidelines and regulations the EIR is not adequate, not complete and does not make a good faith effort at full disclosure, as the following comments show conclusively. As demonstrated below, the EIR does not contain information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public required by CEQA. (See, e.g., CEQA Guidelines 15144, 15147, 15151)

The EIR's section 4.14 on Transportation and Circulation, and all supporting and related appendices, should be rejected as inadequate, incomplete and failing to use the applicant's, and consultants, and/or relevant agencies' best efforts to find out and disclose all that they reasonably can, as required under CEQA. Recirculation of that portion of the EIR is required under CEQA.

Principal portions of necessary data and of the chains of evidence that link raw data (where present) to assertions and conclusions in the EIR are missing, making it impossible to verify (or not) claims about baselines and impacts made in the EIR. The EIR lacks substantial evidence to support many of its conclusions. Even baseline evidence is absent or insubstantial, and since all impact conclusions are based on baseline information, the related impact conclusions are invalid. Thus the "draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded" (except for comments that demonstrate the inadequacies and conclusory character), and therefore the County is required to recirculate the EIR. (See CEQA Guidelines 15088.5)

The length of this set of comments is dictated by (1) the number and technical character of flaws in the DEIR, and (2) the incorporation in the DEIR, by reference, of an especially deficient RDEIR from the Rancho Canada Village project, the reference unwisely having been recommended or endorsed by County staff.

The comments that follow call into question significant assertions and conclusions contained in the DEIR. They require responses that would render those claims and conclusions logically and substantively adequate and complete, and would provide full disclosure of relevant information, based on substantial evidence under CEQA guidelines.

In view of this, please respond to each and every comment below, including each and every paragraph and/or bullet point, with an informational statement supported by substantial evidence that is factual, relevant and explanatory.

Evidence of Incompleteness, Inadequacy and Lack of a Good Faith Effort at Full Disclosure

General

Section 4.14 and Appendix I of the DEIR fail to satisfactorily describe Val Verde Drive or to assess the impacts associated with approximately 300 additional vehicle trips on that roadway and the immediate vicinity of the project. Val

Verde is a paved road to the property edge, about 12 feet wide, and is a dirt road past the property line. The paved length is about 250 feet with a good deal of corrugation and several large pot holes. The developer's site map shows the road widened to 34 feet. There is no description of necessary improvements, of who would be responsible for providing them, nor of when their completion would be required

No discussion of construction traffic is contained in DEIR Section 4.14 on Transportation and Circulation, nor in the associated Traffic Impact Analysis of Appendix I. Thus the DEIR is incomplete in its traffic analysis.

In evaluating information about times, days and dates of acquisition of traffic data are critically important. Traffic conditions change enormously over time, and in order to meaningfully characterize traffic data, the reader of the EIR must have access to exact quarter-hour or hour, the day of the week, and the date of data acquisition.

- In this EIR there are, unnecessarily, several different forms of specifying times of data acquisition, none of them sufficient to allow clear linkage between EIR conclusions and specific measurements. This prevents data from becoming evidence, since the raw-data source cannot be connected unambiguously with conclusions drawn from it.
    - For example, in some cases (e.g., p. 4.14-9) the months of July and August are specified as the times of data acquisition, but two months (1/6 of a year) is hardly sufficiently precise to meaningfully specify the nature of the data, nor is AM or PM Peak Hour sufficient to assure that the data accurately reflects maximum traffic flows within the course of a day. The meaning of "peak hour", both AM and PM, is specified in this DEIR *only* on p.1 of the executive summary of Appendix I, which makes analysis of traffic reporting in the DEIR very cumbersome; but more importantly, peak traffic may not (and in some cases on the roads studied here, actually do not) occur during the hours quoted as the peak periods (7-9 AM, 5-6 PM).
    - Not only is the two-month interval of July and August entirely too imprecise to give clear meaning to the measured traffic volume, it ignores the County requirement that schools be in session when traffic counts are taken.

- Both editions of the *Highway Capacity Manual* cited in the DEIR, HCM2000 and HCM2010, contain lengthy discussions of the importance of timing of traffic counts and of deficiencies that occur when peak traffic and its time of occurrence are not properly identified. Peaks in vehicle counts themselves, and *not* some pre-specified time intervals such as 7-9 AM and/or 4-6 PM, determine when peak traffic occurs, and therefore when peak hours or quarter-hours occur. (See Figure 1 below, showing hourly traffic for Highway 1 between Carmel Valley Road and Ocean Avenue as a function of time, during an identified August day, with peak traffic occurring *between* the assumed but incorrect AM and PM periods. Actual peak hour traffic volume is significantly *higher* than is reported for the 7-9, 4-6 periods. Data for the graph is from the Rancho Canada Village RDEIR referenced and utilized in this DEIR.)

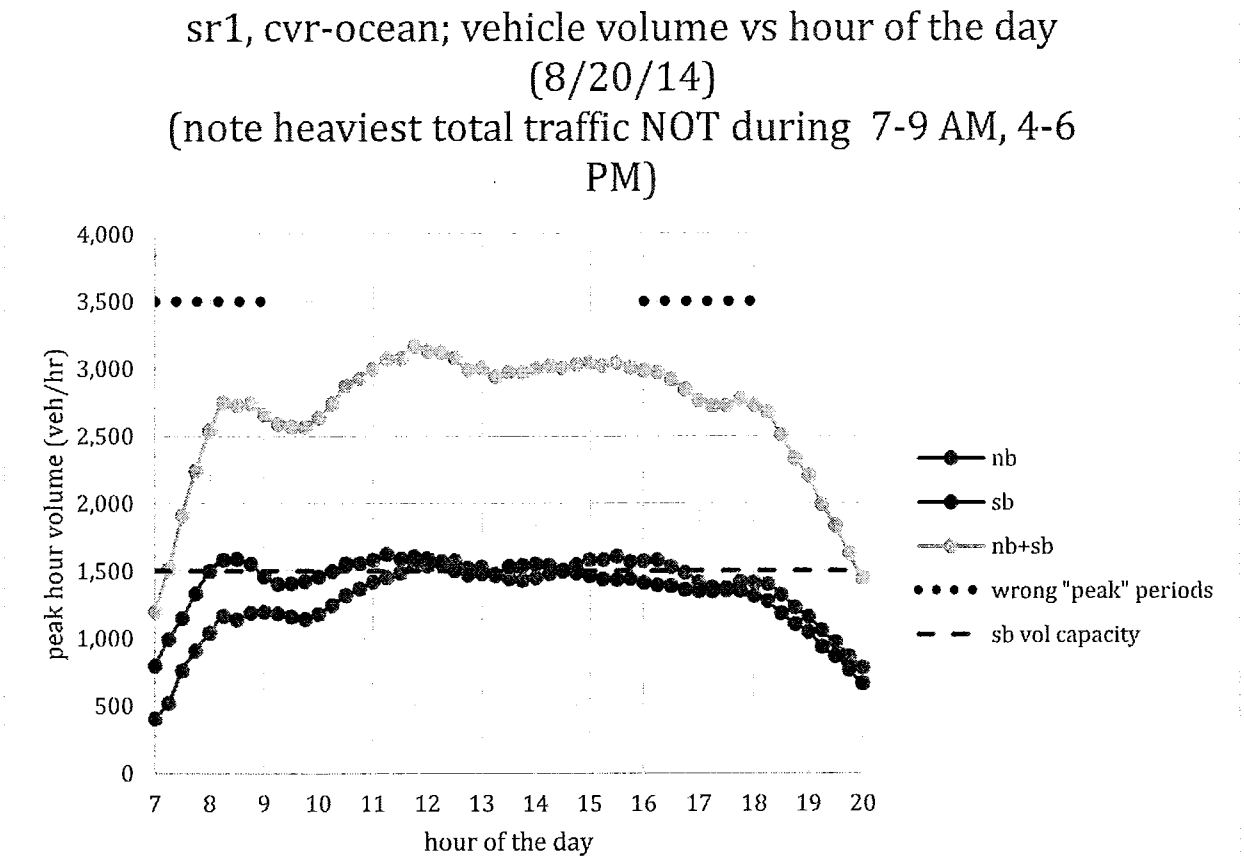

Figure 1 Daily traffic counts on Highway 1 between Carmel Valley Road and Ocean Avenue. Note that peak traffic volume does not occur during the pre-specified hours of 7-9 AM or 4-6 pm, and that southbound traffic exceeds the 1500 capacity much of the day.

Verification of the DEIR's measurements of "existing traffic" is impossible under the conditions present in the DEIR document. The actual evidence needed to connect raw data with the conclusions drawn in the DEIR simply is absent; the specific measurements themselves (raw data), identified by hour (or quarter-hour), day, and date, are the sources of all the results (including LOS assignments that are to be compared with significance criteria) but are inconsistently provided, if at all, in the DEIR. Only when the entire chain of information, from specific measurement to significance assignment is present and clearly discernible in the published DEIR analysis can substantial evidence be said to be present. In this DEIR that condition is not met; as a result, the

DEIR lacks substantial evidence to support its assertions, and the DEIR is not adequate.

These observations are just examples of the many deficiencies in the DEIR, and do not represent a catalogue of them. They are, however, sufficient to demonstrate that the DEIR is incomplete, inadequate and does not represent even adequate, let alone best, efforts to disclose to decision-makers and members of the public the environmental baseline, and therefore the impacts, of proposed project.

The DEIR thus is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded", that it must be recirculated in accordance with CEQA Guidelines.

Highway 1 Analysis, Incorporated in the DEIR by Reference

The analysis of Highway 1 traffic in this DEIR is incorporated from the recent RDEIR for the Rancho Canada Village subdivision project and its traffic study:

> "Per direction from Monterey County Department of Public Works staff, road segment operations for study segments #1 - #4 are referenced from the *Rancho Cañada Draft Transportation Impact Study* prepared by Central Coast Transportation Consulting (CCTC, January 2016). Study segments #1 - #4 are the northbound and southbound segments of Highway 1 between Carpenter Street and Ribera Road."

The referenced study is egregiously deficient and its reuse in this DEIR is itself substantial evidence of the County's absolute obligation to recirculate section 4.14 on Transportation and Circulation of the *Carmel Rio Road Project* DEIR (November 2016), to which these comments are directed.

The method employed for the analysis is referred to in the RDEIR as the "National Cooperative Highway Research Program (NCHRP) Report 3-70; *Multi-Modal Level of Service for Urban Streets Methodology*." In fact, that document is a description of the Transportation Research Board's *proposal* for the relevant research project (2003), which long since has been completed and the results summarized in NCHRP Report 616 (2008) and a user's guide

provided in NCHRP Web-Doc 128 (2008); the resulting method now is identified by the abbreviation MMLOS. The Rancho Canada Village RDEIR study also used a commercial computerized analysis known as LOS+, which is reported by its developer to be consistent with MMLOS for the auto mode of transportation, but in fact appears to have significant differences, judging by its output. The LOS+ program is effectively a calculational *black box* from the perspective of a traffic analyst. Competent use of it as an effective tool for traffic analysis requires a sophisticated understanding of relevant aspects of MMLOS, HCM2000, HCM2010, and of LOS+ input/output provisions, including its considerable limitations.

Below we list many reasons why MMLOS and LOS+ **should NOT be used** on the segments of Highway 1 at issue, and why use of MMLOS renders the DEIR so fundamentally and basically inadequate and conclusory in nature that recirculation is required:

- In MMLOS two attributes of a road segment are the input variables for calculating LOS of a street segment: (1) number of (mandatory) stops per mile, and (2) proportion of intersections with left turn lanes. (See NCHRP Web-Doc 128, p. 7, p. 31 and p. 41) These and only these determine LOS for the segment based on local conditions, except that if traffic volume exceeds capacity, LOS F is assigned. Thus **LOS for auto traffic is entirely insensitive to actual auto traffic volume** under MMLOS (unless volume exceeds capacity, in which case LOS F prevails). **Only attributes of the road itself**, not numbers of vehicles, **contribute to the LOS value** (with the exception above). **Only changes in configuration of the roadway will alter LOS** (with the exception above). Although the ratio of vehicle volume to capacity (v/c) and mean automobile through speed are computed MMLOS, they are used only in assessments of pedestrian, bicycle and transit service quality, and play no role (beyond determining whether or not LOS should be assigned) in assessing auto-mode service in MMLOS. Further, there is *no* pedestrian, bicycle or transit pick-up drop-off service on hthe portion of Highway 1 under study, so v/c and travel speed are irrelevant except to establish whether capacity is exceeded.
- This means that **under MMLOS, *LOS is not a measure auto traffic volume* or intensity**. MMLOS responds only to roadway configuration,

except for the all-or-none assigning of LOS F when volume exceeds capacity.

- The MM in MMLOS stands for "multimodal", meaning that four modes of travel – auto, pedestrian, bicycle and transit – are present on the roadway under consideration. However, only one of the four is present on this portion of Highway 1; pedestrian and bicycle uses are prohibited, and transit has no designated pickup/drop-off locations, which removes it as a travel mode under MMLOS. **Highway 1 is monomodal and distinctly *not* multimodal.** This makes the use of MMLOS on this roadway absurd, because **other, superior, analysis methods are available that actually respond to traffic volume** in determining LOS.
- The structure of MMLOS, if applied according to its specified procedures, defeats this monomodal application of the multimodal method. Notes to Exhibit 1 on page 6 of the Users Guide (UG: NCHRP Web-Doc 128) specify the following:
    - If the movement of any mode is legally prohibited for a given direction of travel on the street, then the level of service for that mode is LOS F for that direction
    - If any directional segment hourly volume/capacity ratio (v/c) exceeds 1.00 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).

  Those notes are further supported by the following remarks in the text of the UG:
    - "If pedestrians are legally barred from using one side of the street, then the pedestrian LOS for that side of the street is LOS F." (p. 17)
    - "If pedestrians are prohibited from walking along the street by a permanent sidewalk closure, then the pedestrian level of service is F." (UG p. 23)
    - "Only [transit] service with pickup/drop-off service ... is included in the LOS computations." (UG p. 2)
    - "[W]here there is no transit service ... transit LOS should be set at 'F'". (UG p. 14)

  In addition, the southbound segment between Ocean Avenue and Carmel Valley Road has a subsegment that is assigned LOS F in the Rancho Canada RDEIR traffic study referenced in the DEIR under discussion,

which sets the auto mode to LOS F for the entire facility, Thus, under MMLOS, **the entire southbound portion of Highway 1 under consideration is LOS F for *all* modes of travel**

- The CCTC study referenced in the Val Verde DEIR attempted to disguise the LOS F rating implied by correct application MMLOS protocols and guidance. For this purpose the CCTC study adopted further unwarranted and incorrect schemes for the auto mode; none of them defensible within MMLOS definitions and guidance.
    - CCTC divided the relevant segment into two subsegments by introducing a "merge point", failing to identify its location, thereby also failing to report the lengths of the subsegments that CCTC subsequently used as "weights" in an unjustified and inappropriate averaging process.
    - The northernmost subsegment is a short lane drop in order to effect a merge, from the two upstream lanes and an additional lane from the upstream (Ocean Avenue) intersection, to the downstream single lane enforced by a narrow pavement with restricting guardrails, a masonry wall, an upward vertical cliff and existing residences. In no part of the supposed subsegment can it sensibly be regarded as a separate or independent two-lane roadway; throughout its length, painted merge arrows are present. MMLOS states (page 8) that such lane drops do *not* "trigger the need to divide the segments into subsegments." Nor is the merge a midsection reduction in through lanes; instead it functions only as a genuine lane merge at the extreme upstream limit of the segment, mandated by the topographically- and land-use-enforced one-lane southbound segment.
    - The artificially inserted "merge point" in the CCTC analysis marks not a subsegment divide, but the end-point of a necessary short lane-drop at the beginning of a single through-lane. The segment between Ocean Avenue and Carmel Valley Road unquestionably is a single segment to which a single level of service rating is to be assigned, and that rating is LOS F. No subdividing is warranted.
    - Traffic volume for the corresponding southbound segment has been measured and reported in the referenced RDEIR, and demonstrates that the volume capacity for the roadway is exceeded during several

hours of the day, with the peak occurring near midday (see Figure 1); the correct LOS assignment for the segment accordingly is LOS F, as determined by the proper application of MMLOS indicated in Note 1 to Exhibit 1 on p.6 of the Users Guide.

- Several further fatal flaws exist in the referenced CCTC application of MLLOS to Highway 1, including, for example, the averaging of purported subsegment service measures. Further comment on these flaws is available if needed for the evaluation of the adequacy, completeness, and good faith disclosure by the DEIR.DEIR, but for brevity we leave this to any future assessment of the DEIR that may be needed.

- In addition to the analytical matters discussed above, the following quotation from the Users Guide (determines that MMLOS is not applicable to the segments of Highway 1 in question: "The multimodal level of service (MMLOS) method is generally not designed to be applied to residential streets, nor to rural roads with infrequent or no signal control."
  - The Highway 1 segments are entirely residential along the segments being analyzed in the DEIR (except for the presence of a High School, which is common for otherwise strictly residential areas). All nearby commercial areas have access only from Rio Road and Carmel Valley Road. The DEIR clearly is incorrect to apply the MMLOS method.
  - Although there is signal control along this portion of Highway 1, with four individual signals, less than 2 mi apart, they are present only to provide access to Carmel and its adjacent small communities, and to Carmel Valley. Numerous caveats are listed in HCM2000 and HCM2010 against using the 2 mi criterion as determinative in applying the Urban Street designation, and a significant portion of the caveats fit the conditions on Highway 1. The four signals in the study section are the only ones along Highway 1 between Santa Cruz and the San Luis Obispo County line roughly 130 miles away. Furthermore, MMLOS notes: An urban street is unique among the various facility types operated by public agencies, because its right-of-way is shared by multiple modes of travel, each using their assigned portion of the right-of way. To adequately evaluate the quality of service provided by the facility, one must consider the

implications of facility design and operation on the auto driver, the bus passenger, the bicyclist and the pedestrian." Since the study section in question possesses *only* the auto mode, it clearly does not fit the conditions for which MMLOS is designed.

- Use of LOS+ software in the referenced analysis introduces further inconsistencies, errors and contradictions into the Rancho Canada Village RDEIR, and consequently into this DEIR.
    - The connection between the uses of LOS+ and MMLOS methods in the contexts provided by this DEIR – including relevant differences and equivalences in their assumptions and structures, and including how data flows into and out of the calculations of each – is not discussed nor are pertinent references cited. It is thus impossible to assess the operation of the intermixed analytical scheme in the DEIR or the incorporated RDEIR.
    - LOS+ is not a faithful software realization of MMLOS, and in particular it defines road (street) segments differently; MMLOS segments include the downstream intersection, but LOS+ segments do not, and therefore LOS+ requires separate intersection analyses. This critically important fact is not mentioned, described or discussed in the DEIR.
    - *No* results arising from strict MMLOS analysis are reported in the DEIR, yet
        - the only relevant reference cited is one (outdated and incomplete) reference to MMLOS information, and
        - no reference to literature describing the *actual* source of final LOS values in the DEIR, namely LOS+, is provided.
    - LOS+ results are reported in two separate ways:
        - LOS+ computer-printout tables, which
            - Include the "merge point" as a division between segments, and have *five segments* of Highway 1 between Ocean Avenue and Carmel Valley Road
            - Provides columns for traffic volume over capacity (v/c), LOS score (an MMLOS designation), and LOS,
            - Provides additional sets of columns for (nonexistent) pedestrian, bicycle and transit modes of travel

        - A summary sheet titled "Urban Streets Segment Analysis", which
            - Omits the "merge point" and has only *four segments* of Highway 1 between Ocean Avenue and Carmel Valley Road
            - Provides columns for traffic volume, v/c (traffic volume divided by capacity, LOS score, and LOS, and
            - Provides no columns for the three (nonexistent) pedestrian, bicycle and transit travel modes, in contrast with LOS+ printout tables
            - Omits the row with LOS F that appears in the LOS+ printout tables, by eliminating the "merge point", and replacing the "F with a "C", claiming the following in a note: "Carmel Valley Road to Ocean Avenue evaluated using Ocean Avenue to the Merge Point and Merge Point to Carmel Valley Road to reflect a change in number of lanes. Results weighted to segment lengths."
    - This last stratagem, technically illegitimate, buried deep in the innards of an appendix to an appendix to section 4.14, and using an unwarranted averaging method, employing averaging weights that are not quantitatively specified (since the merge point location is not disclosed), is the mechanism by which the correct LOS F, supported by solid evidence and confirmed by virtually all previous relevant studies, is converted by the CCTC traffic report to an illogical and unsupportable LOS C.
    - The method for computing the purported "LOS C" in the LOS+ "analysis" is never specified (no equations actually used, no sample calculations illustrating the specific calculational process). But the subsegment for which it is supposedly calculated, has measured peak hour volume that exceeds the segment's capacity, as is easily determined by simple arithmetic using data from the same Rancho Canada RDEIR that was adopted by the Val Verde DEIR. (See Figure 1.)
- In other words, the LOS C claim is entirely bogus, and only simple arithmetic (not the complex computational "*black box*" of LOS +) is needed to obtain the clearly correct LOS F result.

- A set of additional absurd consequences of the use of LOS+ is the collection of v/c values asserted in the LOS+ tabulated results described above. For example:
    - At an existing peak traffic volume v = 1623 vehicles per hour, a subsegment is shown as having v/c = 0.40 (see "Urban Street Segment Analysis" table, Carmel Valley Road to Ocean Avenue, AM, SB) which implies that the capacity is c = 4058. The standard HCM capacity value is 1500 vehicles per hour. So the actual v/c = 1.08 (exceeding capacity, or LOS F), but by claiming v/c = 0.4 the DEIR is saying that far from being over capacity, there is further accommodation in the roadway for 1.5 times the current volume, which contradicts everyday experience on the segment, and is nonsensical. At and existing peak traffic volume peak v/c = 0.52 is reported accompanied by LOS F. (In RDEIR see first LOS+ table, line 2, from Ocean Avenue to Merge Point) The former says that the segment can accommodate a traffic volume increase of 92% of the current traffic volume – that is, traffic volume can almost double before reaching capacity – but the latter says that traffic already exceeds capacity. The two conclusions for the same segment obviously are contradictory.
    - County Staff/CCTC have asserted that these contradictions result from inappropriate "back-calculating". But such a claim just means that v/c doesn't mean the ratio of volume to capacity when it is reported by LOS+, which can be true only if LOS+ does not properly compute v/c as defined in MMLOS and HCM and therefore is inconsistent with them.
- In any case, **the only legitimate LOS value for the relevant portion of Highway 1 is LOS F, which implies that the addition of even one vehicle to peak hour traffic volume by any traffic-generating project produces a significant environmental impact.**

- At the core of all these errors are (1) the designation of Highway 1 as an Urban Street, which it clearly is not (and the Board of Supervisors previously had agreed more than once that it is not an Urban Street), and (2) the obviously inappropriate selection of MMLOS and LOS+ for the analysis of traffic, both of which are designed for the analysis of typical city streets on which four modes of travel are present, whereas in this case only one mode

exists. Each of these choices is thoroughly unreasonable by itself, and together thy lead to outrageous assertions in the DEIR about the character of traffic on Highway 1 and to gross underestimates of traffic impacts of the project.

Conclusion

The contents of section 4.14 on traffic in **the DEIR** for the Carmel Rio Road Project, also known as the Val Verde project, **violate repeatedly and substantially California State law**, as expressed in CEQA Guidelines. This is demonstrated in the comments above through extensive and detailed substantial evidence. Incorporating by reference the CCTC traffic study for the Rancho Canada Village RDEIR into the Carmel Rio Road Project DEIR was ill advised. As shown in these comments as well as in those addressed by CVA to the RDEIR for the Rancho Canada Village project, the CCTC analysis was extensively, deeply and fatally flawed.

The County's failure to identify the Rancho Canada Village RDEIR's many and fundamental errors, and to recirculate and correct the RDEIR as required by State law under CEQA, has been a betrayal of the citizens of Monterey County, who must rely on County officers and staff to act with reason and in concert with State regulations.

As stated at the outset, **Section 4.14 of the (Draft) EIR Must Be Recirculated.** Again, please **respond to each and every** comment above, including each and every paragraph and/or bullet point, with an **informational statement supported by substantial evidence that is factual, relevant and explanatory.**

Friedrich, Michele x5189

From: Bob Nunes [BNunes@mbard.org]
Sent: Monday, January 23, 2017 1:20 PM
To: ceqacomments
Cc: David Frisbey; Alan Romero; Mike Sheehan
Subject: MBARD Comments on DEIR for Carmel Rio Road Development Project
Attachments: MBUAPCD_comments_DEIR_Carmel_Rio_Road_Project.pdf

Attached is the Air District's comment letter on the DEIR for the Carmel Rio Road residential development project.

Thank you for the opportunity to comment on the document.

Bob Nunes
Air Quality Planner
MONTEREY BAY AIR RESOURCES DISTRICT
24580 Silver Cloud Court
Monterey, CA 93940
T: (831) 647-9411 ext. 226
F: (831) 647-8501
bnunes@mbard.org

Monterey Bay Air
Resources District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

January 23, 2017

Bob Schubert
Monterey County Resource Management Agency – Planning
168 West Alisal St, 2nd Floor
Salinas, CA 93901 Email: CEQAcomments@co.monterey.ca.us

Subject: Comments on DEIR for Carmel Rio Road Residential Development Project PLN140089

Dear Mr. Schubert,

Thank you for providing the Monterey Bay Air Resources District (Air District) the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments:

1. Impact AQ-2, Construction Impacts – This section indicates that mitigation measures are not required since estimated PM10 emissions are below the applicable threshold. However, given the close proximity of residents immediately north and south of the project the District suggests that standard measures for reducing construction dust be applied.

   In order to minimize offsite drift of fugitive dust and maintain compliance with District Rule 402 (Nuisance), the District suggests that the following Best Management Practices for limiting construction dust be applied where appropriate:

   - Prohibit all grading activities during periods of high wind (over 15 mph)
   - Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
   - Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
   - Haul trucks shall maintain at least 2'0" of freeboard.
   - Cover all trucks hauling dirt, sand, or loose materials.
   - Cover inactive storage piles.
   - Install wheel washers at the entrance to construction sites for all exiting trucks.
   - Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Air Resources District shall be visible to ensure compliance with Rule 402 (Nuisance).

2. Impact AQ-3 Operational Emissions, Pg. 4.2-17 – This section indicates that since estimated emissions do not exceed established thresholds, the District's earlier recommendations that no wood burning fireplaces be installed in the complex and that an electric vehicle charging station be installed in a common area would not be required. However, eliminating wood burning fireplaces from the development would minimize if not eliminate localized smoke nuisance caused by smokey chimneys in close proximity to each other. Additionally, given the growing use of electric vehicles, an onsite EV charging station would benefit the community by providing access to a convenient charge point. Grant funds for these charge stations are often available through the District. For information on these programs, please contact Alan Romero, MBARD Air Quality Planner III at 718-8030.

3. Impact HZ-2, Page 4.7-8 – This section indicates that the project would have the potential to expose workers to asbestos-containing materials and/or lead based paint during demolition of existing on-site structures and that the project applicant would be required to comply with Monterey Bay Air Resources District (MBARD) Rule 424 (Asbestos Demolition and Renovation).

   Just to clarify, this activity is potentially subject to two MBARD rules:

   1) Rule 424, National Emissions Standards for Hazardous Air Pollutants which applies to emissions of hazardous materials such as asbestos and lead, and
   2) Rule 439, Building Removals, which pertains to notifications and visible emissions associated with demolition activities.

   If you have questions about these Rules, please contact Mike Sheehan, Compliance Program Coordinator, at (831)718-8036.

   Please let me know if you have any questions. I can be reached at (831) 718-8027 or bnunes@mbard.org.

Best Regards,

Robert Nunes

Robert Nunes
Air Quality Planner

cc: Alan Romero
David Frisbey
Mike Sheehan

Schubert, Bob J. x5183

From: Larry Hampson [Larry@mpwmd.net]
Sent: Monday, January 23, 2017 3:42 PM
To: Schubert, Bob J. x5183
Cc: Brian Clark (brianclark007@gmail.com); Brian Clark (brian@surfloan.com) (brian@surfloan.com); Dave Stoldt; Dave Laredo; Gabby Ayala; Henrietta Stern; Stephanie Locke
Subject: MPWMD Comments on DEIR for Carmel Rio Road Project
Attachments: CarmelRio_CommentsonDEIR_20160123-signed.pdf

Bob – here are MPWMD comments on the Draft EIR for the proposed Carmel Rio Road Project.

Larry Hampson, District Engineer
Monterey Peninsula Water Management District
P.O. Box 85, Monterey CA 93942
OFFICE: (831) 658-5620
FAX: (831) 644-9560 or MOBILE: (831) 238-2543
http://www.mpwmd.net/

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

January 23, 2017

Bob Schubert, Senior Planner
Monterey County RMA Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

SUBJECT: MPWMD COMMENTS ON DRAFT EIR FOR CARMEL RIO ROAD SUBDIVISION; APN 015-021-015, -020 and -021; 15 and 26500 Val Verde Drive, Carmel; County ID# PLN140089 [SCH# not provided] MPWMD Application #WDS-20090204RIO

Dear Mr. Schubert:

This letter from the Monterey Peninsula Water Management District (MPWMD or District) is written in response to the Draft Environmental Impact Report (DEIR) circulated by Monterey County for the proposed Carmel Rio Road Subdivision. The project proposes 24 market rate single-family residential lots, and one inclusionary housing lot comprised of seven units that would be served by wells that currently provide water for agricultural irrigation on the subject parcels. The District serves as a Responsible Agency under CEQA for this project because a MPWMD Water Distribution System (WDS) Permit is needed to amend the current water systems to serve the Subdivision (MPWMD Rule 20-A). MPWMD Water Permits are also required for each of the residential units as part of the County building permit process.

Comments on Hydrology/Water Quality and Related Aquatic Biology Issues

p. 4.8-10, Section 4.8 c Groundwater: Text should be added to this paragraph to distinguish groundwater in the Carmel River Basin from other types of groundwater (such as percolating groundwater or groundwater in confined aquifers). The State Water Resources Control Board ruled in Order No. WR 95-10 that "...the aquifer underlying and closely paralleling the surface course of the Carmel River is water flowing in a subterranean stream and subject to the jurisdiction of the SWRCB."

p.4.8-25 Impact H-2: District staff confirmed with the Applicant that the New Travers well (or Travers Replacement well) will be the primary source of supply and the Gamboa Replacement Well will serve as the backup. The text should be changed to reflect this understanding throughout the discussion in H-2.

Beginning with the text starting with "The baseline period that best represents water use before the development process commenced..." the following text should be inserted to clarify the rationale for an historical baseline of water usage that meets the requirements under CEQA:

> "The Applicant has cited CEQA Guidelines Section 15125 (a) as the standard for setting a baseline for water use analysis that reflects "the physical environmental conditions in the vicinity of the project, as they exist at the time notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective." Applying this standard strictly, the point in time at the issuance of the Notice of Preparation would be at the conclusion of Water Year (WY) 2015 when total metered water use was 17.79 acre-feet (AF). WY 2015 was considered dry and occurred at the end of a four-year drought (WY2012-2015) that included the third driest year since 1902 during WY 2014. These four years were in the lowest 25% of years for rainfall and the cumulative impacts to storage and underflow in the Carmel Valley Alluvial Aquifer were significant. Irrigation needs at the project site in WY 2012, 2013, 2014, and 2015 under such conditions were likely higher than under conditions that would be expected 75% of the time.
>
> Under the assumption that a strict CEQA standard should be applied to use WY 2015 as a baseline, both the calculated pre-project consumptive use and the amount of recharge to the Carmel Valley Alluvial Aquifer (CVAA) would be larger than what is presented in Appendix G in the DEIR. The method used by the Applicant to estimate consumptive use with the project presumes that average year recharge from rainfall and capture and infiltration of on-site runoff will help offset indoor consumptive use, which would have no component of recharge to the aquifer. If, instead, WY 2015 was used as a baseline, the Applicant's estimate of infiltration of rainfall and from Low-impact development (LID) stormwater management would likely decrease. WY 2015 records show that more than 75% of the rainfall in that water year fell in the months of December 2014 and March 2015 at a time when the Carmel River was flowing to the ocean and when additional recharge to the aquifer at the project site likely had little or no beneficial effect. Therefore, the Applicant's estimate of recharge from on-site infiltration would need to be significantly discounted in the consumptive use analysis."

This single snapshot in time is not consistent with the MPWMD policy of using a 10-year production record to establish a baseline and it would not inform the analysis of the long-term effects of the project on either consumptive water use or recharge in the CVAA. It is well-known that there can be significant carryover of climatic conditions from one year to the next in the Carmel River watershed that affects streamflow and aquifer levels. This occurs during both multi-year wet and dry periods. Simply put, using a single-year as an historical baseline for water use does not adequately characterize the effects to the environment from water use that is subject to variations in climatic conditions over time.

Unlike the selection of a specific point in time, the court ruled in the 2001 September Ranch case that the date for establishing a baseline cannot be a rigid one. "Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods." (Save Our Peninsula Committee v. Monterey County Bd. of Supervisors (2001)

87 Cal. App.4th 99, 125). The MPWMD policy on establishing a baseline of use for CVAA wells is consistent with this court case. Therefore, the use in the DEIR of the 1995-2004 period to establish the historical baseline for the purposes of issuing a WDS Permit for the project would appear to be appropriate. Further, the consumptive use analysis contained in Appendix G to the DEIR demonstrates that this historical baseline with a 25% reduction in consumptive use would be adequate to meet the supply needs of the project.

It should be noted that when an application to the District for a WDS Permit is complete, all the facts in the application will be evaluated prior to setting a System Limit for the proposed development. A complete application includes submittal of a Final EIR certified by Monterey County.

p. 4.8-27 MPWMD adopted Ordinance 175 on November 14, 2016. The Ordinance became effective on December 14, 2016.

Appendix G – Todd Groundwater Memorandum

This report should be revised to incorporate the full set of baseline options as well as correct some items. In the Introduction, it incorrectly states the Gamboa Replacement well is the primary source and the New Travers well is the backup supply. This is the reverse of the actual proposal.

In the first paragraph under "Annual Water Use", Judge Bamattre-Manoukian is an Appellate Judge, not a Superior Court Judge.

Under the "Baseline Water Use," when discussing the "notice of preparation" of the EIR, a preliminary statement recognizing the actual metered use for WY 2015 would address the general CEQA Guideline 15125 (a) while then describing a more appropriate period for the reasons previously stated.

In addition to the text describing the 2005-2009 period as inappropriate for use in a baseline, text should be added noting that more recent Water Years 2012, 2013, 2014, and 2015 were drought years, which may not be representative of the range of environmental conditions that need to be considered.

Water Demand Estimates

District staff concurs with the Todd Groundwater water demand estimates (Table 1 – *Estimate Average Annual Water Use after Project Completion.*) Since changes to a project can occur between the EIR phase and the building permit, final MPWMD review of the proposed water capacity will be required prior to issuance of building permits. The following three sections provide more detail about current District requirements as they relate to the Water Permits. The FEIR should confirm that the DEIR water use estimates are consist with the regulations described below.

Water Efficiency Standards in New Construction

Water Permit applications are processed in accordance with MPWMD Rules and Regulations. In 2012, MPWMD adopted and implemented water efficiency measures for the installation of plumbing fixtures in New Construction, and requires all water fixtures to be High Efficiency models. Installation of water efficiency plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources. Current MPWMD Rules and Regulations are available at the following website: www.mpwmd.net. All Residential users must comply with MPWMD's extensive water conservation and water efficiency standards (Regulation XIV, Water Conservation and Regulation XV, The 2016 Monterey Peninsula Water Conservation and Rationing Plan).

Model Water Efficiency Landscape Ordinance

New development projects that include landscape areas of 500 square-feet or more must install and maintain Landscaping that complies with the California's Model Water Efficient Landscape Ordinance (MWELO) and District rules. The MWELO promotes efficient landscapes in new developments that provide substantial water savings through proper landscape design, installation, and maintenance. Complete Landscape Documentation Packages and landscape plans must be submitted to the District. The Landscape Documentation Package is available at www.mpwmd.net/regulations/water-permits/landscape-permit-requirements/. The Carmel Rio Road Subdivision project is subject to these rules and regulations prior to issuance of Water Permits.

Separate Water Meters

As a condition of the Water Permit, each Residential User and common area will be required to have individual water meters. District Rule 23-B-2-a requires that each new water "User" shall install a separate water meter. A "User" is defined as a customer or consumer of water delivered by a Water Distribution System. Each residence shall be deemed a separate and distinct User. A separate water meter for exterior water use is also required. District Rule 23 B-2 (c) also requires all fire suppression systems to be separately metered from the domestic supply.

Water Rights

The District has received a legal opinion supporting water rights for APN 015-022-015, but not for the Gamboa Replacement well on APN 015-021-020. A chain of title for this parcel will need to be provided and reviewed to confirm riparian rights.

My staff and I are available to meet if further coordination is needed. I can be reached at dstoldt@mpwmd.net or 831/658-5650 if you have questions. The staff contact is District Engineer Larry Hampson at larry@mpwmd.net or 831/658-5620; the Water Demand Manager is Stephanie Locke at slocke@mpwmd.net or 831/658-5630.

Sincerely,

David J. Stoldt
General Manager

Cc: Brian Clark, Carmel Rio
David Laredo, MPWMD Counsel
Gabriela Ayala, Henrietta Stern, Stephanie Locke, Larry Hampson, MPWMD staff

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Friedrich, Michele x5189

From: Rachael McFarren [mcfarren@stamplaw.us]
Sent: Monday, January 23, 2017 4:31 PM
To: ceqacomments; Schubert, Bob J. x5183
Cc: Molly Erickson; 100-District 5 (831) 647-7755; Pris Walton; LandWatch ED
Subject: Carmel Rio Road LLC subdivision; comments on Draft EIR
Attachments: 17.01.23.County.DEIR.comment.ltr.PLN140089.pdf

Mr. Schubert:

Attached please find comments on the Carmel Rio Road LLC subdivision Draft Environmental Impact Report.

Thank you.

Rachael McFarren
Paralegal
STAMP | ERICKSON
479 Pacific Street, Suite One
Monterey, CA 93940
tel: 831-373-1214
fax: 831-373-0242

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

January 23, 2017

Via Email and Facsimile
Bob Schubert
Monterey County Planning Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Subject: Carmel Rio Road LLC subdivision; comments on Draft EIR

Dear Mr. Schubert:

We represent concerned Carmel Valley residents and businesspeople. This letter provides comments on the draft environmental impact report (DEIR) for the Carmel Rio Road LLC subdivision project. My clients also join in the objections and concerns submitted by others to the County.

The DEIR is inadequate and does not meet the requirements of CEQA. The project does not comply with the General Plan and the Carmel Valley Master Plan. The DEIR should be revised to comply with CEQA and to respond to the concerns expressed below and the comments submitted by others. The revised DEIR should be recirculated for public review.

Comments on the Draft EIR

Stormwater is a critical issue for this site. The site was heavily flooded in the recent past due not only to Carmel River flooding from the south but also due to the separate and independent drainage of stormwater off the north side of the Carmel Valley.

The project site is partially in the FEMA 100-year flood zone. The project proposes to fill and grade the area within the 100-year flood zone.

The project site is affected by runoff from both Drainage Area 27 (DA 27) and Drainage Area 28 (DA-28). The drainage areas are shown in Exhibit A to this letter. (Exhibit A [2014 CSA-50 report, p. 44].)

The project site is in Community Service Area 50 (CSA-50). The DEIR list of references does not include the 2014 CSA-50 report on flood control issues, which is the most current report on flood and drainage issues in the area. The DEIR text briefly mentions the report but does not adequately disclose the report's analysis and recommendations. This is a significant and material failure by the EIR preparer to investigate all the on-the-ground information and disclose it in the EIR. The report

contains essential information that was not disclosed in the DEIR, including the analysis of this project site and proposed projects involving Val Verde Drive.

According to the 2014 CSA-50 report, large portions of the Carmel Rio Road subdivision project site are subject to flood conditions of up to 1.8 feet deep water. This is in addition to and independent of the fact that the southwest corner of the project site is in the FEMA 100-year flood zone. The DEIR did not disclose this important fact.

The DEIR claims that overland flow currently results in "shallow flooding onsite (generally less than one foot in depth)" (DEIR 4.8-11). In other place, the DEIR claims that at the project site "flood depths can reach approximately one foot" (DEIR 4.8-20). The claim is not accurate; the impact is up to 1.8 feet deep, as shown in the 2014 CSA-50 report. The DEIR analysis underestimates this critical impact area. To make matters worse, the DEIR deliberately appears to de-emphasize this issue. The DEIR makes excuses for and unreasonable assumptions about the project's impacts.

The CSA-50 report states that based on observed deficiencies in perimeter protection measures during Hurricane Katrina, FEMA instituted a program requiring that all such measures undergo an accreditation process if they are to be included as sound flood control facilities for flood insurance risk mapping purposes. Under those guidelines, non-accredited perimeter protection features could not be counted as offering flood protection and low-lying areas on the landward side were mapped as being in a SFHA requiring insurance where applicable. It is important to note that the existing levees protecting CSA-50 including the existing "Rio Road tie-back levee" were never accredited under these FEMA standards.

The CSA-50 report admits that "The Val Verde tie-back levee is not just deficient in freeboard, but has top elevations lower than the predicted 100-year flood elevation." The report strongly recommends that "a fundamental reconstruction" of the Val Verde tie-back levee is needed for freeboard. (2014 report, p. 34.)

Nonpoint source pollutants are carried in stormwater runoff that would be generated at the project site and received by it from offsite from the developed areas in DA-27 and DA-28. A number of habitats and species in this area can be adversely impacted by nonpoint source pollutants. Therefore, enhancing the quality of stormwater runoff is an important component of any stormwater management program for the project.

Much of the total land area uphill from the project site is developed with residences, with large areas dedicated to transportation uses that are characterized by a high level of directly-connected impervious area. This level of development is typically associated with relatively rapid runoff rates and a high propensity for generating and mobilizing a broad suite of non-source pollutants. It is reasonable to assume that runoff from the area carries typical loads of pollutants such as heavy metals, oils and greases. This assumption regarding runoff water quality is also based on the observation that

almost all of the development within CSA-50 took place before the advent of regulations aimed at controlling non-source pollutants. In fact, there are very few stormwater Best Management Practices (BMPs) in place in the immediate area and the area uphill from the site of the proposed Carmel Rio Road Subdivision.

Drainage Area 27 is generally described as follows: "Runoff from the upstream portions of DA-27 is conveyed by natural upland channels to a 30-inch and two 24-inch culverts under Carmel Valley Road and then to an intermittent channel that flows along the western boundary of the Carmel Middle School property for a short distance before tapering out to existing grade. In fact, the channel becomes largely undefined before reaching the southwest corner of the school property." This is the corner of the school that is closest to the Carmel Rio Road subdivision project site. "During large storm events storm drain modeling indicates that flood flows will overtop the channel and be routed as overland flow into and through CSA-50." (CSA-50 report, emphasis added.)

Drainage Area 28 is generally described as follows: "Runoff from upstream portions of DA-28 is conveyed under Carmel Valley Road though a 36-inch culvert and remains underground in a series of storm drains that ultimately discharge to the river through a single 42-inch diameter trunk storm drain line at an outfall without a flapgate (backflow preventer). Runoff from the downstream portions of the watershed is generally conveyed through a curb and gutter system that is collected at catch basins and lateral storm drains that discharge to the trunk drain line."

The CSA-50 report states that in DA-27 and DA-28 overflow and backflow from the river is predicted to be of such large quantities that flood hazards are not substantially different in many respects than the overbank riverine flooding. A particularly notable difference with riverine flooding is that several higher elevation areas – locations near Carmel Valley Road including the project site – are potentially impacted, especially by the sheet flow from DA-27. The DEIR fails to adequately investigate and disclose the known conditions, and fails to adequately identify, quantify, and mitigate the impacts of the project.

The CSA-50 report results highlighted "a number of key deficiencies in the existing interior drainage system" including as follows:

- Drainage Area -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.

- Drainage Area-28. The storm drain network located within DA-28 is estimated to be significantly impacted by the backwater by the 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. 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. The Cornucopia parking lot site is north west of the Carmel Rio Road subdivision project site. 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.

The Carmel Rio Road subdivision project site is in the area the CSA-50 report describes as Sub-Area 3. (Exhibit B [2014 CSA-50 report, p. 27].) DA-27 and DA-28 are in Sub-Area 3. The report emphasizes that Sub-Area 3 has a "very high" flood risk and a "high" flood hazard, and recommends immediate action.

> "The most immediate need for enhanced perimeter protection along CSA-50 is in Sub-Area 3. This reflects the fact that this sub-area includes the only areas along the main channel where predicted BFE values are higher than the highest adjacent ground. This indicates that overbank flooding would be a near certainty if conditions represented by the hydraulic modeling of the 100-year event were to occur. Equally important is the fact that the point of likely overtopping (along Val Verde Drive) is near the eastern boundary of the CSA, meaning that overbank flooding originating there could potentially impact all low-lying areas to the west. In summary, the flood risk is very high and the flood hazard is high." (2014 report, pp. 60-61.)

The CSA-50 report lists specific recommended "Sub-Area 3 Perimeter Protection Projects (Arroyo Carmel/Riverwood/Val Verde)" in Table 5.4. The recommended priority projects include:

- 1,650 linear feet earthwork to raise Val Verde Drive by 3 to 5 feet, plus
- 2,600 linear feet) new DA-27 channel, plus
- 480 linear feet new floodwall.

As emphasized in the report, the eastern boundary of the CSA – where the Carmel Rio Road subdivision project site is located – "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." The top two "specific recommended project priorities" for the County in the CSA-50 report are as follows:

1. Val Verde tie-back (Project 3-F-F-PP). 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) which the report states "would simultaneously address the potentially serious issues of backflow flooding in the DA-28" storm drain system.

The Carmel Rio Road subdivision DEIR fails to adequately investigate and disclose how the Carmel Rio Road subdivision project would affect the CSA-50 area-wide flooding plan adopted by the County. The project's potential impacts on the area and on adjacent properties are inadequately investigated and mitigated.

For example, the DEIR project description includes paving Val Verde Drive "from Rio Road to the northern property boundary" (DEIR 2-11) of the project site, and putting utilities underneath Val Verde, and commencing work within months of County project approval. The DEIR fails to disclose this project and investigate how the project's development would affect the raising of Val Verde Drive. The raising of Val Verde Drive is an element of the highest priority action to protect CSA-50 Sub-Area 3 from further severe drainage and flooding impacts.

The DEIR is not consistent with the applicant's representations to the County. Contrary to the DEIR claim that the project would pave the private Val Verde Drive from Rio Road to the northern property boundary, the applicant informed the County in August 2016 that "at this time we do not have permission from [other Val Verde property owners] to improve their sections of the private roadway." The County records produced for our inspection do not show a subsequent change in that position by the applicant. The DEIR should have disclosed this discrepancy, and investigated the impacts and necessary mitigations.

The applicant's proposed "street section" development on the applicant's tentative map dated March 13, 2014 is materially inconsistent with the proposed County improvements to Val Verde required to protect all property owners, residents and businesses in the area (Sub-Area 3) from further severe flooding. These improvements are planned and foreseeable. The EIR fails to adequately disclose, consider, and mitigate the impacts of this issue.

At the very least, there would be environmental impacts caused by removing the Carmel Rio Road LLC-added paving and utilities and to increase the height of the road by 3-5 feet and re-designing the subdivision access roads. Who would bear the burden of the additional costs? The subdivision project is designed with Rio Road at the existing height, not raised as proposed. Who would pay for the redesign and engineering and construction work?

The CSA-50 report emphasized "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 southwest crossing the Val Verde alignment into CSA-50. Raising Val Verde Drive would cut off this flow path and redirect overland flow from DA-27 to the south. There are several potential means of addressing this issue, but the most straight-forward appears to be constructing a continuous earthen drainage channel from Carmel Valley Road south to the river. Preliminary sizing calculations indicate a channel bottom width of at least 8 feet and total depth of at least 4 feet."

The CSA-50 report repeatedly emphasized the susceptibility of areas landward of the existing levees – including the Carmel Rio Road subdivision project site – to backflow flooding. The report defines backflow flooding as the potential for floodwater from the river to flow backward up the various storm drain systems and then overflow into low-lying areas. All of the existing storm drain systems, with the exception of one outside Subarea-3, have outfalls that either lack flapgates or have flapgates in need of replacement. The issue is particularly serious for the large (42-inch diameter) DA-28 outfall, where there is no flapgate at present and 100-year river elevations are up to four feet higher than some of the interior catch basins. The report notes that flapgates along cannot solve all the existing interior drainage problems. A flapgate will prevent river backflow, which may be a large source of flooding, but when the river stage is high enough stormwater runoff cannot drain through gravity out of the pipe into the river.

The applicant has shown his unwillingness to acknowledge and to appropriately respond to the known drainage issues in Drainage Area 27 and CSA-50. The applicant has demonstrated his refusal to understand and work with the severe drainage and flooding problems at his site. For example, after the DEIR was released for public review, the applicant on December 14, 2016 wrote as follows to the County:

> "- delete any aspect in our DEIR that references CSA 50 or DA 27"

Less than two hours later, the applicant again wrote to the County, stating in pertinent part:

> "Please delete any reference to CSA 50 and DA 27 in our DEIR given Rancho Canada Village Project is now approved

> for 130 lots and the FEIR has been adopted along with 111 conditions of approval.
>
> Project approval and scope include installing a DA 27 drainage culvert/pipe and a tie back levee. These improvements means Val Verde Drive is no longer a levee option and does not require anymore elevated alternate site plan designs or discussion regarding any aspect of CSA 50 or DA 27."

These statements show that the Carmel Rio Road subdivision applicant does not adequately understand the on-the-ground facts of his project site and the surrounding area, nor does he adequately understand his obligations as a developer and property owner seeking discretionary permits from the County and other agencies.

Further, to the extent that the Carmel Rio Road subdivision applicant or the County is relying on Rancho Canada Village (RCV) to solve the drainage and flooding problems on the Carmel Rio Road subdivision project site, the reliance is not supported. There is no guarantee what, if any, steps the Rancho Canada Village developer will take, and what impact they would have on the Val Verde Drive area.

The County conditions of approval on Rancho Canada Village contained a single vague condition regarding a drainage improvement plan. The adopted condition 55 is as follows:

55. PWSP04 – DRAINAGE IMPROVEMENTS

Responsible Department:	RMA-Public Works
Condition/Mitigation Monitoring Measure:	The applicant shall submit a drainage improvement plan incorporating the CSA50 Stormwater Management and Flood Control Report recommendations for drainage area number 27. Alternate drainage improvements may be considered, subject to RMA approval. The drainage improvements shall be constructed in accordance with approved plans. Prior to the acceptance of a Final Map, subdivider shall enter into a drainage improvement agreement. Subdivider shall pay for all maintenance and operation of drainage improvements from the time of installation until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility or as provided in the drainage improvement agreement.
Compliance or Monitoring Action to be Performed:	Prior to Recordation of a Final Map, Subdivider shall submit a drainage improvement plan prepared by a licensed engineer to the RMA for review and approval. Prior to acceptance of a Final Map, the subdivider shall enter into a drainage improvement agreement to construct drainage improvements for drainage area number 27. Improvements shall be bonded prior to recordation of Final Map. Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity or as provided in the drainage improvement agreement. Consideration of provisions, if applicable, to address cost-sharing or fair-share contributions for improvements with regional benefits, dedication of easements, and annexation into county service area may be included in the drainage improvement agreement.

The condition merely requires the RCV applicant to "submit a drainage improvement plan" incorporating one or more of the CSA-50 Stormwater Management and Flood Control Report recommendations for Drainage Area number 27. Alternate drainage improvements may be considered, subject to RMA approval." The condition does not specify a minimum level of drainage improvement that must be constructed. The condition does not establish a performance standard. The condition does not state who will pay for any improvements that RCV may choose to construct. This is a critical issue because the lack of funding for the DA-27 and DA-28 improvements have been a major problem for years.

Please explain whether the Carmel Rio Road subdivision EIR analysis relied in any way on any representation or action of any sort proposed by the Rancho Canada Village applicant/subdivider; if so, please explain the reliance and the actions in detail, and revise and recirculate the DEIR.

To the extent that the DEIR did so, the reliance is misplaced. The approvals and the EIR have been challenged in Superior Court; that action is pending. Regardless of the outcome of the lawsuit, there is no guarantee of future actions by the Rancho Canada Village developer, or the timing, or the extent, or the impact.

The Carmel Rio Road subdivision DEIR analysis did not adequately disclose, consider, and mitigate the potential impacts of climate change on hydrology. The DEIR merely admits that climate change could affect "the intensity and frequency of storms" which in turn "could affect the ability of flood-control facilities, including levees to handle storm events" (DEIR 4.4-5). The DEIR fails to apply that to the potential flooding impacts of and on the proposed subdivision project, including the considerations as to the project as a whole and including the individual lots and their owners' ability to retain stormwater on site, as well as properly deal with offsite drainage .

Please confirm that the project site currently contains no impervious surfaces except for the house roof.

Val Verde Drive is currently not paved, and is pervious. There are no stormwater drains or gutters along Val Verde Drive. The project proposes to pave Val Verde Drive from Rio Road to the far north end of the project site. The DEIR did not adequately investigate, quantify, consider or mitigate the foreseeable and significant added stormwater runoff from the newly paved Val Verde road. The road runoff would contain heavy metals and other pollutants. Where would it go, what impacts would it have, and what mitigations would reduce those impacts? Because the DEIR omits this important information, we cannot meaningfully comment at this time.

The DEIR inadequately analyzes the applicable rules and regulations with regard to stormwater, and the DEIR inadequately mitigates the stormwater aspects of the project.

It is not disputed that this project is subject to the recent RWQCB stormwater requirements and implementing regulations. The proposed project would create greater than 22,500 square feet of impervious surface. It is subject to the RWQCB requirements.

Contrary to the claim in DEIR Appendix G, there is no evidence that the County has designated this project as subject to Special Circumstances pursuant to Performance Requirement No. 5 of the RWQCB regulations. The designation must be preceded by RWQCB approval based on documentation to justify that a Regulated Project is more appropriately categorized under the Special Circumstances category. A designation of Special Circumstances is required before exempt from Performance Requirement No. 4. If the County is considering such a designation, that discretionary act must be disclosed as part of the discretionary actions of the County approvals. That act was not presented, investigated or disclosed in DEIR.

Thus, Performance Requirement No. 4 applies, the County has failed to apply it to the project, and DEIR fails to address the omission.

The DEIR fails to describe the mechanism that the County has established and implemented to verify that structural Water Quality Treatment, Runoff Retention, and/or Peak Management controls are designed and constructed in accordance with the RWQCB Post-Construction Stormwater Management Requirements.

The DEIR states that groundwater was encountered at the project site at a depth of approximately 23 feet. The DEIR did not adequately address the potential risk for contamination of groundwater as a result of untreated onsite recharge when percolated stormwater reaches that groundwater.

The DEIR claims that "drainage will be retained on a per lot basis" (Fig. 2.5). What exactly does that claim mean in plain English? It is not explained. The DEIR fails to explain whether it investigated whether the proposed per-lot retention was reasonable under the on-the-ground circumstances and the applicable laws and regulations, and including CEQA's regulations prohibiting deferral of mitigation.

The idea that each individual lot development would manage the runoff to entirely retain the drainage on the site is not supported by the DEIR or the application materials. The developer proposes to develop each site, so the developer should provide the information now. Deferral of the stormwater plans is not acceptable under CEQA.

The DEIR claim that "drainage will be retained on a per lot basis" is not consistent with the DEIR claims that there will be overflow drainage and that there will be runoff that leaves the project site. These inconsistencies are significant, given the drainage problems of the site and the area.

The DEIR claim that "drainage will be retained on a per lot basis" is not consistent with the DEIR assertion that drainage will only be retained and mitigated as "feasible" without any guarantee that would mean zero offsite drainage, either on a per-lot basis or on a project-wide basis.

The Applicant's plans state that "overflow drainage will be to detention pipe at west end of site, with reduced rate discharge to existing 42" storm drain line." (E.g., application sheet C-1, dated March 13, 2014.) The fact that the applicant's admission that there will be overflow drainage and off-site discharge means the project would not comply with County requirements and RWQCB requirements.

The DEIR claims that the Rio Road tie-back "levee provides protection at less than 100 year flooding." (Fig 2.5.) The overly brief claim should be explained because it affects the EIR analysis. "Less than 100-year flooding" can mean no protection at all. How much protection does the levee actually provide? According to County planning documents, the Rio Road tie-back levee is a "non-accredited levee" that can be overtopped by riverine flooding. As an additional problem, the levee does not significantly protect the project site against flooding from DA-27 and DA-28.

The DEIR admits that onsite drainage would be sent offsite, as follows:

> Overflow on-site drainage would be collected and conveyed in a proposed 6-inch stormwater drain pipe running along the southern terminus of the property and in a proposed 6-inch stormwater drain pipe located along the western property line in a proposed street right-of-way near Lot 16. Both on-site 6-inch stormwater pipes would connect to an on-site 6.5-foot wide by 401-foot long perforated stormwater detention pipe, located at the western end of the site, that would allow for groundwater recharge. Overflow from the perforated stormwater detention pipe would be directed to an existing 42-inch stormwater pipe (or storm drain line), which has outlets near both the north and south ends of the perforated stormwater detention pipe.

There is no evidence in the DEIR whether the existing offsite stormwater pipes (or storm drain lines) have available capacity for the proposed use, or that the appropriate authority has approved the project's proposed use of the pipes or lines.

The DEIR makes the remarkable and unsupported claim that the project's runoff impacts would not be significant (4-16.3). The conclusion is not correct.

The DEIR claims that "The facilities would be sized to accommodate the proposed project and would not create or contribute to runoff water that would exceed the capacity of the existing or planned stormwater drainage systems" but the DEIR claim is not supported. The DEIR consultant calculations show that the size of the

proposed facilities would not accommodate the proposed project. Thus, there would be foreseeable impacts of the under-sized facilities, and the project would create and contribute to water that runs off the site.

As a separate issue, the DEIR fails to explain what it means by "existing or planned stormwater drainage systems" which is important given the circumstances of the project site and CSA-50 drainage problems. The current report states that existing drainage systems are inadequate in DA-27 and DA-28, both of which affect the subdivision project site.

Although there are "planned" stormwater drainage systems, they are not funded and will not be constructed in the foreseeable future or with a reliable ensured timeline, prior to approval and construction of the Carmel Rio Road subdivision project.

The DEIR also concludes that "All runoff must be detained or dispersed so that the runoff rate does not exceed the pre-development level."

The majority of the project site is currently in active organic row crop farming. The 6.6 acres of farming use would be lost forever if the project is approved and the site is converted to residential development as proposed. The loss extends to the approximately 5.3-acre site on the east side of Val Verde Drive which is currently farmed by the same farmer, which is also on the real estate market for sale. (See collective Exhibit C.) The cumulative impacts would be significant, because all farming in the lower Carmel Valley would then be lost. There are no remaining farms in the approximately first four river miles of the Valley, in contrast to that area's history of widespread agriculture, including farming and grazing.

For the reasons stated above, the project would not be consistent with the goal of preserving Carmel Valley's rural character, and thus would be inconsistent with CV-1.1. The DEIR conclusion that "there would be no impact related to agriculture" (DEIR 4-16.1) fails to consider these facts and history.

The DEIR analysis of CV-6.1 and 6.3 are materially incorrect because the DEIR relies on a claim that the project site is not designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, nor is it under the Williamson Act contract. Policies CV-6.1 and 6.3 do not limit their application to designated farmland. The policies apply to agricultural lands in Carmel Valley, including the project site.

The DEIR fails to adequately consider and disclose the project's inconsistency with the policy CV-6.3 requirement that "Croplands and orchards shall be retained for agricultural use." The DEIR fails to adequately consider and disclose the project's inconsistency with the balance of policy CV-6.3, specifically subsections (a), (b) and (c).

For each of the reasons stated in this letter and by others as to the project's inconsistency with the Carmel Valley Master Plan, the proposed project thus is inconsistent with CV-1.5, which states "Attainment of maximum density [in residential] areas is dependent upon conformity of the proposed project to plan goals and policies."

The DEIR fails to identify, disclose and analyze the Monterey County Code requirements with regard to subdivisions. Based on the DEIR analysis, it looks like this project has not met the mandatory County code requirements for subdivisions including water supply requirements, disclosures and determinations. This is a material omission. The County should require this information, analyze it, and present it in a revised DEIR for public comment.

The project is not consistent with the County's inclusionary housing requirements (e.g., General Plan; Monterey County Code, ch. 18.40; implementing regulations) in several material ways not adequately analyzed in the DEIR. Several of these inconsistencies are identified below. The significant changes to the project that must be made for the project to comply with the inclusionary housing requirements will have environmental impacts, such as visual, land use, grading, drainage, etc. Thus, after those changes have been made, the DEIR should be revised based on the changes and recirculated.

The failure of the project to comply with the mandatory inclusionary housing requirements makes it impossible to provide meaningful comments in the DEIR. The applicant should be required to revise the project to comply with the mandatory requirements, then the DEIR should be revised to address the revised project, and the revised DEIR should be recirculated. As it is now, the DEIR cannot place a mitigation to require the applicant to comply in the future, because that there are numerous ways to effect the compliance, that the necessary changes to the design would cause additional environmental impacts that cannot be adequately evaluated at this stage.

General Plan policy LU-2.13 states that the County "shall assure consistent application of" its affordable housing requirement for 25% of new housing units to affordable to very low, low, moderate, and workforce income households. This subdivision project is not consistent with policy LU-2.13 because it does not provide very low units affordable to very low income households, and it is not clear whether the proportions of the low, moderate, and workforce income households comply with the mandates stated in policy LU-2.13. The DEIR fails to adequately investigate and disclose this inconsistency.

This project does not comply with General Plan policy LU-1.19. That policy required that residential development outside of a Community Area or Rural Center, as this project proposes, must include "35% affordable/workforce housing." The DEIR fails to adequately investigate and disclose this inconsistency.

The project provides an inadequate number of inclusionary units. The applicant claims that CV-1.10 applies – that policy requires "25% of the units" to be developed at the site. For 31 units, that is 7.75 inclusionary units. The DEIR claim that it could be "7.75 affordable units or equivalent" (emphasis added) is not supported by the applicable County code sections and implementing regulations.

All subdivisions are required to meet the minimum 25% affordability requirements. The only reason for policy CV-1.10 allowing increased density for 25% affordability is so that the affordable units would be on the site. Any other interpretation would render the third sentence of CV-1.10 to be an idle act or a nullity, and that is not the proper interpretation of the General Plan and Area Plan policies.

Instead of the mandatory 7.75 units, the project proposes only 7 inclusionary units onsite. 7 units are only 22.6% of 31 units, which is less than 25%. Thus, the project is not consistent with policy CV-1.10 because 25% of the units provided at the site are not inclusionary, as that site-specific policy requires.

Policy CV-1.10 allows up to 4 units per acre *if at least 25%* of the units are developed for low/moderate/workforce housing. If you disagree with that statement, please state specifically why and support your response.

The low/moderate/workforce housing developed pursuant to policy CV-1.10 must be developed at the project site where the market rate units are developed. If you disagree with that statement, please state specifically why and support your response.

The project as proposed does not comply with General Plan policy LU-2.13 which requires 25% of new housing units to be affordable and requires consistent application of the County affordable housing ordinance..

The project is not consistent with the applicant's claimed objective to "Provide a balance of housing supporting local needs with a mix of 25% inclusionary housing and the balance of market rate" (ES-2).

Although the County on a general basis for inclusionary housing may choose to allow in specific circumstances fractional obligations to be paid by an in-lieu fee for projects of 5 or more, that option is at the applicant's discretion, and the applicant's selection of the in-lieu fee option would not meet the intent or textual requirements of policy CV-1.10. The project must comply with the County's inclusionary housing requirements and separately the project must comply with policy CV-1.10.

The County has not built inclusionary housing in the area with in-lieu fees, and has no plans to do so. The County repeatedly argues that there is no land and water available for the County to provide inclusionary units in the area – the Fifth Supervisorial District.

The County implementing requirements for Inclusionary Housing states these requirements for inclusionary 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 project proposes inclusionary units that are not compatible with the market rate units in several material ways. In your response, please address each specific incompatibility separately.

Instead of the inclusionary units having a compatible exterior appearance with the market rate units, the exterior appearance of the inclusionary units is materially different.

There is no specific information in the DEIR as to the number of bedrooms in the market rate units and in the inclusionary units. The DEIR fails to address this important compatibility requirement.

The 24 market rate homes are single family so-called "courtyard" homes with driveways, garages, front yards, back yards, side yards, and range from one to two stories with modulated exteriors.

In contrast, the seven inclusionary units are apartments, not single family homes, and the drawings in the DEIR appear to show all seven units on the second floor of two-story buildings.

Each inclusionary unit would not have private exterior space, and would not have a garage. It is not clear from the DEIR whether the large arches containing what appear to be roll-up doors are garages (see, e.g., DEIR Fig. 2-4b, App. B). If they are intended to be garages, that is inconsistent with the DEIR drawings because no driveway access to the inclusionary unit buildings is depicted on the drawings. Instead, the DEIR drawings show a shared non-exclusive parking area, for all units and their visitors to park. The DEIR does not clarify this issue or address the inconsistencies.

Unlike the market rate homes, none of the inclusionary units have private courtyards. The unmodulated two-story building faces look like military barracks. (See, e.g., DEIR App. B, unnumbered page of "site plan with 7 inclusionary units and 24 single family homes.") To the extent that the inclusionary units are on the second floor, they would not be ADA-accessible.

The market rate units are on lots of .24 to .38 acre each. In contrast, the inclusionary units are crammed onto a single lot of 0.91 acre. Theoretically, the average of each inclusionary unit is .13 acre but that average is misleading because at least half of the 0.91-acre lot is dedicated to non-residential uses such as wells, at least three large structures containing water system facilities, and a large shared commercial-looking parking lot.

Instead of the inclusionary units being similar in number of bedrooms as the market rate units, the inclusionary units are dramatically smaller. The market rate units have up to four bedrooms according to public records, and possibly five bedrooms; the market rate units would be 1,670 square foot single-family home per lot.

In contrast, the inclusionary units would be only 860 square feet each. Given that size, the inclusionary units could not possibly include up to four bedrooms. At most, the inclusionary units would have two bedrooms. That means the inclusionary units have at most half the bedrooms of the market rate units, and the inclusionary units would be less than half the size of the market rate units. That is not equitable and does not comply with County requirements.

The DEIR text states that there will be seven inclusionary units and 860 square feet. In contrast, buried in an appendix in the DEIR is a claim that there is are three "inclusionary type 1" residences containing 2 bathrooms and four "inclusionary type 2" residences containing 1.5 bathrooms. Apparently there are differences among the inclusionary units that the DEIR text does not disclose. Please explain and clarify.

The DEIR fails to disclose that the inclusionary units do not even include a washing machine. That information is buried in a County record that was not considered or disclosed in the DEIR: a water analysis submitted by the applicant.

The DEIR fails to adequately disclose and mitigate these issues, which have environmental impacts because if the inclusionary units were redesigned to comply with the County requirements – such a similar number of bedrooms – the inclusionary units would be significantly larger, and there would be significant environmental impacts including, for example, land use and visual impacts and site plan changes. These likely could affect the ability of the project to provide adequate drainage facilities.

Instead of scattering the inclusionary units throughout any development that also includes market rate units, which is required by the County and is feasible here, the applicant proposes to cram all seven units onto a single lot. Along with the inclusionary

units, the same lot would hold all the inclusionary units, and what is essentially the corporation yard for the entire 31-unit residential development: including the water wells and pumps, a 24-foot by 12-foot by 10-foot water treatment unit and two storage tanks. (ES-1.)

The DEIR described the storage tanks inconsistently, including two "4,500 gallon" tanks (ES-1, applicant sheet C-4) and as to 15,000 gallon water storage tanks (4.15-8). This inconsistency should be addressed and corrected. 15,000 gallon tanks are large: they can be 12 feet in diameter and 18 to 20 feet tall. They would have significant unanalyzed and unmitigated visual and other impacts. If the DEIR claims that 4,500 is the correct number, which seems unlikely given the number of residences, the DEIR should address whether 4,500 gallon tanks would be adequate for 31 residential units, and if not, when what size would be adequate, assess those impacts and impose appropriate mitigation. That information should be placed in a revised DEIR.

It is feasible to scatter the inclusionary units throughout the development among the market rate units. Additionally, scattering the inclusionary units would far better meet the applicant's two objectives that the applicant placed highest on his list:

- Create a mix of market rate and affordable housing.

- Create an economically integrated infill project integrated with pedestrian and bike paths and walkways

Although "inclusionary units may be clustered if it is found that such an arrangement better meets the objectives of the program," there is no evidence here that the clustering better meets the objectives of any program. Instead, the clustering makes the inclusionary housing into a lower-income ghetto which is contrary to the intent of the ordinance, contrary to good planning, and contrary to the applicant's claimed objectives to "Create a mix of market rate and affordable housing" and to "Create an economically integrated infill project" (DEIR ES-2).

All of the proposed architecture looks like cookie-cutter suburban development, with no visual appeal and no consistency with Carmel Valley master plan policies addressing architecture and style. The architecture cannot be approved consistent with the land use policies, the design overlays, the other zoning, and past County practice in Camel Valley.

The DEIR Appendix B drawings that show proposed house layout are unreadable. The room layout design on the last page appears to show a guest unit near the garage. The DEIR fails to address this important issue. The EIR should affirmatively prohibit all second units and guest houses.

The DEIR claims that the inclusionary housing units would be at a density of 7.69 units per acre. (DEIR p. 2-11.) That density is materially misleading and too low

because a large portion of the site would be dedicated to non-residential uses that serve the entire development, including the water wells, two large water system storage tanks, a 24' by 12' water treatment facility structure, and other corporation-yard type uses. The actual density of the inclusionary units is much higher than the DEIR claims..

The proposed high density of the inclusionary units far exceeds the maximum of 4 units per acre allowed by policy CV-1.10, and is yet another example of the project's inconsistencies with that mandatory land use policy that the DEIR fails to adequately investigate and disclose.

The DEIR fails to disclose that the project's inconsistency with the County inclusionary housing requirements are a major cause of the impermissibly high density. If the project were revised to comply with County requirements, the high density re-zoning would not be necessary. The so-called "clarification" is actually a rezoning.

The project is not consistent with CV-1.10. All words and phrases in the policy must be read together as an integrated whole, consistent with the rules of interpretation. The proposed zoning ordinance amendment would not cure the project's inconsistency with the CV-1.10 policy.

> 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 2 units per acre may be allowed. However, a density of up to 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.

The first sentence explains that the project site is planned for a maximum of 1 unit per acre, which would allow 7 homes on the 7.9-acre project site, which is a generous return on investment. The policy allows for a density higher than 1 unit per acre – up to 2 units per acre – if the units are clustered. The policy further allows for a density of up to 4 units per acre in certain circumstances. Even if the circumstances were met – which they are not, as discussed elsewhere in this letter – the total project must be clustered, as required by the second sentence in the policy.

The proposed project is not clustered. Instead, the market rate units are spread evenly throughout the site on relatively equal-sized lots. That was not the intent or textual requirement of CV-1.1, The inclusionary units are crammed together on the remaining parcel. Thus, the project does not comply with CV-1.10. The DEIR fails to adequately investigate and discuss the inconsistencies.

DEIR Table 2-1 states in part "Source: County of Monterey, Carmel Valley Master Plan, Amended November 5, 1996." That source is outdated. The applicable

Master Plan was adopted in 2010 and revised in 2013. The DEIR should be corrected and revised with the appropriate changes.

The DEIR makes various inconsistent statements about the project's proposed improvements to Val Verde Drive. The DEIR claims that the road would be widened to 34 feet, containing two 17-foot wide lanes.

Elsewhere, the DEIR claims that "the project would include pedestrian and bicycle facilities along the west side of Val Verde Drive" (4-16.4). That information is not shown on the applicants tentative map or in the DEIR project description. Thus, the DEIR violates one of the fundamental requirements of an EIR which is a fixed and stable project description.

What exactly is meant by the proposed "pedestrian and bicycle facilities along the west side of Val Verde Drive"? Would they be two separate lanes? How wide would each be? If not separate lanes, there would be foreseeable conflicts between pedestrians and bicycles. The DEIR does not explain what the "facilities" would look like and whether that they would increase the width of the road. This should have been disclosed and analyzed, and appropriate mitigations imposed.

The DEIR fails to identify and evaluate how the applicant's proposed curbs and gutters on Val Verde would be impacted by the project's "pedestrian and bicycle facilities." The "facilities" are not shown on the applicant's March 13, 2014 tentative map.

The "facilities" appear to have been added to the project long after the application was made, in a representation by the applicant's representative over the telephone. The only mention of the "facilities" is in DEIR 4.16-4, section u., referring to a July 28, 2016 email from the applicant's traffic consultant. The email is not included in the DEIR references on the CD of appendices. The email also was not available for inspection at the Planning Department when during the public review period I went to the front counter and inspected all documents available for this DEIR. The only records available for inspection were a bound copy of the DEIR with the CD of appendices in the back.

There is no information about the proposed design of the "facilities." That information is not provided in the DEIR.

The "facilities" should be shown on a revised map, with dimensions and details. Absent that information, we cannot meaningfully comment on that aspect of the project and its impacts, nor can we propose mitigations and alternatives.

The DEIR representations about the improvements to Val Verde Drive are inconsistent with the applicant's March 13, 2014 tentative map in several material ways. Here are a few material inconsistencies:

- As stated above, the map does not show the pedestrian and bicycle facilities.

- The tentative map "street section" shows a "28' traveled way" and also a "34' traveled way." The DEIR does not explain the map's internal inconsistencies.

- The DEIR claims that the subdivision applicant would widen the road to include "two 17-foot travel lanes for a total width of 34 feet" (DEIR 2-11). That is not consistent with the tentative map's claim of a "28' traveled way" or the DEIR claim about bicycle and pedestrian facilities apparently within the 34 feet.

The proposed mitigation about street lighting and exterior residential lighting is not adequate to reduce the impacts to less than significant. Full cut-off fixtures merely prevent light trespass upward, to passing airplanes. Full cut-off fixtures do not prevent glare or visible bulbs from the ground or second floors, either from within the subdivision or from adjacent residences and businesses. This is a potentially significant unmitigated impact.

The mitigation requirement for "low mounted" is vague and ambiguous and thus unenforceable. Does it mean 3 feet, 10 feet, or 25 feet?

The mitigations fail to adequately address the height of the street and exterior light fixtures, or to ensure that no light trespass occurs on any of the residential units or on the adjacent properties, or the temperature (Kelvin) of the light. LEDs are increasingly used by developers, and LEDs are known to have myriad unintended consequences. These consequences include light trespass into private residences, a decrease in the ability of residents to have a darkened room to sleep in, loss of sleep which affects human health, impacts to the human eye which is more sensitive to whiter lights which can reduce melatonin production in the human brain, inability to see the stars from the residential properties, and glare impacts which affect the safety of drivers and pedestrians.

The DEIR fails to adequately investigate, disclose, consider or mitigate these foreseeable impacts.

All exterior light fixtures should be required to be shielded such at the bulbs are not visible except when, as most, a person is directly beneath the light fixture looking straight up into it.

The applicant's tentative map shows a proposed light fixture that has the option of a house side shield to reduce light trespass and glare. (March 13, 2014, sheet C-4.) The DEIR fails to discuss the light fixture or the options. The EIR should require a mitigation of placing house side shields on all four sides of the light fixture. This

mitigation would not affect the amount of light on the ground. It simply would reduce the light trespass onto other properties and reduce glare, as numerous studies have shown.

The visual representations of the proposed development are inaccurate because they do not include streetlights. There are no streetlights along Val Verde or on the residential properties along Val Verde. The addition of streetlights would introduce a decidedly urban element to the Val Verde area that does not currently exist.

As a separate issue, the developer intends to develop the units but the DEIR fails to place any restrictions on interior light fixtures. The developer is given unfettered discretion with the type of light fixtures, which would mean he could put in bright lights and the kinds of fixtures that use exposed bulbs – like a chandelier – instead of shielded and shaded bulbs.

The DEIR Figure 2.5 claims to be a "Utility Plan" based on a source that the DEIR says is "Bestor 2014." My clients and I can find no reference in the DEIR Chapter 7.0 "References and Preparers" for a reference called "Bestor 2014." Please explain in detail and provide the missing document, if it exists. The document also was not provided to me for inspection when I sought to inspect the records available at the County Planning Department as part of the public review period. My experienced staff searched the County Accela database for this project (PLN 140089) and found nothing matching the "Bestor 2014" designation.

DEIR Figure 2.5 is materially inconsistent in several ways with the applicant's March 13, 2014 tentative map submittal from Bestor Engineers, sheet C-4 titled "Utility Plan." For example, the DEIR figure does not include the proposed lights on the applicant's tentative map. The DEIR figure includes a new feature that is not on the applicant' map, a representation of proposed LED path lighting.

According to the DEIR, the LED path lights are aluminum fixtures from Milan that are "created for international appeal." (DEIR Fig. 2.5.) The style is not consistent with the streetlights proposed on the applicant's tentative map sheet C-4, and it also is not consistent with Carmel Valley's rural style and policy CV-1.1.

The DEIR recites what appears to be the applicant's claim that the sanitary sewer would connect with an existing sewer at the southwest corner of the property (DEIR 2-11). The claim is not supported by any evidence in the DEIR of agreement by the wastewater district. The DEIR fails to adequately investigate whether this applicant proposal was acceptable and if not, what development would be required, its impacts, and what mitigations would be required.

The DEIR refers to an "existing 10-inch wide sewer easement." (DEIR 2-11.) That claims appears to be inaccurate.

Figure 2.5 shows a "10' pipeline right of way" on APN 015-011-025, which is adjacent to the project site on lands of another. The DEIR does not show a proposed tie-in between that pipeline and the project site, which is some fifty feet or more distant. The inconsistency was not addressed.

As a separate issue, the DEIR did not adequately investigate, disclose and mitigate the impacts of tying into that pipeline, if that is what the subdivision project intends to do.

The DEIR claims that "the average rainfall for this site is 5.02 AF per year" (Fig. 2.5). The claim is meaningless because rainfall is not properly described in acre feet. Please explain:

- The source(s) of the "5.02 AF" figure, in detail.
- Exactly how the rainfall claim was determined (show the raw data by year, the calculations and all assumptions).
- Why the EIR preparer did not investigate the claim or correct the inaccurate metric – acre feet is not used to measure rainfall.

I made a California Public Records Act request to the County and Monterey County Water Resources Agency for their rainfall records in Carmel Valley. Each agency responded that it does not keep records of rainfall in Carmel Valley.

The DEIR did not disclose how the rainfall analysis was made or for what time period. This should have been included in the DEIR. The DEIR omitted important information that the public should have been able to review and comment on. I asked the County for the records used to arrive at the rainfall estimate. The County and its consultant did not provide the records sought in the request.

County asked its EIR Consultant about the rainfall, who said that the rainfall analysis period the Consultant selected was "water years 1984-2010." The Consultant unreasonably excluded from the analysis water years 2011 through 2014 which included three years that were significantly below average. The Consultant selected a period that started in 1980s which unreasonably avoided the serious drought years in 1970s. The County consultant used a range of years which appears not to provide an accurate rainfall estimate that reflects on-the-ground conditions. The inaccurate information likely materially affected the DEIR analysis. The DEIR should have used a reasonable range of time including the 2011 to 2014 period in order to more accurately reflects the effects of climate change and to calculate a more accurate baseline.

The project records are not consistent in their representation of the location of the project's wells. For example, DEIR Fig 2.5 and the applicant's materials (e.g., Sheet C-4 Utility Plan) show the new Travers well on different parcel from new Gamboa well.

In contrast, DEIR Appendix G-2 (fig. 1) and the applicant's materials provided to the MPWMD show the two new wells on the same parcel. The location of the wells should be clarified and impacts addressed and mitigated as appropriate.

The applicant has not proven that the APN on which the wells are located has retained its riparian rights, and the DEIR fails to do a good faith investigation of the issue and fails to make that a required mitigation and take other appropriate action.

The applicant calls the Gamboa Replacement well the primary well (e.g., Application Tentative Map Sheet C-4 Utility Plan). The DEIR states that on 4.8-25, and that the New Travers well would be the backup well. But elsewhere the DEIR makes the inconsistent statement that the New Travers well is the primary well and Gamboa Replacement would be the backup well. (DEIR p. 4.15-2.)

The DEIR vaguely claims that the project "would ensure the pumped groundwater meets state standards." (DEIR 4-15-2.) What is the water quality of the pumped groundwater, and what kind of treatment would be necessary?

Is there any Cal Am connection to the site?

Is any Cal-Am water used at the site?

What is the water source (and well, if applicable) for the existing residence at the site?

The applicant's 2016 submittal to the County states that in 2016 "Both the Travers Replacement and Gamboa Replacement Wells groundwater were positive for total coliform bacteria."

The DEIR makes the following claim about rainfall: "Assuming 50% collection factor, 2.51 AF per year of water will be reclaimed to create additional water for the site." The claim is not supported and is materially misleading. There is no project proposal or mitigation that would ensure that the assumption is accurate or carried out. The EIR preparer should have investigated the claim and disclosed its information, instead of making the rash claim.

Please explain:

- where the "2.51 AF" figure came from,
- exactly how the rainfall claim was determined (show the raw data by year, the calculations and all assumptions)
- how "water will be reclaimed"

- how that "reclaimed" water was measured
- how that reclaimed water will be measured in perpetuity for accountability.

In the Carmel River groundwater basin, the primary water-bearing formation is the younger alluvium, with a typical thickness of 50 to 100 feet. The Carmel River is the primary source of recharge, constituting 85% of the net recharge. With the presence of surface water, groundwater levels recover rapidly. After water level recovery, levels range from 5 to 30 feet below the land surface. During normal years, water level fluctuations range from 5 to 15 feet while experiencing declines of up to 50 feet below land surface during droughts, according to the California Department of Water Resources. The level of groundwater in the aquifer is influenced by pumping from wells operated by Cal-Am and by private pumpers, as well as by evapotranspiration of riparian vegetation, seasonal infiltration, and subsurface inflows and outflows.

During the dry season, pumping of wells has caused significant declines in the groundwater levels of the Carmel River groundwater basin. Because streamflow and groundwater supplies are directly linked, lowered groundwater levels diminish surface flows in the river. During normal water years, surface flow in the lower Carmel Valley becomes discontinuous or nonexistent in summer and fall. This condition has been cited as causing adverse impacts on native fish populations (most notably the central coast steelhead) and riparian habitat in the lower reaches of the river's course.

The proportion of water in the aquifer that is pumped by private pumpers has steadily increased in the last decade.

County records show that a potentially significant water supply issue in Carmel Valley is the potential unquantified impacts of increased use and demand by riparian users along the Carmel River. No action by the SWRCB or the courts has evaluated the cumulative impacts on the public trust resources by individual private well owners and pumpers since the Monterey Peninsula Water Management District Water Allocation Program EIR in 1990. Because the allocated water has been exhausted, and because Cal-Am is prohibited from addition new connections due to the SWRCB Cease and Desist Order (CDO), an increase in claims of riparian rights has been observed by numerous entities including the County.

The Carmel Rio Road subdivision project proposes to use riparian rights to supply the water for 30 or 31 new residential units in Carmel Valley. The County has fails to investigate adequately whether these claims represent an increased demand on the water resource system and whether environmental impacts are associated with the potential increased demand. The cumulative impacts should have been investigated and disclosed in the EIR for this project because and mitigated as appropriate.

The State Water Board has limited Cal-Am's diversion from the Carmel River in order to protect fish habitat, inter alia. As a result, Cal-Am has increased pumping from the Seaside Area groundwater subbasin, exceeding the sustainable yield.

The County has stated in writing that Carmel Valley is under State Water Board Order WR 95-10, due to "overdraft impacts" on the Carmel River riparian corridor and associated wildlife. The County has also stated that providing groundwater from the Carmel River alluvium is effectively tapping subterranean flows of an "overdrafted system." and other similar statements. In contrast, the DEIR for the Carmel Rio Road LLC project claims that the Carmel alluvial aquifer is not in overdraft. Please explain the material inconsistency between the County's claims.

What is the depth from which the project's proposed primary well pumps water? What is the total depth of the primary well, and where is it screened? That information is not in the DEIR. Please produce and name the documents on which you rely for your response.

What is the depth from which the project's proposed backup well pumps water? What is the total depth of the primary well, and where is it screened? That information is not in the DEIR. Please produce and name the documents on which you rely for your response.

The DEIR claims that its analysis is based on an assessment of baseline conditions for the proposed project area, including climate. Please identify where in the DEIR the baseline climate conditions were presented, and state the source documents on which the DEIR bases its claims.

The DEIR fails to adequately consider climate change. Climate change will change the frequency and intensity of storms and rainfall events, which would have potentially significant impacts on the project, under the circumstances. The DEIR should be revised to include this information, and the revised DEIR should be recirculated.

The DEIR conclusions of "less than significant" for the hydrology mitigations are incorrect.

The DEIR admits that "Construction of the proposed project could potentially result in an increase in pollutant discharges to waters of the State" but weakly concludes that "compliance with Monterey County 2010 General Plan and Carmel Valley Master Plan policies, as well as existing regulatory requirements, would help to reduce or avoid such impacts" (Impact H-1).

Although compliance with plans and regulations *may* "help to reduce" impacts, the DEIR fails to explain how the project *would* comply. The DEIR fails to quantify the extent to which the project's actions "would help to reduce" the impacts and the extent

of the remaining impacts. The DEIR should have done this, and should have then proposed further mitigation, as appropriate, to ensure that offsite impacts would be avoided, which is what the policies regulations require. This information is essential to allow my clients and I to comment meaningfully.

The DEIR claims that "Mitigation to reduce off-site runoff to the maximum extent feasible would ensure that the proposed project would not violate water quality standards or waste discharge requirements or otherwise degrade water quality." The claim is not supported. The DEIR fails to quantify "the maximum extent feasible."

The DEIR does not place performance standards on many of the proposed mitigations, including the critical hydrology and water quality mitigations. This omissions renders the DEIR inconsistent with CEQA's requirements.

The DEIR uses the word "feasible" numerous times in the context of mitigation, but the DEIR fails to disclose what would be considered "feasible" or the standard that would be used to make the determination of "feasibility." It appears to be a discretionary County standard that would be applied after the EIR is certified. That approach is not consistent with CEQA. The DEIR's deferral of the formulation of mitigations to a post-approval date is impermissible and likely would avoid the scrutiny by the Courts.

As an example, Mitigation Measure H-1(c) impermissibly defers analysis and mitigation that should have been included in the DEIR. The measure impermissibly defers identification of "existing drainage patterns across the project site and existing off-site stormwater discharge locations" until "prior to issuance of a construction permit."

It appears that a "construction permit" (which is the trigger for compliance with MM H-1(c)) would come after a "grading permit" which is the trigger for mitigation measure MM H-1(a). That proposed timing of mitigation MM H-1(c) makes no sense because the project grading must consider drainage issues.

The mitigation measure states that this deferred analysis will be as follows:

> The drainage analysis shall quantify, to the extent feasible, the existing and predicted postconstruction peak runoff rates and amounts both on-site and off-site immediately downgradient of the project site. The drainage analysis shall identify any changes to the location of down-gradient discharge of stormwater runoff and any potential impacts on off-site property that would result from those changes. Stormwater control measures shall be developed to maximize on-site infiltration of stormwater and minimize off-site stormwater discharge. These stormwater control measures shall be designed to achieve conformance with Monterey County General Plan Safety Element Policy S-3.1 such that

> post-development, off-site peak flow drainage from the project site would not be greater than predevelopment peak flow drainage. The stormwater control measures may include, as necessary, aboveground retention and/or detention basins, stormwater collection tanks, subsurface infiltration devices such as cisterns with permeable bottoms or perforated pipes, permeable pavement, and vegetated swales.

This is basic information that should be in the DEIR, instead of deferred to a future date. The information does not need to be at a final design level of detail, but there should be preliminary information be sufficient to show a good-faith investigation of the drainage impacts, the quantification of the specific impacts, and the effort at mitigation and compliance with the applicable policies and regulations. The application has not provided any such information that is reliable, and the lack of adequate information and analysis in the DEIR renders the DEIR inadequate.

The County's DEIR proposes to defer the entire analysis of the project's compliance with General Plan policy S-3.1 to a future date long after the EIR is certified and the approvals have been granted and any time for legal challenges to the EIR have expired. The little analysis that the DEIR did of the applicant's drainage claims show that the applicant has underestimated by approximately 50% the amount of pipeline needed for an estimated drainage amount, as explained elsewhere in this letter. The applicant's efforts have been shown to not be reliable. The DEIR also is not reliable because it has omitted material information and misrepresented other material information, as explained elsewhere in this comment letter. For all these reasons, as well as CEQA's mandated, deferring the creation, analysis, and review of mitigation efforts to a future date, to be performed outside the view of the public, is not permissible or appropriate.

The stormwater control measures to be used must be disclosed and evaluated in the DEIR, so the public can comment on their effectiveness and the DEIR analysis and suggest further mitigations and alternatives.

- Whether the applicant uses aboveground retention and/or detention basins, stormwater collection tanks, subsurface infiltration devices, or other measures, likely would affect the visual analysis and the land use layout of the proposed development, and possibly more.

- It is likely and reasonably foreseeable that the applicant would propose to place many or all stormwater collection devices on the inclusionary housing lot, thus crowding that lot even more and causing more environmental injustice.

- It is likely and reasonably foreseeable that the applicant would propose extensive subsurface devices that will increase the grading substantially more than stated in the application.

- It is likely and reasonably foreseeable that the applicant would proposed subsurface devices that would be below the ground surface of the project site but above or near the ground surface of adjacent property, thus causing drainage impacts.

As a separate issue, the mitigation measure MM H-1(c) fails to ensure compliance with General Plan policy S-3.2, S-3.3, and CV-4.1, and improperly defers formulation of the mitigations.

MM H-1(c) allows deferral of the future-identified stormwater control measures until "prior to issuance of occupancy permits." That deferral causes impacts of its own, because it would allow the project to be constructed, which thus changes the stormwater drainage, before the mitigations are in place to address the stormwater. This site is susceptible to flooding and the removal of the existing pervious surface and replacement with large amounts of impervious surfaces would have immediate impacts on drainage. Those impacts likely would take place long before occupancy permits were considered, and unless adequately addressed and mitigated there would be unanalyzed and unmitigated onsite and offsite impacts.

The MM H-1(c) deferral of future stormwater control measures until "prior to issuance of occupancy permits" is ambiguous, in any event. Does it mean that all stormwater control measures must be in place before the issuance of the first occupancy permit? This is not clear. If all measures are not required to be in place before the first occupancy permit, then which ones are required and which not? And what would be the trigger for requiring all the remaining stormwater control measures, with what rationale?

The County is required to comply with CEQA. The amount of deferral of mitigations is not reasonable given the severity of the impacts and the applicant's lack of reliability. The EIR should require the stormwater control measures to be reasonably identified at this stage, and the DEIR should be revised and recirculated to consider the proposed measures.

Mitigation Measure H-1(d) also represents impermissible deferral of formulation of mitigation. Mitigation Measure H-1(d) would defer the applicant's submittal of the required Stormwater Control Plan, and the required Operation and Maintenance Plan, and a proposed Maintenance Agreement, all until after the EIR is certified and the time to challenge EIR approvals has expired.

Mitigation Measure H-1(d) does not adequately state the performance standards for the Stormwater Control Plan, the required Operation and Maintenance Plan, and the

Maintenance Agreement. For example, the Stormwater Control Plan is merely required to "address" the RWQCB requirements, not explicitly comply with every mandate in those requirements.

A Stormwater Control Plan details how the project will achieve the applicable Post-Construction Stormwater Management Requirements (for both onsite and offsite systems). The Stormwater Control Plan must "include the location of the drainage facilities and construction details. A report with supporting calculations shall also be provided." That information should have been included in the DEIR for our review and comment.

- As stated elsewhere in this comment letter, the location of the drainage facilities could have potentially significant impacts, and likely would impact grading, site layout, impacts to neighboring properties, truck trips, and other impacts. For example, compliance with County and RWQCB requirements could require material changes to the site plan, for example, if an on-site stormwater retention pond is required.

- The "supporting calculations" should be presented now, for public review, because the applicant has demonstrated his inability to correctly size drainage facilities, and in response the County has made assumptions that are not supported or permissible under CEQA.

Mitigation measure H-1(d) refers to "structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices." Please explain in detail what is meant by the term "proprietorship devices."

Mitigation measure H-1(d) impermissibly defers the presentation of the stormwater control plan and measures because it fails to present in the DEIR how the plan and measures would operate, including whether the plan, measures and system would be run by professionals, or by individual homeowners, or some other entity or combination. To that extent, the measure is not consistent with CEQA and with past County practice.

The County in the past has rejected the assumptions presented in the context of other residential subdivision projects that the proposed groundwater infiltration system and drainage plan would work effectively. Monterey County has denied subdivision projects based on questions about the effectiveness of rainwater capture and proposed subsurface infiltration and questions whether the project would result in a net benefit to the aquifer, due to concerns including the ability of individual homeowners to manage and monitor stormwater capture and control devices on their private property and to ensure that the system operated as planned.

Here, there is no evidence of the technical, managerial, and financial capability of the operators of the stormwater system, and who the operators would be.

These examples highlight another problem with the impermissible deferral of mitigation measures in the Carmel Rio Road subdivision project DEIR. The specific measures have not been formulated, contrary to the requirements of CEQA that proposed mitigation measure must be made available for public review, because the measures themselves may have environmental impacts. The burden is on the applicant to present specific measures that meet specific performance criteria. The applicant has not carried his burden. On these facts, at this project site, the measures regarding the flooding and drainage will foreseeably have onsite and offsite impacts and must be disclosed at the DEIR stage. That requirement was not met here.

Mitigation Measure H-1(d) also is inadequate because it fails to require the County's approval of the two Plans and the Agreement. Instead, the mitigation measure merely requires the applicant to submit the applicant's versions of the three documents, no matter how inadequate they are. The measure fails to require the County to approve the documents before any permit is issued.

The DEIR claims as follows:

> Implementation of Mitigation Measures H-1(a) through H-1(d) would reduce the rate and amount of post-development runoff on- and off-site to the maximum extent feasible and would minimize the potential for stormwater to come in contact with on-site pollutants or to transport pollutants off-site. (Emphasis added)

The conclusion as to the mitigations is not supported, as explained elsewhere in this letter. As a separate issue, the DEIR's use of the terms "maximum extent feasible" and "minimize" does not adequately quantify the impact, the effect of the mitigation, and the remaining unmitigated impact. Thus, the DEIR's conclusion that the end result would be "less than significant" is not supported. We cannot provide meaningful comments and suggestions as to the mitigation measures because they are overly nebulous and unformed.

The project site requires expensive operation and maintenance for the water system, the extensive drainage system, the streetlights, the private roads and sidewalks, and similar matters. The DEIR fails to investigate, disclose and analyze whether the inclusionary units would be required to pay for that O&M, and if so, whether that would affect the affordability of any of the units. The DEIR should mitigate this potential impact by prohibiting any O&M assessment to be placed on the inclusionary units, or any other assessment that could have any impact on the cost of the units to the end users.

Will the inclusionary units be affordable in perpetuity at their stated affordability levels? A mitigation should ensure that all inclusionary units developed pursuant to any project approval must be affordable in perpetuity at the approved affordability levels.

Anything less would not be consistent with the Carmel Valley Master Plan and the extraordinary treatment given to this site by policy CV-1.10.

The DEIR mentions only in passing the County General Plan goal PS-3. The DEIR does not accurately characterize the goal. The DEIR claims that Goal PS-3 "aims to ensure and adequate and safe water supply" (DEIR 4.15-5). Not so. Goal PS-3 is "ENSURE THAT NEW DEVELOPMENT IS ASSURED A LONG-TERM SUSTAINABLE WATER SUPPLY." Long term sustainability is materially different from "adequate and safe."

The DEIR does not correctly state or apply General Plan Policies PS-3.1 and 3.2. Policy PS-3.1 states in key part as follows:

> PS-3.1 [N]ew 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.

The project's groundwater source is overdrafted and the overdraft has affected and is affecting water quality, habitat, and production. The County's longstanding position is that an overdrafted supply is not a sustainable supply. Thus, the project is not consistent with General Plan policy PS-3.1.

Policy PS-3.2 states in pertinent part as follows:

> PS-3.2 Specific criteria for proof of a Long Term Sustainable Water Supply and an Adequate Water Supply System for new development requiring a discretionary permit, including but not limited to residential or commercial subdivisions, shall be developed by ordinance with the advice of the General Manager of the Water Resources Agency and the Director of the Environmental Health Bureau. A determination of a Long Term Sustainable Water Supply shall be made upon the advice of the General Manager of the Water Resources Agency. The following factors shall be used in developing the criteria for proof of a long term sustainable water supply and an adequate water supply system:
>
> a. Water quality;
>
> b. Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates;

c. Technical, managerial, and financial capability of the water purveyor or water system operator;

d. The source of the water supply and the nature of the right(s) to water from the source;

e. Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and

f. Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species.

g. Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions.

Those General Plan policies were adopted in 2010, more than six years ago. The County still has not adopted the implementing ordinances and regulations for the policies, and the DEIR has not adequately applied and analyzed them here, or presented the project's lack of consistency with the policies. The County's failure to act to implement the policies is part of a pattern and practice that is compromising its General Plan and compromising its General Plan CEQA mitigations.

The DEIR states that it relies on a determination by *County consultant*, Todd Groundwater, about the project's long term sustainable water supply. There is inadequate support for the determination and it is not clear what facts the County consultant analyzed, what facts the Consultant did not consider and/or rejected, and all of the assumptions the County consultant made. There is no evidence that the County adequately analyzed each of the factors in General Plan policy PS-3.1 and policy 3.2. The DEIR should be revised to include this information and recirculate the revised DEIR.

Let there be no mistake: The DEIR fails to properly analyze the project's long term sustainable water supply pursuant to General Plan policies 3.1 and 3.2, and the DEIR analysis is improper and inadequate as to project level impacts and cumulative impacts.

The DEIR appears to have double-counted aspects of the project, including drainage measures. On-site drainage requirements are required; they are not an

element of a long term sustainable water supply. On-site recharge is not an element of long term sustainable water supply. According to the DEIR, the County consultant made remarkable conclusions about a large amount of water that "could be" achieved through unpaved drainage swales. The DEIR gets it wrong. What "could be" achieved is not the issue. The verifiable and quantifiable results that will be achieved are not stated in the DEIR, especially in light of the on-the-ground circumstances of the Carmel River, the lack of reliability of the applicant as discussed in the DEIR and as shown in County records, and other reasons.

The DEIR's various chapters present a muddle of unclear claims about water demand, drainage, capture, recharge, and runoff, with a myriad of inconsistent assumptions. Some of the claims were made by the applicant and rejected by the EIR preparer, which then made other claims based on its own assumptions but fails to place those assumptions into enforceable mitigations. The DEIR lacks a coherent discussion of the various pre-project baseline amounts as compared to the post-project amounts. The DEIR also lacks mitigations that would ensure verifiable and quantifiable measurements of post-project demand, drainage, capture, recharge, and runoff. The DEIR variously mentions many variables and assumptions about fill, compaction, pervious areas, alteration of overbank flow paths, and other aspects of the project, but fails to coherently discuss the overall assumptions and impacts or to ensure that assumptions are met through mandatory mitigations. The DEIR discussions are largely in prose format, not in a table or chart. Information is scattered throughout different chapters and appendices and much of the material information is not provided in the DEIR or the appendices. The information is not in a table that shows the mathematical calculations and the assumptions and margin of error associated with each.

The DEIR admits as follows:

> Additional mitigation would be required to ensure that on-site structures and residences are not exposed to a risk of loss, injury, or death involving flooding associated with DA-27. The Draft EIR for the proposed Rancho Canada Village project (May 2016) proposes a 84-inch buried drainage pipe along the Rancho Canada Village project boundary, approximately 500 feet east of Val Verde Road. This pipe could connect to the proposed future drainage channel described in the County Services Area 50 Final Lower Carmel River Stormwater Management and Flood Control Report (2014) intended to capture stormwater flows from DA-27. (DEIR 4.8-31.)

Contrary to the DEIR admission that additional mitigation is needed with regard to flooding in Drainage Area 27, the DEIR does not require that additional mitigation. Instead, the DEIR appears to rely on a different project with a different project proponent with no obligations to the Carmel Rio Road project. That different project *might* construct a "proposed" drainage pipe along the Rancho Canada Village project

boundary that is *east* and *south* of the project site. There is no analysis of that proposed pipe's effectiveness with regard to drainage from Drainage Area 27 which flows from the *north* side of Carmel Valley, not from the Rancho Canada Village (RCV) side.

As a separate issue, there is no requirement for the RCV applicant to develop the pipe at a specific time, or that the pipe be in place prior to development of the Carmel Rio Road subdivision project.

As a separate issue, the DEIR merely hypothesizes that the RCV pipe "*could* connect to the *proposed future* drainage channel described" in a report. There is no assurance that the pipe would connect or the that proposed future drainage channel would be constructed at any particular time.

Thus, the DEIR fails to impose the necessary additional mitigation would be "required to ensure that on-site structures and residences are not exposed to a risk of loss, injury, or death involving flooding associated with DA-27" and the impacts are significant and unmitigated. The DEIR fails to discuss and apply effective mitigation to reduce the risk to less than significant.

The DEIR admits that the project's improper redirection of flooding from upstream flows associated with DA-27 *could result in a significant risk of loss, injury or death involving flooding for residents both on- and off-site*. (DEIR 4.8-32.) The DEIR again fails to adequately mitigate for this foreseeable impact or to acknowledge that the impacts are significant and avoidable and not mitigated.

Mitigation Measure H-4 requires the applicant to take actions to "reduce the exposure to loss, injury or death involving flooding to the maximum extent feasible" (DEIR 4.8-33). The Mitigation Measure uses the term "feasible" again at DEIR 4.8-34. This vague term "feasible" is not appropriate as stated elsewhere in this letter, and fails to provide the performance standards required in a mitigation. The term "feasible" does not resolve critical and materials issues such as feasible for whom, when, under what circumstances, and who decides, based on what criteria.

Mitigation Measure H-4 is not effective or meaningful because it merely required the applicant to "submit" proposed flood protection measures; it does not require the County to *approve* the measures prior to the permit issuance.

Mitigation Measure H-4 is inadequate because there is no funding and no firm plan to construct regional flood protections; the mitigation measure does not specify that the "regional" protections must be in the Drainage Area 27; there is no definition of "concrete"; there is no statement as to the amount that the project must "contribute" to the funding.

The Mitigation Measure H-4 reference to "the 100-year storm event" (DEIR 4.8-34) is not clear. Please explain exactly what is meant by the term and how it differs from a 100-year flood event. The area and the project site flooded in the 1990s and that was not a 100-year flood or 100-year storm event. Drainage from Drainage Area 27 to the north of the project site is separate and independent cause of flooding on the site, and is in addition to riverine flooding from the south as a result of the project site's location in the 100-year floodplain.

The DEIR does not adequately address the project's compliance with General Plan policy PS-3.3 with regard to the domestic wells on site. The two current wells were drilled as part of the contemplated residential subdivision, and should be considered as part of the overall project. There is no evidence of the technical, managerial, and financial capability of the water purveyor of a water system, as required. There is inadequate analysis of the effects of the project's year-round additional extractions or diversion of water on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

PS-3.9 A tentative subdivision map and/or vesting tentative subdivision map application for either a standard or minor subdivision shall not be approved until the applicant provides evidence of a long-term sustainable water supply in terms of yield and quality for all lots that are to be created through subdivision.

The DEIR also fails to adequately consider the project's lack of consistency with the following General Plan policies.

PS-3.13 To ensure accuracy and consistency in the evaluation of water supply availability, the Monterey County Health Department, in coordination with the MCWRA, shall develop guidelines and procedures for conducting water supply assessments and determining water availability. Adequate availability and provision of water supply, treatment, and conveyance facilities shall be assured to the satisfaction of the County prior to approval of final subdivision maps or any changes in the General Plan Land Use or Zoning designations.

PS-2.8 The County shall require that all projects be designed to maintain or increase the site's pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate.

PS-2.9 The County shall use discretionary permits to manage construction of impervious surfaces in important groundwater recharge areas in order to protect and manage groundwater as a valuable and limited shared resource. Potential recharge area protection measures at

sites in important groundwater recharge areas may include, but are not limited to, the following:

a. Restrict coverage by impervious materials.

b. Limit building or parking footprints.

c. Require construction of detention/retention facilities on large-scale development project sites overlying important groundwater recharge areas as identified by Monterey County Water Resources Agency.

The DEIR is partially correct in its statement that the impacts of the project on the water balance of the Carmel Valley alluvial aquifer and on flow in the Carmel River stems from the change in net consumptive use of groundwater at the project site, but the statement does not provide important additional information that the timing of the pumping is also critical. It is not simply a year to year comparison. The impacts foreseeably are seasonal. The DEIR's claim of a "simulated net impact of the project on groundwater" is not supported because there is inadequate information at this time about the project's recharge facilities and their effectiveness, because it is not logical that a pervious undeveloped agricultural site would have less recharge than a highly developed subdivision with extensive pervious surfaces, and because the applicant has shown his disregard and lack of understanding for drainage issues, among other reasons.

The DEIR fails to analyze the impacts of the foreseeable riverine floods on the drainage facilities designed to hold the runoff from the north side of the Valley. If riverine flooding happens at around the same time as the north side drainage impacts, then the perforated pipe that is designed to handle the drainage incoming from the north side would foreseeably already be impacted by water coming in from the east and south from riverine flooding. That would limit the available capacity for the north-side drainage and cause impacts that have not been adequately evaluated in the DEIR.

This concern is especially important because, as noted in comments elsewhere in this letter, the applicant proposes to install a perforated pipe and other drainage facilities that are materially under-sized.

The DA-28 trunk storm drain line has been identified as inadequate in its existing condition which strongly implies additional stormwater runoff likely cannot be added to the system without impacts. Despite this on-the-ground evidence, the applicant has not provided essential information necessary for the DEIR analysis.

The DEIR proposes to defer preparation of mitigations, which is impermissible in general, and particularly under the circumstances. As a separate comment, the DEIR mitigations are vague and ambiguous and do not provide the performance standards

required to be provided in a mitigation presented in a DEIR. The information must be in the DEIR released for public review because that is the one opportunity that the public has to review and comment on the proposed mitigations, to which the County is required to respond in a meaningful way. Preparing the mitigations or amending them after release of the DEIR prohibits the public from the important review period mandated by CEQA.

The Regional Water Quality Control Board (RWQCB) has adopted Central Coast Post-Construction Stormwater Requirements (PCRs) regulations as Resolution Number R3-2013-0032. The PCRs specifically require the project to complete a Stormwater Control Plan. The applicant has known of these requirements since at least February 2014. The applicant has not provided a Stormwater Control Plan as required, according to County records. Therefore, my clients and I do not have adequate or sufficient information to comment on the proposed mitigations and proposed stormwater control plan. These are critical issues that should have been included in the DEIR.

DEIR Appendix G makes the remarkable claim that "it is reasonable to assume that the project will pursue measures to control peak runoff flow rates from the site." That is not a reasonable assumption either in general or for this applicant in particular, based on his history with the County.

The mitigation fails to ensure and require these measures in an enforceable manner, with measurable steps and results. Even if the project "pursued" measures to control peak runoff flow rates from the site, that is no guarantee of effectiveness.

The "measures" must be presented and their effectiveness must be evaluated independently in the DEIR, along with recommended mitigations. That way, my clients and I can comment on the measures, the analysis of their effectiveness, and further mitigation and alternatives.

The DEIR Appendix G claims that "The current County of Monterey design guideline in this regard calls for the post-project 100-year peak discharge to be reduced to, or below, the preproject 10-year value. Application of this standard at the Project would likely be sufficient to avoid impacts with respect to increases in peak flow." (Emphasis added.) The situation is already critical. Any additional increase to peak flow would have significant and unmitigated impacts. It is not adequate for the EIR to conclude that the application of the County guidelines "would likely be sufficient" – the DEIR should ensure that the project would not increase the peak flow. Something that is "likely" to happen may be merely 51% in the opinion of the author. That is not an adequate, good-faith investigation and discussion required of the DEIR. The DEIR is inadequate in this respect, and it fails to adequately mitigate for a foreseeable impact.

The DEIR appendix states that "The Bestor calculations from 2011 include a preliminary estimate of the required detention storage needs to meet the County criteria.

The storage volume identified in the calculations is approximately 18,000 cubic feet, though the actual value may be considerably larger." (DEIR App. G)

The DEIR Appendix qualified its statement above in footnote 1, which states as follows:

> "The calculations will need to be revised as site plans evolve, but we note that a number of non-conservative factors appear to have been used. These include: a runoff coefficient of 0.8 for impervious surfaces during a 100-year event, site impervious cover of roughly 56 percent (markedly at odds with the values cited in the landscaping plans), and identical times of concentration for pre- and post-project conditions (when development will almost certainly speed runoff from the site). Preliminary review by Balance engineers indicate that a more conservative value would be on the order of 25,000 cubic feet." (DEIR App. G.)

Thus, the DEIR consultant concluded that the applicant's calculations were inconsistent with a more appropriate conservative approach and were not adequately supported. The DEIR consultant concluded preliminarily that the actual amount of storage required would be 25,000 cubic feet, which is approximately 140% of the applicant's estimate. That is a material difference that has not been accounted for. The DEIR fails to adequately investigate and disclose this issue, and to adequately analyze the impacts and mitigate them.

To make matters worse, the County DEIR consultant concluded that the applicant's plans did not match the applicant's calculated storage of 18,000 cubic feet, which was too low to begin with. The DEIR Appendix G states this:

> "The site plans <u>imply</u> that the required storage volume will be provided in the form of a large underground perforated pipe along the western edge of the property. The pipe is called out as 6.5 feet in diameter with a total length of 401 feet. Such a pipe would have a total storage volume (without any allotment for freeboard) of roughly 13,300 cubic feet. <u>No explanation is provided for the discrepancy between the calculated volume and that indicated on the plans</u>."

The DEIR buried this important information in an appendix, and used confusing passive-voice description that is difficult for the reader to understand. We should not have to guess as to what the DEIR's words mean. This appears to be what the DEIR is saying:

- The applicant's site plans are not clear on this critical issue.

- The EIR preparer did not adequately investigate or determine with certainty what the applicant is proposing. Instead, the EIR preparer relied on what the EIR preparer thought the site plans "implied."

- The amount of storage is conservatively estimated by the EIR preparer at 25,000 cubic feet.

- The applicant underestimated the required storage as 18,000 cubic feet, without any allowance for freeboard which is a critical issue in drainage engineering.

- The applicant's proposed solution – an underground perforated pipe – would be only 13,300 cubic feet.

- The applicant's pipe would provide only *half* the capacity actually needed based on conservative estimates.

This information is not clearly stated in the DEIR text, as required, or presented in a table showing the numbers. Instead, the information is buried in an appendix filled with vague words.

The foreseeable impacts of providing only half the mitigation required for the known drainage impacts also have not been adequately investigated, disclosed and mitigated.

The DEIR Appendix G stated that "Conceptually, underground detention storage can be made to work if properly designed and sized. However, additional details will need to be resolved including how the storage and flow routing will work with potentially high hydraulic gradelines in the existing trunk storm drain" (emph. added).

The DEIR does not contain adequate information about the design and size of the underground detention storage. Such information is critical to providing meaningful comments on the DEIR. The issues impact numerous areas, including grading amounts, truck traffic, visual impacts, air quality, suitability of the site depending on the size and design of the underground storage improvements, and more.

The DEIR also does not contain information about how the storage and flow routing will work with the foreseeable high hydraulic gradelines in the existing trunk storm drain.

The project's proposed use of "berms, vegetated filter strips, or catch basins to prevent sediment from leaving the site" (e.g., ES-1, 2-15) is not adequately described, investigated, analyzed, and mitigated. There is nothing in the application that states what the applicant intends to use, or where, and how effective the methods would be. The DEIR inadequately analyzes which method is proposed – berms, strips or basins –

and the effectiveness and impacts of what is proposed under the on-the-ground circumstances of a remarkable site that is known to have at least two major drainage problems. This important issue was improperly deferred.

The DEIR is inconsistent in its claims about the landscaping. Some claims are that it would be "native and drought tolerant" (ES-1, 2-11). Elsewhere other claims are that it will be "xeriscape." Still other claims call it "irrigated xeriscape," whatever that is. The DEIR should clarify and correct these inconsistent terms. The different terms refer to different kinds of plans that have different water impacts.

As proposed, the DEIR description is not adequate. Native landscaping includes riparian vegetation, which requires a significant amount of water not adequately considered in the DEIR. "Drought tolerant" is materially different than "xeriscape." Many drought tolerant plants use a significant amount of water to get established, often for years, and then still prefer water as much as possible, even through they can tolerate periods of drought.

The DEIR fails to ensure the type of landscaping and to mitigate for the foreseeable impacts of future property owners installing different landscaping. The DEIR should place enforceable restrictions on each property owners of each lot to be created by the project.

For example, DEIR Appendix G makes water recharge calculations based on an assumption that all landscape watering will be drip irrigation. Thus, the DEIR should make that a required mitigation. But xeriscape should not require irrigation at all.

The DEIR should mitigate potential water demand impacts by prohibiting irrigated turf, including lawns, and prohibiting aerial sprinklers and hose-watering.

The DEIR water demand analysis fails to adequately consider the water use impacts of inclusionary units that would meet the County's requirement for inclusionary units to be of comparable size to market rate units. An inclusionary unit with four bedrooms would likely have at least two bathrooms and likely 2.5 bathrooms. That would mean a higher water demand than the DEIR estimates.

The water demand analysis fails to adequately consider the laundry needs of the inclusionary units. The DEIR fails to disclose that the inclusionary units do not include a washing machine or laundry facilities. However, the units will required washing. Washing machines have known significant demand. Thus, the foreseeable water demand of their laundry use should be considered in the DEIR water demand analysis.

The water demand analysis fails to include the water demand presented by the fractional 0.75 unit of housing that the applicant has fails to provide onsite as required, along with the exterior water use for that unit. That estimate should be included, based on a unit that meets the County inclusionary housing requirements.

The applicant's estimates about water use were considered unsupportable by the EIR preparer. The applicant's estimates contained "several potentially faulty assumptions, including an overestimation" of rainfall and an underestimate of irrigated area. (DEIR 4.8-25.)

In an effort to cure the applicant's deficient water demand, the EIR consultant doubled the estimate of groundwater use for irrigation. (DEIR 4.8-25.) However, that action did not adequately consider the actual on-the-ground irrigation demand, and did not adequately mitigate for foreseeable demand over the assumed (doubled) amount.

The DEIR analysis did not adequately consider the water demand based on the MPWMD methodology. The MPWMD methodology on charts submitted by the applicant's representative shows that each of the 24 market rate units would have an estimated indoor demand of 0.211 AFY. MPWMD methodology requires that the indoor amount be multiplied by 50% to estimate the outdoor usage. That would be 0.3165 AFY for each of the 24 market rate units, for a total of 7.596 AFY. As to the inclusionary units, the applicant claimed that each unit would be .081 AFY. Adding the 50% outdoor water estimate would be 0.1215 AFY per unit. The seven units would have a demand of 0.8505 AFY. 7.596 AFY plus 0.8505 AFY equals 8.401 AFY. Note, however, that this calculation is low because it does not adequately consider all water demand, such as, for example, the laundry uses of the inclusionary housing, the omitted fractional inclusionary unit, system water loss and leakage, and more. The sole purpose of presenting these calculations is to show how the DEIR did not adequately review the water demand estimates. The DEIR materially underestimated total water demand.

The correct water analysis may differ from the calculations above due to several material inconsistencies in the records. As one example, DEIR appendix G states that some inclusionary units would have 1.5 bathrooms and some would have 2 bathrooms. That DEIR statement is not consistent with materials the applicant submitted to MPWMD and the County in summer 2016. Those materials stated that the seven inclusionary units would have 1.5 bathrooms each.

The DEIR appendix G estimated a water demand factor of 0.201 per market rate residence. That estimate is not consistent with materials the applicant submitted to MPWMD and the County in summer 2016, which claim a per-market rate factor of 0.211.

The DEIR relied on the applicant's "simulated" net consumptive use including exterior usage. That reliance is not reasonable in light of its lack of enforceability and its material departure from the MPWMD's accepted methodology. The MPWMD methods and factors are based on on-the-ground Peninsula water use which considers water-conservation features and drought tolerant landscaping. Claiming further credit for those features would not be appropriate, would be double-counting, and would not produce the accurate result.

The DEIR fails to place an effective and enforceable cap on actual irrigation so that it remains within the amount assumed in the DEIR.

There is no water cap proposed for the development. The assumptions about water use is not part of the proposed project and are not enforced through mitigations. The DEIR fails to place an effective and enforceable cap on actual residential water demand so that it remains within the amount assumed in the DEIR.

Absent an effective and enforceable water cap, the project will potentially have significant unanalyzed and unmitigated impacts. The actual water use should be public information so the public can enforce the cap, as well. The mitigation should include prompt action to remediate violations, with payment for the County costs of monitoring and enforcement.

The County has not yet come up with an effective and enforceable cap on individual residences that will be owned by separate owners. The Superior Court has overturned at least one County effort to place a cap on a residential subdivision.

Riparian water rights apply only to lands that are traversed by or border on a natural watercourse. Riparian owners have a right (correlative with the right of each other riparian owner) to share in the reasonable beneficial use of the natural flow of water that passes the owners' lands.

Water obtained under a riparian right must be used reasonably, beneficially, and solely on riparian land and cannot be seasonally stored for later use. The DEIR does not consider this storage prohibition in light of the Carmel Rio Road subdivision applicant's proposal for two water storage tanks of 15,000 gallons each. The DEIR should investigate and disclose the statutory prohibition on water storage under a riparian claim and should recommend a mitigation that would ensure that the project would comply with that prohibition.

The DEIR analysis fails to consider that water used for residential subdivisions has different impacts from water used for agricultural purposes.

- Agriculture uses water intermittently, and often allows part or all of the land to go fallow. During a drought, the site can be allowed to go fallow, or used for dry farming.

- In contrast, residential water use demands water every day and night, throughout droughts, and cannot be reduced without potential impacts on health, safety and welfare of the domestic users.

Under the circumstances, the proposal of this project to add 30 residential units to the Carmel Valley Alluvial Aquifer has significant unanalyzed and unmitigated impacts, both on a project level and a cumulative basis.

The claimed water baseline is not accurate and does not comply with CEQA or the direction of the Court in the *Save Our Peninsula* decision.

This project is fundamentally inconsistent with policy CV-5.5 which limits development in Carmel Valley to vacant lots of record and already approved projects. The policy is mandatory, and the County shall adopt those prohibitions. The policy has been in effect since 2010 and applies to this project.

The Carmel Valley Master Plan contains several policies related to water supply. Policy CV-5.1 requires pumping from the Carmel River aquifer to be managed in accordance with the Carmel River Management Program. The DEIR does not adequately analyze the project's consistent with policy CV-5.1 and fails to adequately address and discuss the Carmel River Management Program. This policy also requires that new development not cause sufficient drawdown of the aquifer to threaten natural vegetation. Policy CV-5.3 requires that conservation and reclamation projects should be incorporated into project design; no reclamation was incorporated in the subdivision project design, and the conservation measures are not adequately defined and enforceable as project elements or mitigation. Policies CV-5.4, CV-5.5, and CV-5.6 are designed to protect water quality and were not adequately considered in the DEIR.

The proposed project is not consistent with the goal of preserving Carmel Valley's rural character" are required by policy CV-1.1. In addition to the inconsistencies described by others and elsewhere in this letter, the project's inconsistencies include"

- a 300-foot long retaining wall of up to 4 feet high, visible from offsite private properties and from public roads.

- a 150-foot retaining wall of up to 6 feet high, visible from offsite private properties and from public roads.

What is the site shown repeatedly by the applicant as "Comm. Center site" in the DEIR Appendix B? Why did the DEIR given that designation? Why has the County not addressed or corrected it?

The satellite views of the project area are materially out of date and inaccurate. The site immediately to the east of the project site is organic row crops. However, the visual impact study provided by the applicant, which the County has unquestioningly adopted as Exhibit B to the DEIR, includes at least one photograph that shows the site as undeveloped and fallow.

Oddly, the visual impact study uses inconsistent aerial photographs, from different periods. No consistent baseline is used. This renders the analysis internally inconsistent, and prevents meaningful comment by us.

The visual depictions are materially inaccurate because it does not show the fences and walls that foreseeably would be constructed along each new property line. This would introduce a new visual element in the area because the nearby existing residences do not have fences and walls. They are more rural in nature, with no fences and walls separating the residential units.

In contrast, the proposed Carmel Rio Road subdivision project would have residences very close to each other, as well as very close to the commercial buildings and surface parking to the west of the project site. Because of the crowded nature of the proposed development, it is foreseeable that each lot would want to built walls or fences up to the maximum height allowed. That would be another inconsistency of the project with the policy CV-1.1.

According to the County, Policy C-3.6 in the 2010 General Plan requires documentation showing that there is agreement from all of the other easement holders to increase access by adding new lots on Val Verde Drive. It is not clear from the DEIR whether the County analyzed the project's consistency with that policy.

The DEIR fails to state adequately that project is not consistent with General Plan policy LU-1.19, which requires a Development Evaluation System that will 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 County has not adopted the system. The Carmel Rio Road subdivision would use up all remaining lots in the Carmel Valley Master Plan area. The County has delayed adopting the very guidelines that were intended to guide the County action on such projects as this subdivision/

My clients note that the DEIR acknowledges the significant and unavoidable traffic impacts that the project would have. The DEIR materially underestimates the traffic impacts, in any event. My clients join in the objections of the Carmel Valley Association and others who have expressed concerns about the traffic impacts. The critical intersections and segments are at LOS F. These are critical problems that the County has ignored. Instead, the County has approved projects that add more and more traffic, which makes the traffic worse and worse, and makes it increasingly unlikely that the traffic situation will ever get better.

The DEIR includes a materially incorrect analysis of the project's lack of consistency with C-1.1. The Consistency discussion (p. 4.9-8) merely addresses the traffic analyst's application of the policy, and fails to disclose that the project would not comply with the acceptable level of service (LOS D), and instead would largely cause a worsening of existing LOS E and F traffic, both on segments and at intersections. As the traffic consultant repeatedly states, LOS F is "unacceptable."

The DEIR traffic impact analysis is materially inaccurate in several ways. As one example, the traffic study states that "This study also evaluates the potential traffic

impacts associated with two Project Alternatives. Project Alternative 1 involves the development of a 200-bed assisted living facility on the project site. Project Alternative 2, a scaled down version of Project Alternative 1, involves the development of a 150-bed assisted living facility." (DEIR Appendix I.) Those two alternatives are materially different from the five alternatives presented in the DEIR released to the public. (See DEIR chapter 6.0.) These two assisted-living-facility alternatives are discussed throughout the traffic study. The DEIR traffic study (DEIR App. I) does not contain any discussion of the five alternatives described in DEIR chapter 6. Apparently neither the County staff nor the EIR preparer noted the traffic study's omission of the five alternatives, and the mistaken inclusion of two other different alternatives. This calls into question the accuracy of the review of the subject-specific impact studies used in the DEIR.

The failure of the traffic analysis to adequately consider the five DEIR alternatives renders the traffic analysis and the alternatives analysis unusable for this DEIR. The DEIR traffic analysis does not comply with CEQA.

Please explain in detail how the FEIR Table 6.2, Comparison of Project Alternatives, was prepared. We do not understand how the DEIR comparison applied the traffic study that did not consider the five alternatives presented.

Please explain exactly how the LOS for an intersection is calculated. That is not explained and not clear in the DEIR. Please provide an actual example of the calculations, using numbers from the DEIR.

The DEIR comparison of alternatives states that every single alternative would have fewer overall environmental impacts than the proposed project. That is a remarkable and rarely seen result, and it demonstrates how poorly suited the project is for the site. In fact, each environmental issue is better for every alternative, with very few exceptions where the alternative is the same.

The DEIR inadequately applies the applicant's objectives. The objectives are subjectively and improperly applied throughout the DEIR analysis, including the alternatives analysis, which is not consistent with the requirements of CEQA.

Review of the DEIR shows that the applicant presented inadequate application materials and/or provided inaccurate analysis of issues including stormwater, drainage facilities, flooding, water demand, irrigation, traffic, and more. The DEIR did not identify all of the errors and omissions, and made new errors of analysis and assessment.

Public Comment Period

The Draft EIR review period before the State agencies had at least two material infirmities that render it legally invalid.

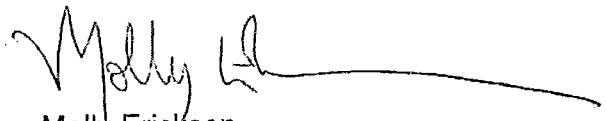
The State review period was too short, by at least one day. A minimum of 45 days was required, as the DEIR admits at pp. 1-4 and 1-6. The California Courts require strict compliance with the procedural mandates of CEQA. (*Latinos Unidos De Napa v. City of Napa* (2011) 196 Cal.App.4th 1154, 1157-1158.) The too-short review period is particularly egregious in this case, where the County timed the comment period to commence on the Tuesday before Thanksgiving, November 22, and end on the first Thursday in January immediately following the three-day New Year's holiday weekend, January 5. Numerous public agencies were entirely closed during December 23 to January 3, including the County of Monterey. Additionally, many public agency staff took time off during that period, even if their agencies were theoretically open. Thus, the DEIR release period at the worst possible time for meaningful review and comment. This County approach is sadly consistent with the past direction from a previous County Planning Director that EIRs should be scheduled for public comment over the holidays, to reduce meaningful public comment.

The State Water Resources Control Board was not included on the distribution. The State has significant interest in the project area because of its decades of involvement in Carmel River overdraft issues and impacts to public trust resources in Carmel Valley. The County apparently omitted the State Board from the distribution and thus the State Board was not able to review and comment.

Thank you for the opportunity to comment. Please put this office on the distribution list for all notices pursuant to Public Resources Code section 21092.2.

Very truly yours,

STAMP | ERICKSON



Molly Erickson

Attached: Exhibits A, B and C

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

Prepared for:

Monterey County Resource Management Agency

October 2014

Exhibit A

24-hour design storm. The model time step was set to 1 second with output saved every 5 minutes over the simulation period.

4.5 Existing Conditions Model Results

The modeling results show that the CSA-50 drainage system is very prone to overflow for storm conditions consistent with the conservative assumptions used in the joint probability analysis. An example of the model output in the form of maximum water depth for the 100-year design storm is illustrated in Figure 4-2.

Figure 4-2 Maximum interior drainage water for the 100-year design storm

Overflow (and backflow from the river) is predicted to be of such large quantities that flood hazards are not substantially different in many respects than the overbank riverine flooding discussed in Chapter 2. A particularly notable difference with riverine flooding is that several higher elevation areas (i.e. near Carmel Valley Road) are potentially impacted, especially by the sheet flow from DA-27.

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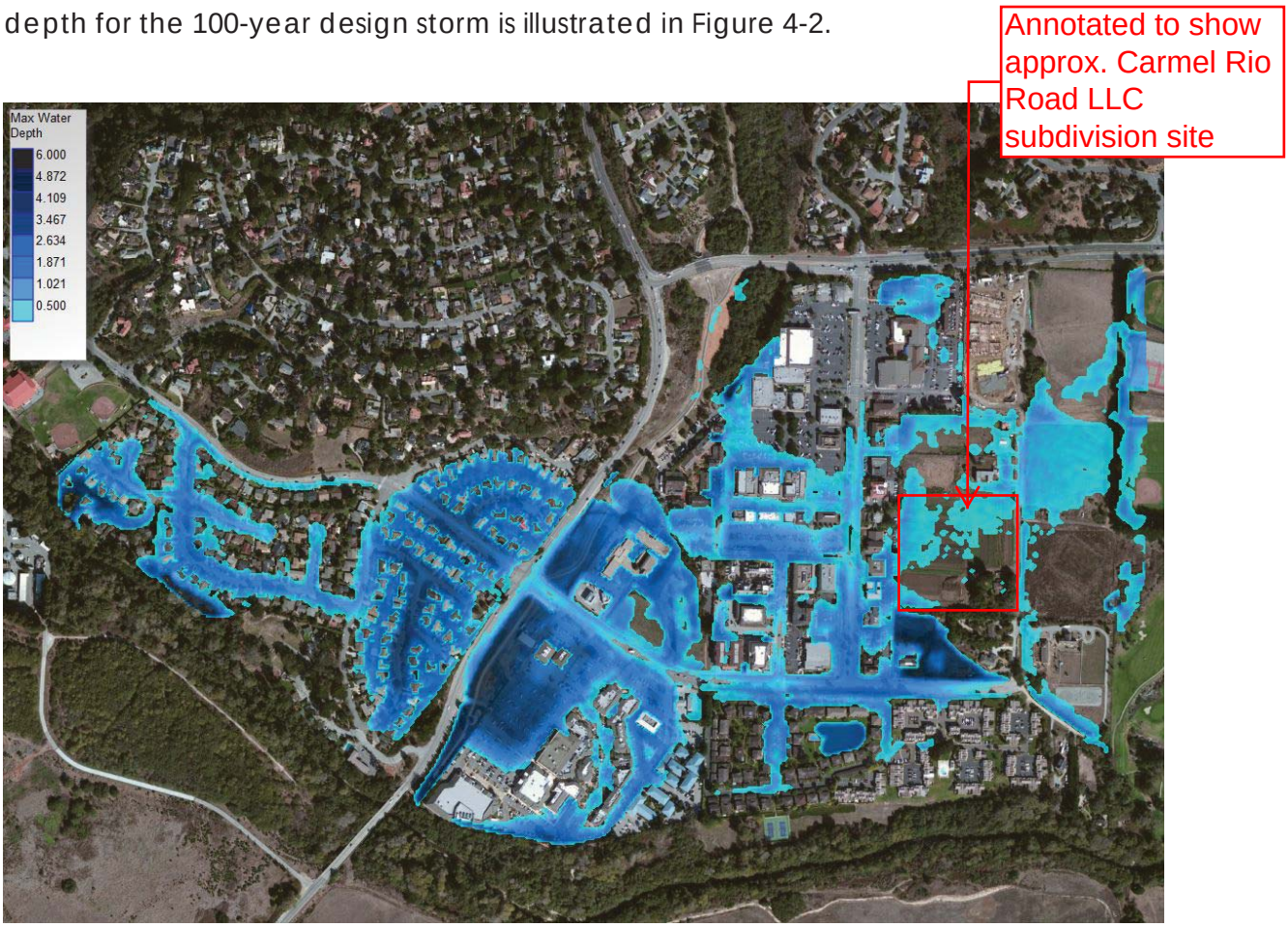

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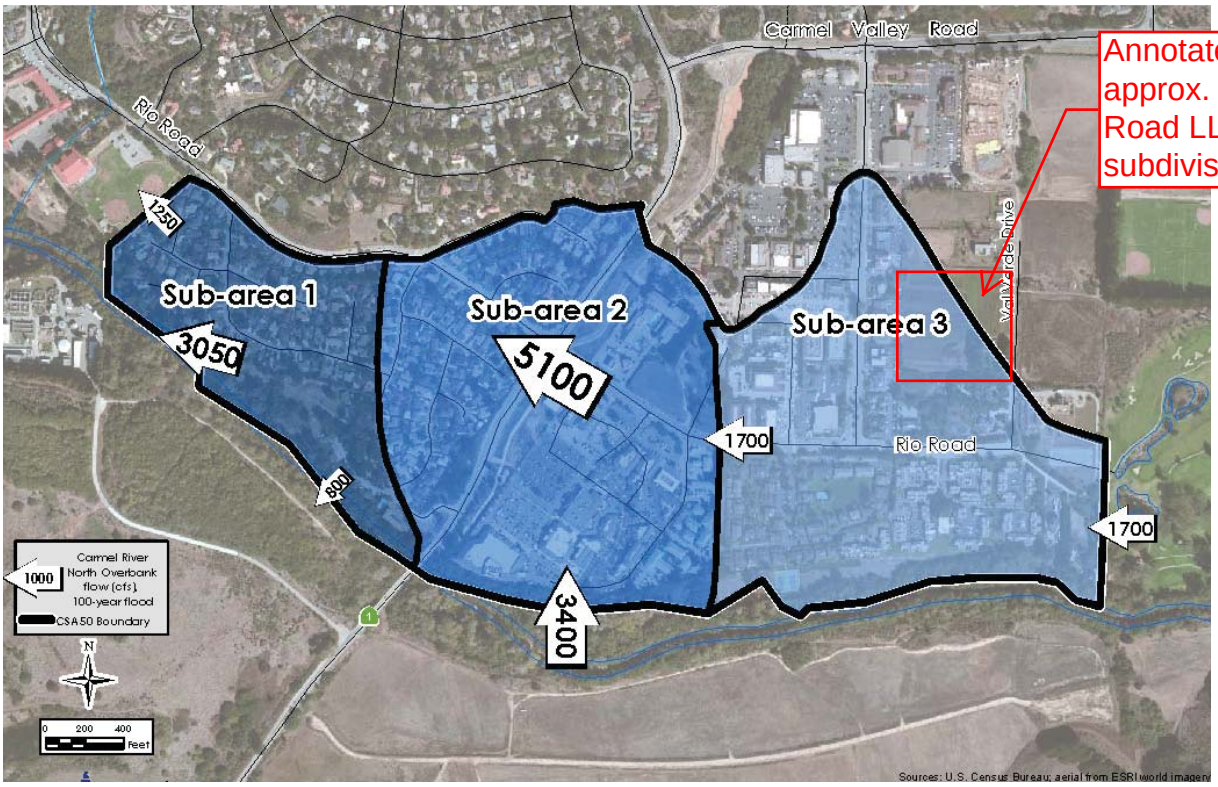
Figure 2-4 Generalized flood hazard sub-areas within CSA-50

These sub-areas are specific designations within this report to aid in interpretation of flood risk and hazard within the CSA and to appropriately configure projects to address those risks.[11] They should not be confused with the FEMA zones (which use letters rather than numbers) that are used for flood insurance mapping purposes.

Characteristics of the three sub-areas include:

- *Sub-Area 1*. This sub-area encompasses the residential portion of the Mission Fields neighborhood that is bordered by Larson Field on the west, Rio Road on the north, Oliver Road on the east, and the Carmel River main channel on the south. The Base Scenario modeling results show that the riverine flooding risk in Sub-Area 1 results almost exclusively from the large flood flows that overtop Highway 1 at the intersection with Rio Road. This overflow is modeled as 5,100 cfs under existing conditions, or nearly one-quarter of the total river flow of 22,700

[11] "Risk" in this sense refers to the likelihood that a damaging event (e.g. flood) will occur, while "hazard" refers to both event (flood) and how damaging its effects can be.



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0 Val Verde Drive, Carmel

Approximately 232,610 square foot or 5.34 Acres of level lot with AG well. Well pump replaced in 2011. Cost over $10,000. Zoned LDR/1. Site grading engineering plan from 2010. Soils Report available. Grading was done on 3/2007. Grading Plan in Listing Office.

Offered at $1,550,000

kw COASTAL ESTATES
KELLERWILLIAMS

26135 Carmel Rancho Blvd., Ste F200
Carmel, CA 93923 | CalBRE# 01980326
Cell: 831.238.4075
Email: YoungSeon@kw.com

YOUNGSEON MYONG
Realtor®
CalBRE# 01004504

Exhibit C

Steve Vagnini , County Assessor

General Information

Open Map

APN:
015-021-004-000
Situs Address:
CARMEL VALLEY RD
CARMEL CA
Mailing Address:
PO BOX 846
CARMEL CA 93921-0846
Legal Description:

Use Type:
VACANT
Tax Rate Area: 060-088

Assessment

Year Assd:	2016
Land:	$902,132
Structure(s):	
Other:	
Total Land and Improv:	$902,132
HO Exempt?:	N
Exemption Amt:	

Property Characteristics

Bedrooms:
Baths (Full):
Baths (Half):
Bldg/Liv Area:
Year Built:
Lot Acres: 5.270
Lot SqFt: 229,646

Recent Sale History

Recording Date:	09/30/2014
Document #:	2014046698
Transfer Amount:	

View More History

Natural Hazard Package

Add to Cart $ 19.95
View Sample

Full Property Detail

Add to Cart $ 4.95
View Sample

Property Reports

**The information provided here is deemed reliable, but is not guaranteed.