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November 9, 2016

Martha Diehl, Chair
Monterey County Planning Commission
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2487

Subject: Rancho Canada Village Project

Dear Chair Diehl and Commissioners:

LandWatch Monterey County has reviewed the RDEIR and FEIR. Our review finds that the process for evaluating the Rancho Canada Village project suffers from major and significant flaws. These include the County's failure to:

- Require the applicant to file a new application when it was clear the original project was revised and no longer applicable;
- Follow the 2010 General Plan policy LU-9.6, which requires the Board of Supervisors to amend the General Plan twice a year;
- Adopt the Development Evaluation System (DES), which applies to the project within 12 months of adoption of the General Plan;
- Follow the General Plan Policy identified in the DES that housing projects outside Community Areas or Rural Centers include at least 35% affordable housing; and
- Find the project inconsistent with Carmel Valley traffic policies.

LandWatch Monterey County recommends the Planning Commission defer any decision on the proposed project until the procedural flaws and findings of fact are addressed.

Specific comments follow:

1. New Application Required. Based on the RDEIR and the applicant's comments to the Carmel Valley Land Use Advisory Committee, it is clear the project under consideration is the 130-unit project. County finding support the conclusion that the the 130-unit project is subject to the 2010 General Plan (RDEIR p. 2.1) and the RDEIR's approach to evaluating the 130-unit project. Rather than requiring the applicant to file a new application and preparation of a new EIR, the County supported a convoluted and cumbersome process by identifying the 130-unit project as a project alternative to the original project and preparing a RDEIR.
2. General Plan Amendment Required. As identified in the RDEIR (p. 35-19), a General Plan Amendment is required to accommodate the 130-unit project since the project does not meet the 2010 General Plan requirements of 50% affordable housing. The 2010 General Plan policy LU-9.6 regarding amendments to the General Plan states:

LU-9.6 The County shall develop a specific process for general plan amendments recognizing:

- a. The right of an individual to apply;
- b. The need to collectively review plan amendments in a comprehensive, cumulative and timely manner;
- c. A need for an early assessment of plan amendment requests to determine the suitability of the request and provide early feedback to applicants before embarking on an extensive, expensive amendment process; and,**
- d. The Board shall consider two packages of general plan amendments per year. Projects deemed complete prior to October 16, 2007 shall not be subject to this limit. (Emphasis added)**

The requirements of this policy have not been followed, specifically (c) and (d) above.

3. Development Evaluation System (DES): The project is subject to the DES. The 2010 General Plan policy follows:

LU-1.19 Community Areas, Rural Centers and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County. Outside of those areas, a Development Evaluation System shall be established 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 system shall 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. Evaluation criteria shall include but are not limited to:

- 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

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

This Development Evaluation System shall be established within 12 months of adopting this General Plan. (Emphasis added)

While County Planning staff has prepared numerous drafts of the Development Evaluation System (DES), the County has not adopted a **DES**. Without an evaluation in accordance with this policy, the project cannot go forward.

4. Affordable Housing Requirement of DES not Meet. As noted above, the DES requires “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, is inconsistent with the policy and thus cannot be approved.
5. Inconsistency with Carmel Valley Master Plan Policy. **With the Proposed Project, Carmel Valley Road segments 6 and 7 would continue to operate at LOS E**, (emphasis added) and Carmel Rancho Boulevard segment 11 and Rio Road segments 12 and 13 would continue to operate at LOS C.

Policy CV-2.17 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 conditions.” Since Segments 6 and 7 would be at LOS E under existing conditions plus the 281 unit project, the project would be inconsistent with this policy. The RDEIR makes similar findings for the 130 unit project even though that project would be at LOS E under existing conditions plus the 130 unit project. (Table 3.7-12).

Projects that are inconsistent with substantive policies of general plans cannot be approved under State General Plan requirements. State General Plan guidelines state (p. 4):

The general plan is the basis for all local land use decisions. Zoning (except in most charter cities), subdivisions, and public works projects can only be approved when they are consistent with the general plan. An action, program or project is consistent with the general plan if, considering all its aspects, it will further the goals, objectives and policies of the plan and not obstruct their attainment.

Thank you for your consideration.

Sincerely,



Michael DeLapa
Interim Executive Director