

CHARLES R. KELLER
RONALD F. SCHOLL
THOMAS H. JAMISON
MARK A. CAMERON
JOHN S. BRIDGES
DENNIS G. MCCARTHY
JACQUELINE P. MCMANUS
CHRISTOPHER E. PANETTA
DAVID C. SWEIGERT
VIRGINIA E. HOWARD
SARA B. BOYNS
SHARILYN R. PAYNE
BRIAN E. TURLINGTON
AMBER D. PASSNO
CAROL S. HILBURN
LAURA S. BARCHICK
JAY P. MENCHACA
KOREN R. MCWILLIAMS
SHERYL L. AINSWORTH

FENTON & KELLER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
2801 MONTEREY-SALINAS HIGHWAY
POST OFFICE BOX 791
MONTEREY, CALIFORNIA 93942-0791
TELEPHONE (831) 373-1241
FACSIMILE (831) 373-7219

LEWIS L. FENTON
1925-2005

FROM SALINAS
TELEPHONE (831) 757-8937

September 29, 2006

JBridges@FentonKeller.com
ext. 238

JOHN S. BRIDGES

Mike Novo
Monterey County Planning & Building Inspection Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: GPU4 - DEIR
Our File: 2077.29083

Dear Mr. Novo:

This letter is submitted as a comment on the Draft EIR for the Monterey County General Plan Update.

Please include and assess as a project alternative the correction of the Carmel Valley Rural Center boundary and residential/affordable housing designation as described in the attached September 8, 2006, letter to the Planning Commission. Thank you.

Very truly yours,

FENTON & KELLER
A Professional Corporation


John S. Bridges

JSB:kmc
Enclosure

cc: Monterey County Board of Supervisors (w/enc.)
Supervisor Dave Potter, Fifth District (w/enc.)
Peter Hatton (w/o enc.)

FILE COPY

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September 8, 2006

JOHN S. BRIDGES

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Monterey County Planning Commission
Monterey County Government Center
168 W. Alisal Street - 2nd Floor
Salinas, CA 93901

Re: GPU4 - Carmel Valley Rural Center Boundary
Our File: 2077.29083

Dear Commissioners:

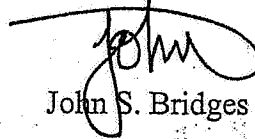
When you consider the matter of GPU4 Rural Center boundaries (currently scheduled for your September 14 meeting), based on the attached materials we request that you recommend correction of the Carmel Valley Rural Center boundary as directed by the Board of Supervisors (namely, from Highway 1 to the end of the 4-lane portion of Carmel Valley Road). As explained in the attached materials, the property that has been erroneously deleted from the Rural Center is a prime location for affordable housing in an area that desperately needs it. In addition to correcting the Rural Center boundary, we would also ask you to consider recommending that the approximately 26 acres of the Hatton property located above the flood plain (i.e., the northern portion of the property adjacent to Carmel Valley Road) be designated for residential use on the land use plan maps at GPU Figures 8 and 9.

37-1
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Thank you for your consideration of this request.

Very truly yours,

FENTON & KELLER
A Professional Corporation



John S. Bridges

JSB:vlh

Enclosures

cc: Monterey County Board of Supervisors, c/o Chairman Jerry Smith (w/o enclosures)
Lew C. Bauman, Monterey County Administrative Officer (w/o enclosures)
Wayne Tanda, Director of Resource Management Agency (w/o enclosures)
Peter Hatton (w/o enclosures)

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FACSIMILE (831) 373-7219

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September 8, 2006

JOHN S. BRIDGES

JBridges@FentonKeller.com
ext. 238

VIA HAND DELIVERY

Supervisor Jerry Smith, Chairman
Monterey County Board of Supervisors
Monterey County Government Center
168 W. Alisal Street - 1st Floor
Salinas, CA 93901

Re: GPU4 - Carmel Valley Rural Center Boundary
Our File: 2077.29083

Dear Chairman Smith:

Despite the best efforts of the public and the property owners involved, and despite specific and consistent direction from the Board, Staff has failed to reflect in GPU4 the correct description of the Carmel Valley Rural Center. Because of the importance of the land at issue for future affordable housing near the Monterey Peninsula where it is so desperately needed, immediate action is necessary to remedy this unfortunate Staff error. In order for the Board-directed Carmel Valley Rural Center boundary to be appropriately considered in the GPU4 EIR, Staff should be directed to analyze the Board-directed Rural Center boundary as an EIR alternative so the Board may then be in a position to adopt that boundary when it acts on GPU4.

The record on this matter leaves no room for doubt. In November 2002, the Board of Supervisors considered and approved the boundary for the Carmel Valley Rural Center as extending east from Highway 1 to the end of the 4-lane portion of Carmel Valley Road. The boundary was depicted in map form (Attachment 1). In April 2004, a Planning Commission Subcommittee entertained the idea of reducing this Rural Center boundary by approximately 50 percent. On behalf of the affected property owner, the Hatton family, we testified before the Subcommittee to point out that a substantial portion of the land was developable and met all criteria identified for affordable housing including public water service, lack of environmentally sensitive habitat, and proximity to schools, churches, parks, and commercial areas. Although flood plain issues were asserted as a reason for reducing the Rural Center boundary, the proposed reduction of the Rural Center area was not based on the flood plain (Attachment 2). In October 2005, the Board held another hearing to once again give direction to Staff regarding the Carmel

37-1
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Supervisor Jerry Smith, Chairman
September 8, 2006
Page Two

Valley Rural Center boundary and the Board reiterated its earlier direction that the boundary extend east from Highway 1 to the end of the 4-lane portion of Carmel Valley Road. This time the boundary was defined in words (Attachment 3). When GPU4 was published in March 2006, the Board's direction was accurately reflected in Policy LU-2.29, but Figure 23 incorrectly reflected the unapproved Subcommittee proposal cutting the Rural Center in half and excluding the Hatton property (Attachment 4). We brought this map error to the attention of Staff in April 2006 (Attachment 5). The Refinement Group also noted this error to the Staff in their Board Direction Consistency Report dated May 11, 2006 (Attachment 6).

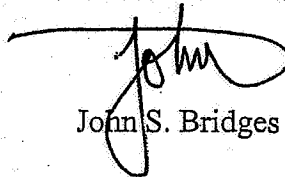
In response to comments from the public on the March 2006 published version of GPU4, Staff prepared an ERRATA Summary dated August 2006. In that Summary, instead of correcting Figure 23 to reflect the Board's clear and consistent direction regarding the Carmel Valley Rural Center boundary, Staff deleted the Board-directed description from the text of Policy LU-2.29 and left Figure 23 uncorrected (Attachment 7). As a result the GPU4 DEIR considered the wrong Carmel Valley Rural Center boundary (Attachment 8).

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Having been twice informed of the mistake well in advance of the ERRATA Summary, it is a mystery why Staff chose to perpetuate the problem rather than fix it. As noted above, in order to remedy this error by Staff in a way that will enable the Board to adopt its directed Carmel Valley Rural Center boundary, the correct boundary line (i.e., to the end of the 4-lane portion of Carmel Valley Road) needs to be addressed in the GPU4 EIR as an alternative. The land at issue is absolutely developable for affordable housing and in light of the lack of other appropriate areas for such housing near Monterey Peninsula employment centers, it is important that this area (i.e., the Hatton property) be included in the Rural Center boundary.

Very truly yours,

FENTON & KELLER
A Professional Corporation



John S. Bridges

JSB:vlh
Attachments

cc: Supervisor Dave Potter (w/Attachments) - via mail
Peter C. Hatton (w/o Attachments) - via mail