Exhibit No. 9
Comments from
members of the public

Carmel Rio Road, LLC
GPZ090004

Board of Supervisors
March 27, 2012
From: Lorribigsur@aol.com
To: district5@co.monterey.ca.us, district4@co.monterey.ca.us, district3@co.monterey.ca.us, district2@co.monterey.ca.us, district1@co.monterey.ca.us
Sent: 10/31/2011 12:07:11 P.M. Pacific Daylight Time
Subj: 42 units Val Verde Drive - Carmel

Kind Supervisors,

Do we need more cars at the intersection of HWY 1 and Rio Road?

Again, this project is ahead of the available infrastructure. Until HW 1 is widened I pray no multiunit projects are approved. Is there a safety ordinance limiting the length of the line of autos backed up at intersections? Summer week-ends the line extends from Highlands Inn on the South to Pebble Beach on ramp North. We residents join the parade and head for the ditch if needed to permit sheriff, ambulance passage.

I lived in Mission Fields near corner Hwy. 1-Rio Rd intersection 40 years ago. Daughter had a small Welsh pony which we boarded in the Val Verde area. During heavy rains, we loaded the pony into our VW camper and brought her home to our Mission Field lot which was a large pie shape area and sheltered her in our garage to protect her hooves. (Shared all the fertilizer with neighbors - great gardens and no one complained.) Water in-sewage out, paved widened road problems must be addressed also. Put any multi units on stilts but not until HWY. 1 widened. Where is the flood plane.? Thank you.

Sincerely,

Lorri Lockwood
P.O. Box 264
Big Sur, Ca. 93920
831-667-2564?

10/31/2011
Schubert, Bob J. x5183

From: deeannehowe@aol.com
Sent: Saturday, October 22, 2011 11:31 AM
To: Novo, Mike x5192; Schubert, Bob J. x5183
Subject: Section 21.64.320/ GPZ090004

Mr. Mike Novo and Mr. Bob Schubert
Monterey County RMA-Planning Department
68 W. Alisal St., 2nd Floor
Salinas, CA 93901

Dear Mr. Novo and Mr. Schubert,

I have recently received a copy of the Ordinance, adding section 21.64.320 to the Monterey County Code, and scheduled to go to the Planning Commission and Board of Supervisors for their approval.

The timing of the adoption of this ordinance, to create consistency with our governing general plan, has allowed for projects to move through the "pipeline" assuming consistency will be mandated by staff analysis. Because of this lack of "normal" process, I would like to presently and clearly file an objection to the use of the private road, Val Verde Drive, for access to the subdivision application GPZ090004.

I am an interested party, owning a portion of the road, Val Verde Drive, and being an easement holder on this road.
DeeAnne Keyston Howe, 26525 Val Verde Drive, Carmel, CA 93923; APN 015-021-005-000.

I object to the intensification of use of the easement that was created to serve LDR-1 zoning. I do not believe the applicant has the right to burden us with intensified use to serve a much greater density, not envisioned in the creation of the original easement. We have no road agreement for maintenance or use; and I certainly relied on the present zoning and private road status at the time I purchased my parcel, assuming that the allowed uses would not exceed the existing zoning, without unanimous consent of the easement owners/holders approving this change. I would like to see that remain the case.

I will resubmit my objection should I be served with the notice required by the proposed ordinance. In the meantime, I wish the Planning Department, and the applicant, to definitively understand that vehement objection exists to their proposed use of Val Verde Drive and the applicants assertion that he has any right to burden me with his proposed rezoning/subdivision use.

Thank you, DeeAnne Howe

10/24/2011
PETITION TO DENY 42 UNITS ON VAL VERDE DRIVE

We, the undersigned, strongly support the Planning Department’s finding that the project called Carmel Rio Road LLC* is inconsistent with the 2010 General Plan.

Two major inconsistencies: access and water. The project is on a private road and if built the required extra road maintenance will place an undue financial burden on the Val Verde Drive Owners and destroy the rural character of the neighborhood.

The project does not have a proven, long term sustainable water supply. We feel that supplying water to 42 units could dry up critical wells in the area and wells at Riverwood and Arroyo Carmel.

The project will add to the traffic overload on Highway One and make it ever harder to get to CHOMP in emergencies. We ask that you support the Planning Department and deny this project.

Print Name                      Signature
Margaret Robbins               Margaret Robbins
Barbara Grace                  Barbara Grace
George Whisker                 George Whisker
Gwen Grader                    Gwen Grader
UTE BANCER                     Ute Bancer
Kathryn Rayne                  Kathryn Rayne
CLIVE H. RAYNE                 Clive H. Rayne
JOAN MARIE VON RICHTHOESEN    Joan Marie Von Richthosen
David Hendrick                 David Hendrick
Joan Hendrick                  Joan Hendrick
Morteza MAZTEZAI               Morteza Maztezai
MARION BESMEAN                 Marion Besmean
Charles Besmean                Charles Besmean
Ray Kaminiske                  Ray Kaminiske

* aka the Val Verde Drive 42 unit subdivision
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Print Name                     Signature

Eva Brown                      Elise Brown
 Chuck Winge                   Donna Winge
 Lois Winge                    Karen Winge
 Sam Brown                     Sam Brown Jr.
 Barbara Jones                 Barbara Jones
 Mary L. Olsen                 Gail Olsen
 Betty J. Clark                Betty J. Clark
 Melvin Hoof                   Melvin Hoof
 Robert Palmer                 Robert Palmer
 Wendy Williamson              Wendy Williamson
 James B. Jones                James B. Jones
 Kelly Bergeva                 Kelly Bergeva

Please collect signatures, and mail petition(s) to
Margaret Robbins, 3850 Rio Road, #26, Carmel, CA 93923  BY NOVEMBER 5!

Phone call needed.
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Print Name

JACKLYN FINLEY
L. LEWIS GARING
CRISTINA RINK
William Ernie
Herelda Ernie
Besan Forzanmayeh
Cheryl Mueller
Joan Crenshaw
KATHLEEN KNIGHT
William L. Mc Dermott
Paul L. Spitzer
HARINA A. SZMIT
Helen Rhy
Donna Rhy

Signature

Jacklyn Finley
William Ernie
Herelda Ernie
Besan Forzanmayeh
Cheryl Mueller
Joan Crenshaw
Kathleen Knight
William L. McDermott
Paul L. Spitzer
Harina A. Szmit
Helen Rhy
Donna Rhy

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Maxine Kent Callinan           Marie X. Callinan
Joan P. Lawson                 Joan P. Lawson
Susan Ducroeur                 Susan Ducroeur
Elaine Rankin                  Elaine Rankin
Nancy C. Johnson               Nancy C. Johnson
Cynthia Nowlan                 C. Nowlan
Joan Platin Frazan             The unstated
Joan Shea                      Janet Fleur
Norma Maclelland               Donna Kneeland
M. S. Maclelland               M. S. Maclelland
Victoria McMellan              Victoria McMellan
Marcus McMellan                Marcus A. McMellan

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BY NOVEMBER 5!
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<td>Renee Sanders</td>
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<td>Marilyn G Sanders</td>
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<td>James V Sanders</td>
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<td>Janet Brennan</td>
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<td>Frederica Nichols</td>
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<td>Joyce Stevens</td>
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<td>Sandra Schachter</td>
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<td>David Burbidge</td>
<td>David Burbidge</td>
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<td>Antoni Trenard</td>
<td>Antoni Trenard</td>
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<td>Victoria Hogan</td>
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BY NOVEMBER 5!

* phone call a/s
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Print Name

ANDREW ALLISON

ISLENA ALLISON

DIANA NICHOLS

LINDA PEPPY

SANDRA HUSH

KEVIN KING

JAMES GUSTAFSON

THEODORE COMAN

MOISÉS CLELAND

Dwight Beach

Catherine Beach

Signature

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dwight beach

margaret robbins
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Print Name                                      Signature
Eleanor Arila                                    Eleanor Arila
Lynette Culbert                                 Lynette Culbert
Barbara Kinney                                   Barbara Kinney
Wende Swanson                                   Wende Swanson
Joyce Olceso                                    Joyce Olceso
Peggy Griess                                    Peggy Griess
Mary R. Gale                                    Mary R. Gale
Olivia G. Bigelow                               Olivia G. Bigelow
Margaret Lenck                                  Margaret Lenck
Yohant Cuhalayan                                Yohant Cuhalayan
Don Muraco                                     Don Muraco
* David Bouch Phillips                          David Bouch Phillips

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BY NOVEMBER 5!

* Share Lee 11/5
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Print Name                      Signature

DR. MEL SPEHIN
William Given
Joel, Raw
Sohl, Andrew
John Walton
TODD NORGARD

* James cheng
* Grace cheng
* Lucia norgard
* Sylvia boufou

NATALIE KEELER

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Print Name                     Signature
Nancy Bartel                 
NEIL AGRON                      
B. Gripp                     
Joyce Stevens

Print Name                     Signature
Richard Daughnise mD            
Staffs way, Carmel             
Dale Agon                      
Neil Agon                     
Nicole Nedeff                 
Mary Ann Matthews

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Print Name
__________________________
Doris Fabre

__________________________
Hubert Fabre

__________________________
Donna Lawson

__________________________
Sot Weisy

__________________________
Paul F. Kotrodimos

__________________________
Lynne Lambert

__________________________
Rich Fox

__________________________
Elizabeth Turner

__________________________
Frank Hennessy

__________________________
Joy Clark

Print Name
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Brian MacDonald

__________________________
Joan Spjet

__________________________
Jean Spjet
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Print Name          Signature
Beverly Krups       Beverly Krups
Edward L. Krups     Edward L. Krups
Catherine Conlin     Catherine Conlin
Mary Ellen Orelli     Mary Ellen Orelli
Catherine von Schwind     Catherine von Schwind
David B. Wood & Ed B. Wood
Ian Roistruck       Ian Roistruck
Theresa Cattarach     Theresa Cattarach
Chris Satter         Chris Satter
Gary Logan          Gary Logan
Jim Wood            Jim Wood
Carl Schuster      Carl Schuster

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Officially known as Carmel Rio Road LLC, with 42 units located on Val Verde Drive -- a private road -- the project has been found by the Planning Department to be inconsistent with the 2010 General Plan. We strongly support this finding.

The inconsistencies include lack of a long term proved and sustainable source of water, and lack of vehicle access because the project is on a private road.

Our major additional concern is the amount of traffic the project would generate. According to our analysis, the traffic it would produce on Highway One would greatly exceed (by a factor of as much as 2.5 at the Highway 1 bottleneck) that which Villas de Carmelo would have produced. Even on that single fact alone, the Val Verde Drive project (Carmel Rio Road LLC) should be denied.

Print Name          Signature
Jonathan Blades    
Thelma J. Blades    
& Charles Chang    
JAN DURNEY          
MICHAEL DURNEY      
Jennifer Robinson   
EINASIA Morteza        
Morteza Morteza     
Bob Danzer          
Alecia Dunlave      
Lois J. Roberts     
Anne Crawford       
& 6 other names
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Print Name

Catherine M. Wilson
Sherman & Susan Wu
Betty Bischoff #15
Sallie Armstrong
Irina Furattini 420
Jaimee Sallyers
Donald & Murrell
Catherine Murrell
Calvin Wilcox
Barbara Keusser
Amy Darche
Lennie Rodriguez
Benedikte Milting
Nik Myers

Signature

Catherine M. Wilson
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Betty Bischoff
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Print Name                      Signature
James S. Chinn       #59  James S. Chinn
Evelyn E. Chinn      #59  Evelyn E. Chinn
Arlene Lucier        #63  Arlene Lucier
Mary Conner          #55  Mary Conner
Chris Kretzmer       #76  Chris Kretzmer
Tania Drake          #69  Tania Drake
Dave Dansby          #74  Dave Dansby
Daniel Dolar         #69  Daniel Dolar
Robert Drake         #69  Robert Drake
Barbara Kiskadden    #67  Barbara Kiskadden
Robert Bechtel       #67  Robert Bechtel
Gayne Bechtel        #67  Gayne Bechtel
Robert Lusten        #64  Robert Lusten
Korver               

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Print Name

Signature

Kimberly Gregory

Kimberly Gregory

Stacy Supick

Stacy Supick

Annan L. Sotoodeh

Annal L. Sotoodeh

Richard Burkhart

Richard Burkhart

Sarena Phillips

Sarena Phillips

Marti McKim

Marti McKim

Print Name

Signature

Robert Steinberg

Robert Steinberg

William M. Crawford

William M. Crawford

Kimberly M. Crawford

Kimberly M. Crawford

Janet Steinberg

Janet Steinberg

Vicky Pawloff

Vicky Pawloff

hannah hincul

hannah hincul

honey hinkley

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* phenia 47
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Print Name    Signature

Myrna Hampton  [Signature]
Semi Hampton-Egi  [Signature]
Bonnie Waterman
Michael Bayne  [Signature]
Mark Bayne  [Signature]
Tracie J Goodwin Bayne  [Signature]
Wendy Len  [Signature]
Cindy Phillips  [Signature]
Vicki Peck  [Signature]

X  Bonnie Wenestine  [Signature]
X  Jan Moore  [Signature]
X  Barbara Weine  [Signature]
X  Barbara Routh
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* aka the Val Verde Drive 42 unit subdivision
PETITION TO DENY 42 UNITS ON VAL VERDE DRIVE

We, the undersigned, strongly support the Planning Department’s finding that the project called Carmel Rio Road LLC* is inconsistent with the 2010 General Plan.

Two major inconsistencies: access and water. The project is on a private road and if built the required extra road maintenance will place an undue financial burden on the Val Verde Drive Owners and destroy the rural character of the neighborhood.

The project does not have a proven, long term sustainable water supply. We feel that supplying water to 42 units could dry up critical wells in the area and wells at Riverwood and Arroyo Camel.

The project will add to the traffic overload on Highway One and make it ever harder to get to CHOMP in emergencies. We ask that you support the Planning Department and deny this project.

Print Name
Jon Stuefloten
VINCENTA LAUTER JR.
Kenneth Anderson
Terry O'Connell
Joseph Crescente
Neil Anderson
Kan Cabrieto
Ronald Fredrickson
Steve Sivera
Pete Knap
Karen Casey 81
Robert Grow 81
Aaron Wilson

Signature
Jon Stuefloten
Vincenta Lauter Jr.
Kenneth Anderson
Terry O'Connell
Joseph Crescente
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Print Name                              Signature
Joyce Odom                              Joyce Odom
William G. Odom                          William G. Odom
Susan Kamellard                         Juan D. Kamellard
Anthony Kamellard                      Anthony Kamellard
V. Carmento                            V. Carmento
Susan C. Head                          Susan C. Head
DAVID A. HART                          David A. Hart
X. Donovan Hayton                      Donovan Hayton

Print Name                              Signature
Bradley S. Toule                       Bradley S. Toule
Leanna M. Toule                        Leanna M. Toule
Krista L. Toule                       Krista L. Toule

Print Name                              Signature
JANET WILLIAMS                         JANET WILLIAMS
Jess E. Atias                          Jess E. Atias

X. Vinne 17
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Officially known as Carmel Rio Road LLC, with 42 units located on Val Verde Drive – a private road -- the project has been found by the Planning Department to be inconsistent with the 2010 General Plan. We strongly support this finding.

The inconsistencies include lack of a long term proved and sustainable source of water, and lack of vehicle access because the project is on a private road.

Our major additional concern is the amount of traffic the project would generate. According to our analysis, the traffic it would produce on Highway One would greatly exceed (by a factor of as much as 2.5 at the Highway 1 bottleneck) that which Villas de Carmelo would have produced. Even on that single fact alone, the Val Verde Drive project (Carmel Rio Road LLC) should be denied.
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<td>Sherry Angell</td>
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<td>Dylan G. Wolcov</td>
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Print Name: Bonnie B. Gillooly
Signature: Bonnie B. Gillooly
PETITION TO DENY 42 UNITS ON VAL VERDE DRIVE

We, who live and work in Carmel Valley, strongly support the Planning Department's finding that the project officially known as Carmel Rio Road LLC is inconsistent with the 2010 General Plan.

Two major inconsistencies exist: access and water. The project is on a private road and, if built, the required extra road maintenance will place an undue financial burden on the Val Verde Drive owners. This dense project will destroy the rural character of the neighborhood.

The project does not have a proven, long term and sustainable source of water as required by our General Plan. Adjoining neighbors worry that supplying water to 42 units for 365 days a year could make their own wells run dry.

The project will add to the traffic overload on Highway One and make it even harder for people from all areas of the Valley to get to CHOMP in emergencies. We ask that you support the Planning Department and deny this project.

Print Name                              Signature
Merry E. Noitte                          Mary Koets
Glenn A. Noitte                          Mr. & Mrs.
Gale B. F. Barish                       Gale F. Barish
ANNE DE WEEES                           Bette Dawson
KENNETH OLSION                          Kenneth Olson
Jack Hall                               Jack Hall, 1/16

Please collect signatures, and mail petition(s) to
Margaret Robbins, 3850 Rio Road, #26, Carmel, CA 93923

BY NOVEMBER 5!

*Phone Call 1-1-9
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Print Name

Suanie Howe
Victoria Howe
Sula Nichols
Tom McDade
Maxine Keene
Rosemary Emerson

Signature

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Print Name     Signature

Howard Keen     Shaun Keen

2605 Retana Del Rios, Carmel, CA 93923

Sylvette Baird     2610 Rio Vista Dr. Carmel, CA 93923

Mary Klein Barat

Katherine Edison

Maria Rosas

Tim Miller

Lida Miller

Lynne Cox

Debora Miranda

Grace Koehorst

Jesus Guinches

* aka the Val Verde Drive 42 unit subdivision

* Peru phone call from MS Klein Barat

11/6
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Print Name                        Signature
Katherine H. Curless              Katherine H. Curless
25865 Rio Vista Dr., Carmel, CA, 93923

Mary Ruth Wilde                   Mary Ruth Wilde
25470 Canada Drive, Carmel, CA 93923

Larry Wilde                       Larry Wilde
75470 Canada Drive, Carmel, CA 93923

Jacques Meyer                     Jacques Meyer
25375 Almada Del Mundo
Carmel, CA 93923

Barbara D. Hylton                Barbara D. Hylton
4300 Toland Tr, Carmel 93923

Robert R. Hylton                 Robert R. Hylton
4300 Toland Tr., Carmel 93923

Samuel R. Curless, 25865 Rio Vista, CA 93723 S R Curless

Allen L. Lewis                    Allen L. Lewis
25910 Rio Vista Dr. Phoenix

Jeanie Lewis                     Jeanie Lewis
25910 Rio Vista Dr.

Karen Zren - 26065 Buntunde Dr. Karen Zren

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Print Name: Barbara Livingston
Signature: [Signature]

Print Name: Robert E. Kohn
Signature: [Signature]
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Print Name
Terry L. Schroeder
Norman H. Schroeder
Don M. Smock
Cynthia R. Schroeder

Signature
Terry L. Schroeder
Norman H. Schroeder
Don M. Smock
Cynthia R. Schroeder

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Print Name                                                      Signature

Evan Burgess                                                    Evan Burgess
Karen Ferlito                                                  Karen Ferlito
Robbin Clarke                                                  Robbin Clarke
Bonner Tumlin                                                  Bonner Tumlin
Victoria Page Ludwig                                            Victoria Page Ludwig
Hilary Keene                                                    Hilary Keene
Frances Russell                                                Frances Russell
Regina Russell                                                 Regina Russell
Russell Keene                                                   Russell Keene

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Print Name

Signature

* aka the Val Verde Drive 42 unit subdivision
November 8, 2011

Paul Getzelman, Chair  
Monterey County Planning Commission  
168 West Alisal, 2nd Floor  
Salinas, CA 93901

Subject: Appeal of Val Verde Subdivision

Dear Chair Getzelman and Members of the Planning Commission:

LandWatch Monterey County supports staff’s finding that the Combined Development Permit application is inconsistent with the 2010 General Plan. The proposed 42-unit subdivision is proposed on 7.92 acres with access from a private road. The project does not have proof of access, a demonstrated long term sustainable water supply, or water reclamation or conservation components required by General Plan Policy CV-5.4. Additionally, the project could potentially exceed the cap of 266 new units provided for in General Plan Policy CV-1.6.

Ordinance No. 5171 established a process for determining General Plan consistency. If county staff finds that a proposed project is inconsistent with the General Plan, the applicant has the opportunity to revise their proposal to attain consistency. Failure to submit a revised project within the allotted time would result in the application being denied.

Based on Ordinance No. 5171, we urge the Commission to uphold staff’s recommendation and find the Val Verde Subdivision inconsistent with the 2010 General Plan.

Sincerely,

Amy L. White  
Executive Director
Planning Commissioners
168 W Alisal, 2nd Floor
Salinas, CA 93901

November 9, 2011

RE: GPZ090004
Carmel Rio Road, LLC

Dear Commissioners,

The Carmel Valley Association, representing nearly 10% of the voters of the Carmel Valley, is strongly opposed to this proposal for a 42-unit development on Val Verde, a private road, near the mouth of the Carmel Valley.

Staff has done an excellent job pointing out the many deficient areas of this proposed project: inconsistency with the General Plan, lack of proof of access, lack of long term water supply, well problems, lack of plan for water conservation or reclamation, traffic and road impacts to those living along the private road, lack on consensus with neighbors concerning the road and impacts to it.

The 95-10 Cease and Desist Order from the State of California, a very real and imminent threat to our water supply, alone, should be enough to deny this project. Why is it not mentioned anywhere is a mystery to me.

A 266-unit cap on new building over and above the existing 475 lots of record within the Carmel Valley Master Plan, was a figure arrived at during the General Plan 2010 process. Other projects which had completed applications prior to the Val Verde project’s completed application, if approved, will use up all of those units.

It couldn’t be more clear. This project is not consistent with the recently adopted General Plan, as multiple deficiencies, and therefore must be denied.

We respectfully ask that you deny this project and advise the applicant to accept the existing zoning and work with its parameters. 1 unit per acre.

Sincerely,

Christine
Christine Williams, President

“To preserve, protect and defend the natural beauty and resources of Carmel Valley”
November 9, 2011

Mr. Mike Novo and Mr. Bob Schubert
Monterey Planning Commission
68 W. Alisal St., 2nd floor
Salinas, CA 93901

RE: GPZ090004, "Val Verde Subdivision." at 26500 Val Verde Drive, Carmel Valley

Dear Messrs. Novo and Schubert, and Members of the Planning Commission:

The Carmel Valley Association Water Committee agrees with the staff recommendation that the proposed subdivision is inconsistent with the 2010 General Plan.

In addition we believe that the project cannot be made to comply with the General Plan Policies #: CV-5.3 and #: CV-5.4 through on-site mitigation. As an alternative, the applicant could be required to pay mitigation fees to support an appropriate off-site water supply development project.

We believe the water management measures as proposed are totally inadequate, especially at this time of future water insecurity. We are living under the 95-10 Cease and Desist Order from the State of California, which is not mentioned. This is a critical part of any decision to be made on new development.

Specifically, we do not understand the logic underlying statements in the Bierman Hydro-geo-logic letter of October 24, 2011 (Exhibit F) regarding:

Policy #: CV-5.3: Limit Development to Vacant Lots of Record:
   a) Development shall incorporate designs with water reclamation, conservation and new source production.

and,

Policy #: CV-5.4: Limit Development to Vacant Lots of Record:
a) The County shall establish regulations for Carmel Valley that limit development to vacant lots of record and already approved projects, unless additional water supplies are identified.

The Bierman letter states,

"The additional water supplies identified for this project are; 1) A comprehensive rain water harvesting, conveyance, ad storage system and 2) An on-site water retention system with sophisticated oil/water separators and infiltration basins which will promote groundwater recharge and groundwater quality with lack of adverse groundwater degradation."

We expect that there is very little storm water runoff from the property as it now stands, and would expect that any increase in runoff from the development of seven units could be easily mitigated through proper grading. Expansion to 42 units would clearly result in a substantial increase in runoff, which the applicant proposes to mitigate with "water harvesting" measures such as oil/water separators, infiltration basins, etc.

But there is no "new source production" or "additional water supplies" created by this mitigation, as required by Policies CV-5.3 and CV-5.4.

Similarly, since wastewater entering the Carmel sewerage system is effectively treated and recycled already, and transported to Pebble Beach, so there is no additional water generated by installing gray-water recycling systems, as proposed.

Accordingly, we believe that the only mitigation step that can be taken to produce "additional water" would have to take place off site. Such an arrangement could involve paying fees to fund future desalination facilities, or fees to improve the transfer of water from the Carmel River during high flows for expanding ASR capacity (e.g. more pumps, bigger pipes).

With best regards,

Todd Norgaard

Todd Norgaard, John Walton, Roger Dolan
CVA Water Committee
Val Verde Subdivision – Chronology

September 3, 2009 – Application submitted.

September 17, 2009 – Application deemed incomplete.

August 9, 2010 – At the request of applicant, Environmental Health Bureau deemed application complete with a recommendation of denial.

February 28, 2011 – Letter to applicant:
- Application deemed complete as of December 9, 2010 which is 30 days from November 9, 2010 which is the date the applicant submitted the last of the materials requested on the checklist.
- For purposes of environmental review, the project description was not finalized until February 4, 2011 which is when the applicant identified the proposed mix of affordable units.
- Applicant advised that 1) based on staff’s preliminary analysis, project is inconsistent with General Plan; 2) additional information (traffic, drainage, hydrologic) is needed to complete environmental review of the project; and 3) options include: i) withdraw application, ii) request staff to complete General Plan consistency analysis, or iii) request staff to proceed with environmental review.

March 8, 2011 – In an e-mail message, the applicant requested staff to complete a GP consistency analysis.

July 5, 2011 – Letter to applicant:
- Contains staff’s GP Consistency analysis which concluded that the project is inconsistent with several GP policies.
- Applicant advised that options for processing the application include: 1) appeal staff’s General Plan consistency analysis to the Planning Commission as set forth in the Interim Ordinance, or 2) accept staff’s GP consistency analysis and request staff to proceed with environmental review.
- Applicant was reminded that additional information (traffic, drainage, hydrologic) was still needed in order to proceed with environmental review.

July 6, 2011 – Applicant sent series of e-mails disputing staff’s GP consistency analysis and contending that the project is consistent with all applicable GP policies.

August 31, 2011 – Staff met with applicant to review staff’s GP consistency analysis. Staff agreed to revise the analysis based on information the applicant submitted at the meeting.

September 29, 2011 – Letter to applicant:
- Contains staff’s revised GP consistency analysis as a follow-up to meeting on August 31, 2011 which concluded that the project was inconsistent with several GP policies.
• Advised applicant that project has been tentatively scheduled for the Planning Commission meeting on November 9, 2011 to consider staff GP consistency analysis as set forth in the Interim Ordinance and to consider denial of the project.
November 7, 2011

Planning Commission
Monterey County

RE: Val Verde Carmel Project (Carmel Rio Road LLC application)

I am writing to express my opposition to the proposed Val Verde housing project. I'm a long time business owner with offices located on Carmel Rancho Blvd., adjacent to the proposed project. Over the 25 years we have worked in this location, my staff and I have witnessed increasingly crowded traffic conditions in the Carmel Rancho area, as development has been approved without the road infrastructure needed to cope with it. The entire business area cannot tolerate an additional 400 car trips per day that are estimated to be added by this development. As it stands now, the area’s roads quickly end up in gridlock when we have a busy summer weekend or one of the many “special events” that clog Carmel Valley Road. I believe adding to this traffic mess will negatively affect the many small businesses at the mouth of the Valley, and will also create potential problems for any emergency evacuation needs.

The potential for increased flooding during heavy rains is also a major concern. As all the people who work in the area can attest, periods of heavy rain cause regular flooding of areas of Carmel Rancho Blvd., including major parts of the parking lots serving the offices and retail businesses along Carmel Rancho Blvd. The rain that now is soaked up by the farm fields now on the Val Verde site would presumably run off the roofs and streets of the project to be piped into the drainage infrastructure under Carmel Rancho Blvd.—which is already insufficient. In an extended flooding period, this additional water could cause the current street flooding to extend to the steps or even inside some of the ground level businesses in the area. Many clients and customers of the shops and offices would be unable to access the businesses, possibly for days.

I urge the Planning Commission to deny this project application.

Thank you,

[Signature]

Peter L. Neumeier
Neumeier Poma Investment Counsel
26435 Carmel Rancho Blvd.
Carmel, Ca. 93923
Brian Clark
Val Verde Drive, Carmel – Minor Sub-division Application

15084. PREPARING THE DRAFT EIR

(c) Any person, including the applicant, may submit information or comments to the Lead Agency to assist in the preparation of the draft EIR. The submittal may be presented in any format, including the form of a draft EIR. The Lead Agency must consider all information and comments received. The information or comments may be included in the draft EIR in whole or in part.

(e) Before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency. The Lead Agency is responsible for the adequacy and objectivity of the draft EIR.

EIR TIME LIMIT: Lead agency has one year to complete a certified EIR – EIR must be completed within one year period (Pub Res Code section 21151.5(a)(1)(A). One year anniversary is the date of application accepted as complete.

Application was complete on Dec. 9, 2010 therefore the certified EIR is due Dec., 9, 2011.

The DEIR (three volumes) submittal meets all applicable CEQA requirements in both form and content. It was prepared using several Tier 1 EIRs (primarily GPU5) and the project specific CEQA responses from 11 consulting and engineering companies.

Please accept this DEIR and we look forward to moving forward with the internal or external peer review process.

Regards,

Brian Clark
November 1, 2011

Paul Getzelman, Chair
Monterey County Planning Commission
168 West Alisal, 2nd Floor
Salinas, CA 93901

RE: Carmel Rio Road LLC

Dear Chair Getzelman and Members of the Commission:

Sustainable Carmel Valley, a loosely knit organization of about 200 Carmel Valley residents, is committed to supporting projects and ways of living that, while enhancing our quality of life, can be maintained throughout the years without depleting our resources.

We support the Planning Department’s finding that the 42 unit subdivision on Val Verde Drive, a private road, is inconsistent with the 2010 General Plan.

The project does not have the support of neighbors on the private road leading to the property. On a private road a project proposal should have the approval of the residents along the road before any other plans are made.

In addition, there is no long-term sustainable source of water for this project.

For these reasons we oppose the project and support the finding of the Planning Department. Please vote to deny the project.

Sincerely,

Mibs McCarthy
Carmel Valley Women's Network
8250 El Camino Estrada
Carmel Valley, CA 93923

November 1, 2011

Monterey County Planning Commission
Paul Getzelman, Chair
168 W. Alisal Street
Salinas, CA 93901

SUBJECT: Val Verde Drive Subdivision

Chair Getzelman and Commissioners:

The members of Carmel Valley Women's Network meet monthly to discuss events and policies affecting life in the valley. We are particularly concerned with health and safety issues.

We strongly oppose the Val Verde Drive subdivision. Traffic at the mouth of the valley is already often clogged during the day. We are especially concerned about our ability to quickly and safely reach our nearest medical facility, Community Hospital of the Monterey Peninsula. With added housing on Val Verde Drive, and added traffic, ambulances would have difficulty reaching CHOMP and first responders would not be able to respond quickly to emergencies.

Please deny approval of this project.

Sincerely,

Darby Moss Worth
Schubert, Bob J. x5183

From: Holm, Carl P. x5103  
Sent: Tuesday, November 01, 2011 2:25 PM  
To: Allen, Carol x5178  
Cc: Schubert, Bob J. x5183; Novo, Mike x5192; Strimling, Wendy  
Subject: FW: private road ordinance

Carol-Please forward to PC.

-----Original Message-----
From: Margaretmike@aol.com [mailto:Margaretmike@aol.com]  
Sent: Tuesday, November 01, 2011 2:12 PM  
To: Holm, Carl P. x5103  
Subject: private road ordinance

Chair Getzelman and Commissioners,

The 42-unit subdivision on Val Verde Drive is an excellent example of why Monterey County needs a strong private road ordinance. The County has long recognized that Val Verde Drive is a private road. A recent example: The June 14, 2009 letter to HUD that identifies Val Verde Drive as a private road. The letter is signed by Carl Holm who at that time was Assistant Director, Planning Department.

If a strong private road ordinance had been in place when Mr. Clark came into the Planing Department to apply for his 42 units, we would not be here today. His application would not have been accepted because he did not and still does not have an agreement to proceed from all the other owners on Val Verde Drive. That's why Planning has suggested several times that Mr. Clark withdraw his application. His project is on a private road and the access is in question.

Planning has made Mr. Clark aware, more than once, of the 2010 General plan policy C-3.6. It states: "The County shall establish regulations for new development that would intensify use of a private road or access easement. Proof of access shall be required as part of any development application when the proposed use is not identified in the provisions of that applicable agreement."

Mr. Clark was aware that new, strict regulations for private roads were coming. However, he did not meet with his Val Verde neighbors to show them what his project looked like. He did not ask for their approval or support. Instead he directed his "management team" to crank out report after glowing report on his 42 units. His "management team" not only wrote environmental documents showing his 42 units had no impact but they even did the scoring for the Carmel Valley Land Use Committee.

It is essential that a strict Private Road Ordinance be put in place as soon as possible. Almost 50% of the County roads are either totally or partially private. (I have the latest list from Public Works.) If the ordinance is not put in pace quickly, you can expect other developers to follow Mr. Clark's lead.

11/01/2011
You will sit through more hearings like this one. Planning Staff time will continue to be wasted. And private owners will go to court to save the character of their neighborhoods and to avoid the undue financial burden of heavily increased road maintenance.

Patricia Bernardi and I have been working to get a Private Road Ordinance written and passed to eight long years. Please don't make us wait for another eight.

Thank you,

Margaret Robbins
November 1, 2011
MEMORANDUM

Date: November 9, 2011
To: Planning Commission
From: Bob Schubert, Senior Planner
Subject: Agenda Item #7 – Val Verde Subdivision (GPZ090004)

Attached please find correspondence that has been submitted since the Planning Commission staff report was distributed.
October 14, 2011

Pamela Silkwood
P.O. Box 3350
Monterey, CA 93942-3350.

Subject: Subdivision Application on property at Rio Road & Val Verde Drive, Carmel
File No.: GPZ090004 (Formerly PLN060647)

Dear Ms. Silkwood:

Thank you for your letter dated October 6, 2011 regarding the subject project. Below are responses to your comments.

I. Consistency Analysis

A. Overview

Your letter states that staff’s General Plan consistency analysis is incomplete because CEQA requires a review of the project’s consistency not only with the General Plan but also with regional and other plans (CEQA Guidelines Section 15125(d)). As stated in the letter to Mr. Clark dated July 5, 2011, staff’s consistency analysis only applies to the 2010 General Plan. Since the analysis was not done as part of an EIR, CEQA Guideline Section 15125(d) does not apply to the project at this time. If an EIR were to be prepared for the project, consistency with regional and other plans would have to be analyzed at that time. Since the consistency analysis was based on information that has been submitted to date, the letter to Mr. Clark not only identified policies that the project was found to be inconsistent with, but also identified policies where consistency could not be determined until additional information is submitted. County also disagrees with your contention that “[t]here are several General Plan policies ... that conflict with or are inconsistent with the state’s affordable housing and infill development laws.”

Your letter further states that bringing the project before the Planning Commission at this time is inconsistent with “Ordinance 5721”. Presumably, you are referring to Ordinance No. 5171 (Interim Ordinance) that sets forth a process to determine 2010 General Plan consistency for discretionary projects until such time as the County adopts the necessary ordinances and programs to fully implement the 2010 General Plan. Section 4.C of Ordinance No. 5171 states that staff shall review the completed General Plan consistency checklist against polices and land use designations prior to issuance of any permit and shall make a recommendation regarding
General Plan consistency to the appropriate authority. Nothing in the ordinance precludes staff from taking its recommendation regarding General Plan consistency to the Planning Commission prior to completing environmental review.

Your letter also states that the “application must be fully processed, including compliance with CEQA, before the Project can be heard by the Planning Commission…. ” Ordinance No. 5171 (Section 4.D) states that no permit shall be issued if the proposed development does not conform to General Plan policies or to the land use designation. In addition, Public Resources Code section 21080(b)(4) and CEQA Guidelines Section 15270(a) provide that CEQA does not apply to projects that are denied. If a project is inconsistent with the General Plan, it cannot be approved, and it would not be necessary or prudent to prepare an EIR if the project is going to be denied.

B. Consistency Analysis

You are correct in assuming that the consistency analysis in the September 29, 2011 letter is the most recent interpretation of the General Plan policies that has been provided to the applicant. As stated in the September 29, 2011 letter, staff met with Brian Clark on August 31, 2011 to review staff’s consistency analysis and subsequently revised the analysis in response to the discussion at that meeting.

1. Access

General Plan Policy C-3.6 states: “The County shall establish regulations for new development that would intensify use of a private road or access easement. Proof of access shall be required as part of any development application when the proposed use is not identified in the provisions of the applicable agreement.” The policy does not refer to density “beyond the density that is anticipated in the General Plan.” That will be clarified when the project goes before the Planning Commission.

Your letter refers to a recorded easement to provide access to the subdivision. The easement does not satisfy the requirements of Policy C-3.6 because the applicant has not provided documentation, such as an agreement among all of the easement holders or a final determination by a court, that would allow the proposed intensification of use of the easement. Additionally, we disagree with your interpretation of Government Code section 66474(g) of the Subdivision Map Act. It does not establish that the recorded easement in this case demonstrates access to the proposed subdivision.

Your letter also states that until “regulations are adopted, the County staff and discretionary bodies must rely on the requirements of the subdivision map act and the express language in the easement of record to avoid an ad-hoc and legally invalid legislative action.” Ordinance No. 5171 requires a General Plan consistency determination until such time as the County adopts the necessary ordinances and programs to fully implement the 2010 General Plan. It sets forth a General Plan consistency review process which is being followed in the processing of the subject application.
2. Secondary Well

Your letter notes that General Plan Policy PS-3.13 sets forth "factors for developing criteria for proof of a long term sustainable water supply and an adequate water supply." Your letter also states that, "to properly interpret and determine consistency with these polices, the County must complete an environmental review for the Project or conduct an independent review and judgment of the technical document reports submitted to it by the applicant." As stated in the September 29, 2011 letter to Mr. Clark, the project requires a water system which has two water sources that meet all of the required regulations. Although there are two existing wells on the property, one of the wells (Travers) does not meet the well control zone requirements due to the lack of an easement with the neighboring property and the sewer main location in Val Verde Drive. These requirements derive not just from the General Plan but also from state regulation. Therefore, the replacement well would need to be applied for, drilled and tested to provide the required information in regard to "production capacity, production capability and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity" (see memorandum from the Environmental Health Bureau dated March 10, 2011). At the request of Mr. Clark, the Environmental Health Bureau deemed the application complete with a recommendation for denial because the information that had been requested was not submitted, including the information described above (see memorandum from the Environmental Health Bureau dated August 9, 2010).

Your letter further states that the County has the option of imposing as a condition of tentative map approval a requirement for a secondary well to be located in an area with a sufficient control zone. As indicated above, the project cannot be approved if it is inconsistent with the General Plan, and General Plan consistency cannot be determined until the secondary well is drilled. The projects you referenced precede the adoption of the 2010 General Plan.

3. Water Related Policies

Your letter states that the County’s consistency analysis determined that no information has been submitted demonstrating that the project includes any water reclamation or conservation component and then it notes that the applicant is proposing hydrozones as a water conservation component. The General Plan consistency analysis will be updated to reflect the applicant’s current proposal. However, the project is still inconsistent with Policy CV-5.3 because it does not include a water reclamation component. Although the hydrozones are a water conservation component, they do not provide for substantial water reclamation.

II. Environmental Review Under CEQA

Your letter states that "my client repeatedly asked the County to either perform an environmental review of the Project under CEQA or conduct an independent review and judgment of the technical documents submitted as part of the application." Staff disagrees with that statement. A letter from the Planning Department dated February 28, 2011 indicated that:

- The application was deemed complete as of December 9, 2010 which is 30 days from November 9, 2010 which is the date the applicant submitted the last of the materials requested on the checklist.
• For purposes of environmental review, the project description was not finalized until February 4, 2011 which is when the applicant identified the proposed mix of affordable units.

• The applicant was advised that 1) based on staff’s preliminary analysis, project is inconsistent with General Plan; 2) additional information (traffic, drainage, hydrologic) is needed to complete environmental review of the project; and 3) options include: i) withdraw application, ii) request staff to complete General Plan consistency analysis, or iii) request staff to proceed with environmental review.

In an e-mail message dated March 8, 2011, Mr. Clark requested staff to complete a GP consistency analysis. On July 5, 2011, a letter containing staff’s GP Consistency analysis was sent to Mr. Clark. The letter also advised Mr. Clark that options for processing the application include: 1) appeal staff’s General Plan consistency analysis to the Planning Commission, or 2) accept staff’s GP consistency analysis and request staff to proceed with environmental review. Mr. Clark was also reminded that additional information (traffic, drainage, hydrologic) was still needed in order to proceed with environmental review.

On July 6, 2011, Mr. Clark sent a series of e-mails contending that the project is consistent with all applicable GP policies. On August 31, 2011, staff met with Mr. Clark to review the GP consistency analysis, and based on the discussion at the meeting, staff agreed to revise the analysis. On September 29, 2011, a letter containing staff’s revised GP consistency analysis was sent to Mr. Clark.

Your letter states that, under Public Resources Code Section 21080.2 and CEQA Guidelines Section 15102, the County should have completed its determination on whether to prepare an EIR within 30 days after the application was accepted as complete. As indicated in the September 17, 2009 letter to Mr. Clark, applications that involve legislative acts are not bound by the timelines in the Permit Streamlining Act. The subject application would require General Plan Amendments (i.e., legislative act) in order to be found consistent with the 2010 General Plan. Staff’s most recent General Plan consistency analysis of the project contained in the letter from the Planning Department dated September 29, 2011 identifies several GPAs that would be required for the project to be determined to be consistent with the General Plan.

Additionally, in response to your contentions concerning CEQA timelines, pursuant to CEQA Guidelines Section 15109, an unreasonable delay by an applicant in meeting requests by the lead agency necessary for the preparation of an EIR suspends the running of the time period described in CEQA Guideline Section 15108. Until the requested additional information is submitted, the running of the time period described in Sections 15108 is suspended because the project description has not been sufficiently defined to commence environmental analysis of the project. For example, General Plan Policy PS-3.2 (Long Term Sustainable Water Supply) sets forth several factors to be used in developing criteria for proof of a long term sustainable water supply, including the production capacity, production capability and any adverse effect of the economic extraction of water or other effect on wells in the immediate vicinity. In the absence of drilling the replacement well and providing the other requested information (traffic, drainage, hydrogeologic), the running of the time period described in Section 15108 is suspended because adequate information does not exist to conduct the environmental review. This information is
needed to establish a stable project description and to begin the assessment of long term sustainable water supply (as discussed in Secondary Well section above) and analysis of other potential environmental impacts.

As indicated in the letter to Mr. Clark dated September 29, 2011, a hearing on the project has been tentatively scheduled for the Planning Commission meeting on November 9, 2011 to consider staff’s General Plan consistency analysis and to consider denial of the project. Since staff has already met with Mr. Clark to review staff General Plan consistency analysis, another meeting prior to the Planning Commission meeting would not be productive. You will, of course, have the opportunity to present your position regarding the application at the Planning Commission hearing.

If you have any questions, feel free to contact me at novom@co.monterey.ca.us or by phone at (831) 755-5192.

Sincerely,

[Signature]

Mike Novo, AICP
Planning Director
RMA – Planning Department

cc. Leslie Girard
    Wendy Strimling
    Carl Holm
    Bob Schubert
    Janna Faulk
    File No. GPZ090004
Michael Novo  
Resource Management Agency – Planning Department  
168 West Alisal Street, 2nd Floor  
Salinas, California 93901  

RE: Carmel Rio Road LLC, Subdivision Project (PLN060647)  

Dear Mr. Novo:  

This firm represents Carmel Rio Road LLC regarding the subdivision project at Val Verde Drive and Rio Road (PLN060647; the “Project”). This letter addresses the following two issues regarding the Project: (1) the County consistency analysis, dated September 29, 2011, and (2) the hearing scheduled before the Planning Commission. More specifically, we believe that the Project is consistent with local, state and federal laws, regulations and policies and that the County has failed to complete a thorough consistency analysis as required under CEQA. Rather than hold a hearing on an incomplete consistency analysis and piecemeal the application review process, we request that the County complete the application process as required by law. In order to meet the December 9, 2011 deadline to complete and certify an EIR, we request that the County accept the applicant’s EIR by performing independent review and judgment of the document consistent with CEQA Guidelines section 15084(e).  

I. Consistency Analysis  

A. Overview  

Although your staff prepared an analysis to determine the Project’s consistency with the 2010 General Plan pursuant to Ordinance 5721, the consistency analysis is incomplete. CEQA requires a review of a project’s consistency not only with the general plan, but with regional and other plans as well (14 CCR §15125(d)), and a review of the project’s consistency with state and federal laws and regulation are oftentimes included in EIRs. There are several General Plan policies (including the policy setting forth the housing unit cap) that conflict with or are inconsistent with the State’s affordable housing and infill development laws, and a more thorough consistency analysis in an EIR would address and possibly resolve these conflicts and inconsistencies.
Procedurally, bringing the Project now before the Planning Commission is inconsistent with Ordinance 5721. Ordinance 5721 states that the determination of the General Plan consistency must be made “as part of the determination of the development application.” (Section 4.C., Ordinance 5721.) Because the Planning staff has failed to fully process the development application, the staff does not have sufficient information to prepare a staff report, nor do they have sufficient information to make a recommendation on the application. The application must be fully processed, including compliance with CEQA, before the Project can be heard by the Planning Commission or the Board; otherwise, any decision by the County’s discretionary bodies would be arbitrary and capricious.

**B. Consistency Analysis**

Over the course of reviewing this application, your staff has taken differing positions and has put forth numerous interpretations of the same policy, which indicates that the policies of the General Plan may be vague and overbroad or insufficiently described to properly set forth standards. We assume that the consistency analysis in the September 29, 2011 letter sets forth the County staff’s most recent interpretation of the General Plan policies. This letter states that the Project is inconsistent with five (5) General Plan policies. The below sections provide a rationale on why the Project is consistent with these five (5) policies.

1. **Access**

   The September 29, 2011 letter states that the Project is inconsistent with Policy C-3.6 because the applicant failed to provide an agreement among all of the easement holders or a court order for the easement that provides access for the subdivision. However, in interpreting this policy, the September 29, 2011 letter sets forth the following qualifying language – the agreement or court order is only required for a project that proposes a density "beyond the density that is anticipated in the General Plan”.

   Your staff has already determined that the density proposed for the Project is consistent with the General Plan. This has not been refuted. Thus, in accordance with the staff’s interpretation of Policy CV-3.6, the Project is consistent with this policy.

   Density is set forth in Camel Valley Master Plan Policy CV-1.10, which is specific to development on Val Verde Drive. Policy CV-1.10 allows for certain density if the project proposes 25% affordable housing, for which the Project exceeds. Moreover, the Housing Element of the General Plan references the application (and future County enacting ordinance) of two state laws, SB 1818 and SB 435, that allow for state density bonus, which is also applicable to this Project. In summary, the density of the Project is not beyond that anticipated in the General Plan, and thus, the Project is consistent with this policy.
My client also provided you a recorded easement of sufficient size to provide access to the subdivision. Under the Subdivision Map Act section 66474(g), “easements of record” are sufficient to demonstrate access for the subdivision. The Subdivision Map Act does not require an agreement or court order to interpret a recorded easement beyond the four corners of the document. My client has sufficiently demonstrated that the recorded easement will provide sufficient access for the subdivision.

Finally, Policy C-3.6 states that the County “shall establish regulations for new development that would intensify use of a private road or access easement.” No such regulations have yet been enacted. Until the regulations are adopted, the County staff and discretionary bodies must rely on the requirements of the subdivision map act and the express language in the easement of record to avoid an ad-hoc and legally invalid legislatively action.

In summary, the applicant provided the County a recorded easement for access of sufficient size to be consistent with the Subdivision Map Act. The recorded easement is also consistent with the staff’s interpretation of Policy C-3.6, because the access is available for a project that proposes a density that is consistent with the General Plan. In moving forward, the County has the option of imposing conditions to the tentative map for street widening and installation of street improvements, which is consistent with its limited police power.

2. Secondary Well

Policy PS-3.13 sets forth “factors for developing criteria for proof of a long term sustainable water supply and an adequate water supply.” The criteria have not yet been developed. Policies PS-3.1, 3.2, 3.9, and 3.13 are absent such language as “well control zone” and “replacement well,” yet your staff created these requirements from these policies, without the benefit of a legislative process, and such action, if accepted by the County’s discretionary bodies, would constitute improper delegation of legislative authority. To properly interpret and determine consistency with these policies, the County must complete an environmental review for the Project or conduct an independent review and judgment of the technical documents reports submitted to it by the applicant. Otherwise, the County staff does not have any legal basis for their position that the Project is inconsistent with these policies.

To immediately remedy this issue, the County has the option of imposing as a condition of the tentative map a secondary, back up well to be located in an area with sufficient control zone (to be developed later on through enacting ordinances). The County has allowed such condition in the past for various subdivision projects (e.g., Rancho Los Robles). Water quality and quantity for this area are not of concern since the applicant has demonstrated sufficient quality and quantity from the on-site two wells and other wells in the area have also demonstrated the
same. To treat this Project consistently with previously approved subdivision projects to avoid discriminatory application, we request that the secondary back up well be included as a condition of the tentative map.

3. Water-Related Policies

The County’s consistency analysis for the water-related policies determined that “no information has been submitted demonstrating that the proposed project includes any water reclamation or conservation component.” The consistency analysis failed to acknowledge the applicant’s plan, dated July 16, 2010, that proposes hydrozones as part of the Project (see Exhibit “A”). Hydrozones divide a landscape irrigation system based upon individual plant water requirements, plant height, and plant density to create microclimates to increase water-efficiency. The hydrozones are also designed to capture and infiltrate irrigation water and seasonal rainfall to recharge the groundwater basin.

Because of the relatively shallow groundwater level at the Project site, Bestor Engineers had determined that direct infiltration from these hydrozones is the most effective mechanism for recharging groundwater. With the hydrozone proposal that incorporates both water conservation and supply measures, the Project is consistent with these policies.

II. Environmental Review Under CEQA

Upon receiving the September 17, 2009 letter from the County, in which your staff told my client in no uncertain terms to withdraw his development application, my client, out of frustration, requested to forego the CEQA process because the Planning staff had already determined that the Project will be recommended for denial even though the application was incomplete at that time. However, since that time and once the application was determined to be complete on December 9, 2010, my client repeatedly asked the County to either perform an environmental review of the Project under CEQA or conduct an independent review and judgment of the technical documents submitted as part of the application. Despite the repeated requests, the County has not acted accordingly as required by law.

Under Public Resources Code section 21080.2 and CEQA Guidelines section 15102, the County should have completed its determination on whether to prepare an EIR within 30 days after the application was accepted as complete. Instead of making such determination or preparing the environmental document, the County staff worked on the consistency analysis for nearly 10 months, which analysis could have and should have been performed as part of the EIR. The County has until December 9, 2011, to prepare and certify an EIR. (Public Resources Code §21151.5(a)(1)(A).)
Although the deadline is approaching, we believe the County could complete the EIR within that timeline. First, the General Plan’s EIR, which was certified in October 2010, was a programmatic EIR. The proposed project is within the scope of the programmatic EIR. Therefore, the programmatic EIR can be used to simplify the task of preparing this later environmental document for activities within the program. (14 CCR §15168(b)-(d).) Under section 15168(d)(3) of the CEQA Guidelines, the focus EIR can be limited to new environmental effects that had not been considered in the program EIR.

Second, the County has the technical, site-specific information necessary to complete the EIR or accept an EIR from the applicant. (CEQA Guidelines section 15084(e).) As discussed earlier, my client submitted site specific, technical reports as part of the development application. Pursuant to CEQA Guidelines section 15084(c), the County must consider all information and comments received, and the information or comments may be included in the draft EIR in whole or in part.

Finally, although the County has an unwritten, internal policy to contract with an outside consultant to prepare EIRs, the County has a short period of time before the 1 year period lapses for preparing and certifying an EIR. (Public Resources Code §21151.5(a)(1)(A).) To avoid further delays, the County can accept the applicant’s EIR and perform independent review and judgment of the document pursuant to CEQA Guidelines section 15084(e).

In summary, we ask that the County proceed by accepting the EIR prepared by the applicant, which will focus solely on the site-specific environmental effects not considered in the program EIR of the General Plan. The County should then be able to perform its independent review and judgment of the document within the one-year time frame requirement. (Public Resources Code §21151.5(a)(1)(A).)

After you have had an opportunity to review the foregoing, please call me to schedule a meeting.

Respectfully submitted,

[Signature]

Pamela H. Silkwood

cc: Leslie Girard, Esq.
November 1, 2011

Chair Getzelman and Commissioners,

The Towle family (4072 Rio Road - corner of Val Verde drive) strongly oppose the proposed 42 unit subdivision on Val Verde Drive in Carmel. If built, it will produce over 400 new daily car trips and make it near impossible to access my driveway which is right at corner of Val Verde and Rio Road. This will be extremely inconvenient and certainly dangerous for my whole family.

We also have concerns about wells in the area and possibility this 42 home subdivision requiring daily water use will run our wells dry. We rely on Cal Am for drinking water however as water becomes increasingly more expensive, would rely more on the well for our water needs.

Regarding the 11 inclusionary units provided in this project, we do not see the immediate need in Carmel Valley as we already have a tremendous number of rentals plus another 41 units at the Preserve plus the mid-valley affordable overlay producing over 100 more. As a long time local Realtor (20+ years), I can truly say we have enough inventory right now in Carmel Valley with 10+ months worth on the market right now. This does not look to come down soon - many properties sit for very long time (year plus) unsold!

We ask you to support the Planning Department’s findings that this project is inconsistent with the 2010 General Plan due to water and access and deny the project. As we live on a private road as well, please promptly pass the Private Road Ordinance.

Sincerely,

Bradley S. Towle
Property Owner
4072 Rio Road, Carmel
Planning Commission
C/o Mike Novo, Planning Director
168 West Alisal, 2nd Floor
Salinas, CA 93901
Delivered by email (novom@co.monterey.ca.us)

Re: CARMEL RIO ROAD LLC - GPZ090004

Dear Members of the Planning Commission:

The available information for this proposed project on Val Verde Drive (also known as Carmel Rio Road LLC) includes no traffic analysis at all where traffic from the project would have the most significant impact, namely on the segment of Highway 1 between Carmel Valley Road and Ocean Avenue. The traffic impacts would be unavoidable and irreversible; no physical mitigation is feasible.

There is sufficient raw data in the available material, however, to assess the principal impacts it would have on that segment. The developer’s estimate (Hexagon, June 2007) is that it would generate 364 vehicle trips per day, which is 35% more trips than the Villas de Carmelo development, recently disapproved by the Board of Supervisors. In addition it would (according to project data) distribute more than 40% of the new traffic – or more likely at least 45% of that traffic – to Highway 1 between Carmel Valley Road and Ocean Avenue, whereas Villas de Carmelo was projected to distribute about 25% of its traffic to that segment. Taken together, these facts imply that the Val Verde Drive proposal would produce about 220% to 250% of the Villas de Carmelo traffic on that segment.

That portion of highway has been shown in every study in recent years to exceed its capacity for traffic volume. These studies include the 2010 General Plan EIR (2007), a County project; the Carmel Valley Road Traffic Improvement Program RDSEIR (2009), a County project; and the Villas de Carmelo EIR (2010, 2011), a private project.

Furthermore, the southbound average travel speed on the segment, as reported in the last of these reports, was 14.3 mph during the AM peak traffic period and 16.7 mph during PM the peak, where the speed limit is 45 mph and the “free flow speed” – the typical speed of cars when there is very little traffic – is only slightly lower, at 42 mph. The AM peak travel speed is less than 1/3 of the speed limit, and only slightly more than 1/3 of the free flow speed.

Clearly no more discretionary traffic should be added to this segment. This is codified in the County’s regulations by the condition that not even one vehicle trip should be
added to a road segment rated LOS F. Classified as a Class II rural highway, as it consistently has been for many years, it is rated LOS F because road capacity is exceeded (see any of the studies listed above). Even under the inappropriate misclassification as an Urban Street, which incorporates four categories, the category of that classification that best fits the segment (high speed principal artery design) also rates it as LOS F. (However, the segment demonstrably does not meet the defining criteria for any of the four urban street categories. See the Highway Capacity Manual, chapters 5, 10, 15 and 21.)

Adding about 146 – 164 daily vehicle trips or about 15 – 16 peak hour trips unavoidably and irreversibly even to just the segment of Highway 1 north of Carmel Valley Road, the project would dump entirely unacceptable numbers of vehicles into already over-capacity traffic. Even a single added vehicle violates County standards and the General Plan.

The proposed Val Verdi Drive project cannot under any circumstances meet existing traffic standards, or any reasonable traffic standards, and should not proceed forward.
Mr. Paul C. Getzelman - Commissioner  
Monterey Planning Commission  
2nd Floor  
168 W Alisal  
Salinas, CA 93901

November 1, 2001

In Reference To: The consideration for Rezoning at 26500 Val Verde Dr. Carmel, CA

In 1955 my husband and I, Joe and Irene Broadman, purchased 2.5 acres at 26380 Val Verde Dr.; we lived there thirty (30) years. Presently this is a rental, but in the very near future, one of my daughters plans to make it here home.

It is my wish that the Monterey County Planning Commission will take into consideration the following problems:

1. Val Verde Dr. is a non-exclusive easement road; not a county road.
2. The need for more water in Carmel Valley continues to be an issue.
3. Traffic continues to increase
4. The air quality is not improving.

I am opposed to the rezoning of 26500: "The Clark's Property". Will the commission please make the very best decision for the people in Carmel Valley. Thank You.

Sincerely

[Irene Broadman]

IRENE BROADMAN

CC. Ms. Margaret Robbins  
Ms. Anne McGowan  
Ms Gwen (Broadman) Lindsey  
Ms Lesa Broadman  
Mr. Tim Broadman
October 6, 2011

Michael Novo  
Resource Management Agency – Planning Department  
168 West Alisal Street, 2nd Floor  
Salinas, California 93901

RE: Carmel Rio Road LLC, Subdivision Project (PLN060647)

Dear Mr. Novo:

This firm represents Carmel Rio Road LLC regarding the subdivision project at Val Verde Drive and Rio Road (PLN060647; the “Project”). This letter addresses the following two issues regarding the Project: (1) the County consistency analysis, dated September 29, 2011, and (2) the hearing scheduled before the Planning Commission. More specifically, we believe that the Project is consistent with local, state and federal laws, regulations and policies and that the County has failed to complete a thorough consistency analysis as required under CEQA. Rather than hold a hearing on an incomplete consistency analysis and piecemeal the application review process, we request that the County complete the application process as required by law. In order to meet the December 9, 2011 deadline to complete and certify an EIR, we request that the County accept the applicant’s EIR by performing independent review and judgment of the document consistent with CEQA Guidelines section 15084(e).

I. Consistency Analysis

A. Overview

Although your staff prepared an analysis to determine the Project’s consistency with the 2010 General Plan pursuant to Ordinance 5721, the consistency analysis is incomplete. CEQA requires a review of a project’s consistency not only with the general plan, but with regional and other plans as well (14 CCR §15125(d)), and a review of the project’s consistency with state and federal laws and regulation are oftentimes included in EIRs. There are several General Plan policies (including the policy setting forth the housing unit cap) that conflict with or are inconsistent with the State’s affordable housing and infill development laws, and a more thorough consistency analysis in an EIR would address and possibly resolve these conflicts and inconsistencies.
Procedurally, bringing the Project now before the Planning Commission is inconsistent with Ordinance 5721. Ordinance 5721 states that the determination of the General Plan consistency must be made "as part of the determination of the development application." (Section 4.C., Ordinance 5721.) Because the Planning staff has failed to fully process the development application, the staff does not have sufficient information to prepare a staff report, nor do they have sufficient information to make a recommendation on the application. The application must be fully processed, including compliance with CEQA, before the Project can be heard by the Planning Commission or the Board; otherwise, any decision by the County's discretionary bodies would be arbitrary and capricious.

B. Consistency Analysis

Over the course of reviewing this application, your staff has taken differing positions and has put forth numerous interpretations of the same policy, which indicates that the policies of the General Plan may be vague and overbroad or insufficiently described to properly set forth standards. We assume that the consistency analysis in the September 29, 2011 letter sets forth the County staff's most recent interpretation of the General Plan policies. This letter states that the Project is inconsistent with five (5) General Plan policies. The below sections provide a rationale on why the Project is consistent with these five (5) policies.

1. Access

The September 29, 2011 letter states that the Project is inconsistent with Policy C-3.6 because the applicant failed to provide an agreement among all of the easement holders or a court order for the easement that provides access for the subdivision. However, in interpreting this policy, the September 29, 2011 letter sets forth the following qualifying language — the agreement or court order is only required for a project that proposes a density "beyond the density that is anticipated in the General Plan".

Your staff has already determined that the density proposed for the Project is consistent with the General Plan. This has not been refuted. Thus, in accordance with the staff's interpretation of Policy CV-3.6, the Project is consistent with this policy.

Density is set forth in Camel Valley Master Plan Policy CV-1.10, which is specific to development on Val Verde Drive. Policy CV-1.10 allows for certain density if the project proposes 25% affordable housing, for which the Project exceeds. Moreover, the Housing Element of the General Plan references the application (and future County enacting ordinance) of two state laws, SB 1818 and SB 435, that allow for state density bonus, which is also applicable to this Project. In summary, the density of the Project is not beyond that anticipated in the General Plan, and thus, the Project is consistent with this policy.
My client also provided you a recorded easement of sufficient size to provide access to the subdivision. Under the Subdivision Map Act section 66474(g), "easements of record" are sufficient to demonstrate access for the subdivision. The Subdivision Map Act does not require an agreement or court order to interpret a recorded easement beyond the four corners of the document. My client has sufficiently demonstrated that the recorded easement will provide sufficient access for the subdivision.

Finally, Policy C-3.6 states that the County "shall establish regulations for new development that would intensify use of a private road or access easement." No such regulations have yet been enacted. Until the regulations are adopted, the County staff and discretionary bodies must rely on the requirements of the subdivision map act and the express language in the easement of record to avoid an ad-hoc and legally invalid legislatively action.

In summary, the applicant provided the County a recorded easement for access of sufficient size to be consistent with the Subdivision Map Act. The recorded easement is also consistent with the staff's interpretation of Policy C-3.6, because the access is available for a project that proposes a density that is consistent with the General Plan. In moving forward, the County has the option of imposing conditions to the tentative map for street widening and installation of street improvements, which is consistent with its limited police power.

2. Secondary Well

Policy PS-3.13 sets forth "factors for developing criteria for proof of a long term sustainable water supply and an adequate water supply." The criteria have not yet been developed. Policies PS-3.1, 3.2, 3.9, and 3.13 are absent such language as "well control zone" and "replacement well," yet your staff created these requirements from these policies, without the benefit of a legislative process, and such action, if accepted by the County's discretionary bodies, would constitute improper delegation of legislative authority. To properly interpret and determine consistency with these policies, the County must complete an environmental review for the Project or conduct an independent review and judgment of the technical documents reports submitted to it by the applicant. Otherwise, the County staff does not have any legal basis for their position that the Project is inconsistent with these policies.

To immediately remedy this issue, the County has the option of imposing as a condition of the tentative map a secondary, back up well to be located in an area with sufficient control zone (to be developed later on through enacting ordinances). The County has allowed such condition in the past for various subdivision projects (e.g., Rancho Los Robles). Water quality and quantity for this area are not of concern since the applicant has demonstrated sufficient quality and quantity from the on-site two wells and other wells in the area have also demonstrated the
same. To treat this Project consistently with previously approved subdivision projects to avoid discriminatory application, we request that the secondary back up well be included as a condition of the tentative map.

3. Water-Related Policies

The County's consistency analysis for the water-related policies determined that "no information has been submitted demonstrating that the proposed project includes any water reclamation or conservation component." The consistency analysis failed to acknowledge the applicant's plan, dated July 16, 2010, that proposes hydrozones as part of the Project (see Exhibit "A"). Hydrozones divide a landscape irrigation system based upon individual plant water requirements, plant height, and plant density to create microclimates to increase water-efficiency. The hydrozones are also designed to capture and infiltrate irrigation water and seasonal rainfall to recharge the groundwater basin.

Because of the relatively shallow groundwater level at the Project site, Bestor Engineers had determined that direct infiltration from these hydrozones is the most effective mechanism for recharging groundwater. With the hydrozone proposal that incorporates both water conservation and supply measures, the Project is consistent with these policies.

II. Environmental Review Under CEQA

Upon receiving the September 17, 2009 letter from the County, in which your staff told my client in no uncertain terms to withdraw his development application, my client, out of frustration, requested to forego the CEQA process because the Planning staff had already determined that the Project will be recommended for denial even though the application was incomplete at that time. However, since that time and once the application was determined to be complete on December 9, 2010, my client repeatedly asked the County to either perform an environmental review of the Project under CEQA or conduct an independent review and judgment of the technical documents submitted as part of the application. Despite the repeated requests, the County has not acted accordingly as required by law.

Under Public Resources Code section 21080.2 and CEQA Guidelines section 15102, the County should have completed its determination on whether to prepare an EIR within 30 days after the application was accepted as complete. Instead of making such determination or preparing the environmental document, the County staff worked on the consistency analysis for nearly 10 months, which analysis could have and should have been performed as part of the EIR. The County has until December 9, 2011, to prepare and certify an EIR. (Public Resources Code §21151.5(a)(1)(A).)
Although the deadline is approaching, we believe the County could complete the EIR within that timeline. First, the General Plan’s EIR, which was certified in October 2010, was a programmatic EIR. The proposed project is within the scope of the programmatic EIR. Therefore, the programmatic EIR can be used to simplify the task of preparing this later environmental document for activities within the program. (14 CCR §15168(b)-(d).) Under section 15168(d)(3) of the CEQA Guidelines, the focus EIR can be limited to new environmental effects that had not been considered in the program EIR.

Second, the County has the technical, site-specific information necessary to complete the EIR or accept an EIR from the applicant. (CEQA Guidelines section 15084(e).) As discussed earlier, my client submitted site specific, technical reports as part of the development application. Pursuant to CEQA Guidelines section 15084(c), the County must consider all information and comments received, and the information or comments may be included in the draft EIR in whole or in part.

Finally, although the County has an unwritten, internal policy to contract with an outside consultant to prepare EIRs, the County has a short period of time before the 1 year period lapses for preparing and certifying an EIR. (Public Resources Code §21151.5(a)(1)(A).) To avoid further delays, the County can accept the applicant’s EIR and perform independent review and judgment of the document pursuant to CEQA Guidelines section 15084(e).

In summary, we ask that the County proceed by accepting the EIR prepared by the applicant, which will focus solely on the site-specific environmental effects not considered in the program EIR of the General Plan. The County should then be able to perform its independent review and judgment of the document within the one-year time frame requirement. (Public Resources Code §21151.5(a)(1)(A).)

After you have had an opportunity to review the foregoing, please call me to schedule a meeting.

Respectfully submitted,

[Signature]

Pamela H. Silkwood

cc: Leslie Girard, Esq.
October 14, 2011

Pamela Silkwood
P.O. Box 3350
Monterey, CA 93942-3350

Subject: Subdivision Application on property at Rio Road & Val Verde Drive, Carmel
File No.: GPZ090004 (Formerly PLN060647)

Dear Ms. Silkwood:

Thank you for your letter dated October 6, 2011 regarding the subject project. Below are responses to your comments.

I. Consistency Analysis

A. Overview

Your letter states that staff’s General Plan consistency analysis is incomplete because CEQA requires a review of the project’s consistency not only with the General Plan but also with regional and other plans (CEQA Guidelines Section 15125(d)). As stated in the letter to Mr. Clark dated July 5, 2011, staff’s consistency analysis only applies to the 2010 General Plan. Since the analysis was not done as part of an EIR, CEQA Guideline Section 15125(d) does not apply to the project at this time. If an EIR were to be prepared for the project, consistency with regional and other plans would have to be analyzed at that time. Since the consistency analysis was based on information that has been submitted to date, the letter to Mr. Clark not only identified polices that the project was found to be inconsistent with, but also identified polices where consistency could not be determined until additional information is submitted. County also disagrees with your contention that “[t]here are several General Plan policies ... that conflict with or are inconsistent with the state’s affordable housing and infill development laws.”

Your letter further states that bringing the project before the Planning Commission at this time is inconsistent with “Ordinance 5721”. Presumably, you are referring to Ordinance No. 5171 (Interim Ordinance) that sets forth a process to determine 2010 General Plan consistency for discretionary projects until such time as the County adopts the necessary ordinances and programs to fully implement the 2010 General Plan. Section 4.C of Ordinance No. 5171 states that staff shall review the completed General Plan consistency checklist against polices and land use designations prior to issuance of any permit and shall make a recommendation regarding
General Plan consistency to the appropriate authority. Nothing in the ordinance precludes staff from taking its recommendation regarding General Plan consistency to the Planning Commission prior to completing environmental review.

Your letter also states that the “application must be fully processed, including compliance with CEQA, before the Project can be heard by the Planning Commission...”. Ordinance No. 5171 (Section 4.D) states that no permit shall be issued if the proposed development does not conform to General Plan policies or to the land use designation. In addition, Public Resources Code section 21080(b)(4) and CEQA Guidelines Section 15270(a) provide that CEQA does not apply to projects that are denied. If a project is inconsistent with the General Plan, it cannot be approved, and it would not be necessary or prudent to prepare an EIR if the project is going to be denied.

B. Consistency Analysis

You are correct in assuming that the consistency analysis in the September 29, 2011 letter is the most recent interpretation of the General Plan policies that has been provided to the applicant. As stated in the September 29, 2011 letter, staff met with Brian Clark on August 31, 2011 to review staff's consistency analysis and subsequently revised the analysis in response to the discussion at that meeting.

1. Access

General Plan Policy C-3.6 states: “The County shall establish regulations for new development that would intensify use of a private road or access easement. Proof of access shall be required as part of any development application when the proposed use is not identified in the provisions of the applicable agreement.” The policy does not refer to density “beyond the density that is anticipated in the General Plan.” That will be clarified when the project goes before the Planning Commission.

Your letter refers to a recorded easement to provide access to the subdivision. The easement does not satisfy the requirements of Policy C-3.6 because the applicant has not provided documentation, such as an agreement among all of the easement holders or a final determination by a court, that would allow the proposed intensification of use of the easement. Additionally, we disagree with your interpretation of Government Code section 66474(g) of the Subdivision Map Act. It does not establish that the recorded easement in this case demonstrates access to the proposed subdivision.

Your letter also states that until “regulations are adopted, the County staff and discretionary bodies must rely on the requirements of the subdivision map act and the express language in the easement of record to avoid an ad-hoc and legally invalid legislative action.” Ordinance No. 5171 requires a General Plan consistency determination until such time as the County adopts the necessary ordinances and programs to fully implement the 2010 General Plan. It sets forth a General Plan consistency review process which is being followed in the processing of the subject application.
2. **Secondary Well**

Your letter notes that General Plan Policy PS-3.13 sets forth “factors for developing criteria for proof of a long term sustainable water supply and an adequate water supply.” Your letter also states that, “to properly interpret and determine consistency with these policies, the County must complete an environmental review for the Project or conduct an independent review and judgment of the technical document reports submitted to it by the applicant.” As stated in the September 29, 2011 letter to Mr. Clark, the project requires a water system which has two water sources that meet all of the required regulations. Although there are two existing wells on the property, one of the wells (Travers) does not meet the well control zone requirements due to the lack of an easement with the neighboring property and the sewer main location in Val Verde Drive. These requirements derive not just from the General Plan but also from state regulation. Therefore, the replacement well would need to be applied for, drilled and tested to provide the required information in regard to “production capacity, production capability and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity” (see memorandum from the Environmental Health Bureau dated March 10, 2011). At the request of Mr. Clark, the Environmental Health Bureau deemed the application complete with a recommendation for denial because the information that had been requested was not submitted, including the information described above (see memorandum from the Environmental Health Bureau dated August 9, 2010).

Your letter further states that the County has the option of imposing as a condition of tentative map approval a requirement for a secondary well to be located in an area with a sufficient control zone. As indicated above, the project cannot be approved if it is inconsistent with the General Plan, and General Plan consistency cannot be determined until the secondary well is drilled. The projects you referenced precede the adoption of the 2010 General Plan.

3. **Water Related Policies**

Your letter states that the County’s consistency analysis determined that no information has been submitted demonstrating that the project includes any water reclamation or conservation component and then it notes that the applicant is proposing hydrozones as a water conservation component. The General Plan consistency analysis will be updated to reflect the applicant’s current proposal. However, the project is still inconsistent with Policy CV-5.3 because it does not include a water reclamation component. Although the hydrozones are a water conservation component, they do not provide for substantial water reclamation.

### II. **Environmental Review Under CEQA**

Your letter states that “my client repeatedly asked the County to either perform an environmental review of the Project under CEQA or conduct an independent review and judgment of the technical documents submitted as part of the application.” Staff disagrees with that statement. A letter from the Planning Department dated February 28, 2011 indicated that:

- The application was deemed complete as of December 9, 2010 which is 30 days from November 9, 2010 which is the date the applicant submitted the last of the materials requested on the checklist.

GPZ090004
• For purposes of environmental review, the project description was not finalized until February 4, 2011 which is when the applicant identified the proposed mix of affordable units.

• The applicant was advised that 1) based on staff's preliminary analysis, project is inconsistent with General Plan; 2) additional information (traffic, drainage, hydrologic) is needed to complete environmental review of the project; and 3) options include: i) withdraw application, ii) request staff to complete General Plan consistency analysis, or iii) request staff to proceed with environmental review.

In an e-mail message dated March 8, 2011, Mr. Clark requested staff to complete a GP consistency analysis. On July 5, 2011, a letter containing staff's GP Consistency analysis was sent to Mr. Clark. The letter also advised Mr. Clark that options for processing the application include: 1) appeal staff's General Plan consistency analysis to the Planning Commission, or 2) accept staff's GP consistency analysis and request staff to proceed with environmental review. Mr. Clark was also reminded that additional information (traffic, drainage, hydrologic) was still needed in order to proceed with environmental review.

On July 6, 2011, Mr. Clark sent a series of e-mails contending that the project is consistent with all applicable GP policies. On August 31, 2011, staff met with Mr. Clark to review the GP consistency analysis, and based on the discussion at the meeting, staff agreed to revise the analysis. On September 29, 2011, a letter containing staff's revised GP consistency analysis was sent to Mr. Clark.

Your letter states that, under Public Resources Code Section 21080.2 and CEQA Guidelines Section 15102, the County should have completed its determination on whether to prepare an EIR within 30 days after the application was accepted as complete. As indicated in the September 17, 2009 letter to Mr. Clark, applications that involve legislative acts are not bound by the timelines in the Permit Streamlining Act. The subject application would require General Plan Amendments (i.e., legislative act) in order to be found consistent with the 2010 General Plan. Staff's most recent General Plan consistency analysis of the project contained in the letter from the Planning Department dated September 29, 2011 identifies several GPAs that would be required for the project to be determined to be consistent with the General Plan.

Additionally, in response to your contentions concerning CEQA timelines, pursuant to CEQA Guidelines Section 15109, an unreasonable delay by an applicant in meeting requests by the lead agency necessary for the preparation of an EIR suspends the running of the time period described in CEQA Guideline Section 15108. Until the requested additional information is submitted, the running of the time period described in Sections 15108 is suspended because the project description has not been sufficiently defined to commence environmental analysis of the project. For example, General Plan Policy PS-3.2 (Long Term Sustainable Water Supply) sets forth several factors to be used in developing criteria for proof of a long term sustainable water supply, including the production capacity, production capability and any adverse effect of the economic extraction of water or other effect on wells in the immediate vicinity. In the absence of drilling the replacement well and providing the other requested information (traffic, drainage, hydrogeologic), the running of the time period described in Section 15108 is suspended because adequate information does not exist to conduct the environmental review. This information is
needed to establish a stable project description and to begin the assessment of long term sustainable water supply (as discussed in Secondary Well section above) and analysis of other potential environmental impacts.

As indicated in the letter to Mr. Clark dated September 29, 2011, a hearing on the project has been tentatively scheduled for the Planning Commission meeting on November 9, 2011 to consider staff’s General Plan consistency analysis and to consider denial of the project. Since staff has already met with Mr. Clark to review staff General Plan consistency analysis, another meeting prior to the Planning Commission meeting would not be productive. You will, of course, have the opportunity to present your position regarding the application at the Planning Commission hearing.

If you have any questions, feel free to contact me at novom@co.monterey.ca.us or by phone at (831) 755-5192.

Sincerely,

[Signature]

Mike Novo, AICP
Planning Director
RMA – Planning Department

cc. Leslie Girard
Wendy Strimling
Carl Holm
Bob Schubert
Janna Faulk
File No. GPZ090004
CHRIS 5+ ACRES
Developer Clark
Chair Getzelman and Commissioners,

The planner did an excellent job on page 4 of the staff report of explaining what happened to the rural centers during the various permutations of the General Plan. What he didn't make crystal clear is this: At no time during the last set of hearings was Val Verde Drive considered for anything other than one unit per acre. This was the trade off for the Special Treatment Area that covers the entire Rancho Canada Golf Club. And we expect that the County will honor this trade off.

When the Carmel Valley Master Plan was finally approved in the 1980’s, Val Verde was considered a transitional area -- a buffer between the high density residential development at Arroyo Carmel and Riverwood and the real rural areas of the Valley. The present 266 unit cap is what remains of the initial 1310 unit cap. It's the amount of growth that can be accommodated due to the serious constraints of water, traffic, and flooding at the mouth of the Valley.

Just because a project can be built, should it be built? Not if it is not consistent with the General Plan. So I strongly support the analysis done by the staff. If you find the consistency analysis correct, the next question should be --- can the project be made consistent in a time certain?

Water is a real problem Perhaps another well can be dug. The question here is what happens to the other 11 wells in the immediate neighborhood. It's obvious that there will be less aquifer recharge with the extensive lot coverage.

There's also a question of fairness. Carmel Cottages has less than half the daily car trips than the 42 Val Verde Units will produce. They were not allowed to use Val Verde so they paid the Prine family one million dollars for access through Brinton's parking lot. The Cottages also has to move light standards, repave the lot, and add landscaping. I think it's unfair to allow Developer Clark to use Val Verde Drive at no cost and to allow him to burden the residents with costly road maintenance for a project they don't want.

I see no way this project can be made consistent with the General Plan. Giving more time to the developer is just kicking the can down the road. Deny the 42 units today. Keep Val Verde Drive at one units per acre -- that's what we expect from the County.

Margaret Robbins
November 8, 2011

This project is an excellent example of why a strong Private Road Ordinance is needed. If the ordinance had been in place when Developer Clark applied for 42 units his application would not have been accepted and none of us would be sitting here today. He did not have and still does not have an agreement to go ahead with this project from the Val Verde Drive residents.
Chair and Commissioners,

I'm Rosemary Emerson. I live at the corner of Rio and Val Verde Drive. It's just one acre. It's perfect for me since I love to garden. I'm a senior citizen and living on a tight budget. My biggest worry: I don't have Cal Am water. I rely completely on my well for all my water needs. What if those 42 units that Developer Clark wants to build cause my well to dry up? I don't have the money to dig another well. And I certainly don't have the money to maintain fancy road. Please put my mind at ease. Uphold the staff report and deny the 42 units. Keep Val Verde no more than one unit per acre.

Rosemary Emerson

Send me the name and I will put that in the order. There's a picture that goes with this -- I will handle -- this person follows Dale Agron
Monterey County Planning Commissioners,

It is appalling to me that any entity who honestly cares about the residents and the fragile environment at the mouth of Carmel Valley would even consider applying for a 42 unit subdivision on Val Verde Drive. The water impacts and the traffic generated by this development alone are enough to alarm the entire community. I live south of Rio Road and the intersection of Hwy. One where the traffic congestion will be significantly increased. Water hookups for 42 single family units cannot be accomplished with the upcoming requirement to reduce pumping from the Carmel River.

I am grateful the Planning Dept. and staff find this project unacceptable. It is my hope that they will continue to oppose it and send their recommendation for denial to the Commissioners. I trust those on the Planning Commission will listen and agree with their staff.

As a private citizen of the Carmel area for over fifty years and one who has worked to preserve the special character of this lovely area I ask you to please deny the application of Carmel Rio Road LLC on Val Verde Drive at the mouth of Carmel Valley.

Respectfully submitted,

Barbara Rainer

November 7, 2011
November 7, 2011

Planning Commission
Monterey County

RE: Val Verde Carmel Project (Carmel Rio Road LLC application)

I am writing to express my opposition to the proposed Val Verde housing project. I'm a long time business owner with offices located on Carmel Rancho Blvd., adjacent to the proposed project. Over the 25 years we have worked in this location, my staff and I have witnessed increasingly crowded traffic conditions in the Carmel Rancho area, as development has been approved without the road infrastructure needed to cope with it. The entire business area cannot tolerate an additional 400 car trips per day that are estimated to be added by this development. As it stands now, the area's roads quickly end up in gridlock when we have a busy summer weekend or one of the many "special events" that clog Carmel Valley Road. I believe adding to this traffic mess will negatively affect the many small businesses at the mouth of the Valley, and will also create potential problems for any emergency evacuation needs.

The potential for increased flooding during heavy rains is also a major concern. As all the people who work in the area can attest, periods of heavy rain cause regular flooding of areas of Carmel Rancho Blvd., including major parts of the parking lots serving the offices and retail businesses along Carmel Rancho Blvd. The rain that now is soaked up by the farm fields now on the Val Verde site would presumably run off the roofs and streets of the project to be piped into the drainage infrastructure under Carmel Rancho Blvd.--which is already insufficient. In an extended flooding period, this additional water could cause the current street flooding to extend to the steps or even inside some of the ground level businesses in the area. Many clients and customers of the shops and offices would be unable to access the businesses, possibly for days.

I urge the Planning Commission to deny this project application.

Thank you,

Peter L. Neumeier
Neumeier Poma Investment Counsel
26435 Carmel Rancho Blvd.
Carmel, Ca. 93921
Planning Commissioners
168 W Alisal, 2nd Floor
Salinas, CA 93901

November 9, 2011

RE: GPZ090004
Carmel Rio Road, LLC

Dear Commissioners,

The Carmel Valley Association, representing nearly 10% of the voters of the Carmel Valley, is strongly opposed to this proposal for a 42-unit development on Val Verde, a private road, near the mouth of the Carmel Valley.

Staff has done an excellent job pointing out the many deficient areas of this proposed project: inconsistency with the General Plan, lack of proof of access, lack of long term water supply, well problems, lack of plan for water conservation or reclamation, traffic and road impacts to those living along the private road, lack on consensus with neighbors concerning the road and impacts to it.

The 95-10 Cease and Desist Order from the State of California, a very real and imminent threat to our water supply, alone should be enough to deny this project. Why is it not mentioned anywhere is a mystery to me.

A 266-unit cap on new building over and above the existing 475 lots of record within the Carmel Valley Master Plan, was a negotiated figure arrived at during the General Plan 2010 process. Other projects which had completed applications prior to the Val Verde project’s completed application, if approved, will use up all of those units.

It couldn’t be more clear. This project is not consistent with the recently adopted General Plan, as multiple deficiencies, and therefore must be denied.

We respectfully ask that you deny this project and advise the applicant to accept the existing zoning and work with its parameters.

Sincerely,

Christine Williams, President

“To preserve, protect and defend the natural beauty and resources of Carmel Valley”
November 1, 2011

Paul Getzelman, Chair  
Monterey County Planning Commission  
168 West Alisal, 2nd Floor  
Salinas, CA 93901

RE: Carmel Rio Road LLC

Dear Chair Getzelman and Members of the Commission:

Sustainable Carmel Valley, a loosely knit organization of about 200 Carmel Valley residents, is committed to supporting projects and ways of living that, while enhancing our quality of life, can be maintained throughout the years without depleting our resources.

We support the Planning Department’s finding that the 42 unit subdivision on Val Verde Drive, a private road, is inconsistent with the 2010 General Plan.

The project does not have the support of neighbors on the private road leading to the property. On a private road a project proposal should have the approval of the residents along the road before any other plans are made.

In addition, there is no long-term sustainable source of water for this project.

For these reasons we oppose the project and support the finding of the Planning Department. Please vote to deny the project.

Sincerely,

Mibs McCarthy
November 1, 2011

Monterey County Planning Commission
Paul Getzelman, Chair
168 W. Alisal Street
Salinas, CA 93901

SUBJECT: Val Verde Drive Subdivision

Chair Getzelman and Commissioners:

The members of Carmel Valley Women’s Network meet monthly to discuss events and policies affecting life in the valley. We are particularly concerned with health and safety issues.

We strongly oppose the Val Verde Drive subdivision. Traffic at the mouth of the valley is already often clogged during the day. We are especially concerned about our ability to quickly and safely reach our nearest medical facility, Community Hospital of the Monterey Peninsula. With added housing on Val Verde Drive, and added traffic, ambulances would have difficulty reaching CHOMP and first responders would not be able to respond quickly to emergencies.

Please deny approval of this project.

Sincerely,

Darby Moss Worth
From: Lorribigsur@aol.com
To: district5@co.monterey.ca.us, district4@co.monterey.ca.us, district3@co.monterey.ca.us, district2@co.monterey.ca.us, district1@co.monterey.ca.us
Sent: 10/31/2011 12:07:11 P.M. Pacific Daylight Time
Subj: 42 units Val Verde Drive - Carmel

Kind Supervisors,

Do we need more cars at the intersection of HWY 1 and Rio Road?

Again, this project is ahead of the available infrastructure. Until HWY 1 is widened I pray no multiunit projects are approved. Is there a safety ordinance limiting the length of the line of autos backed up at intersections? Summer week-ends the line extends from Highlands Inn on the South to Pebble Beach on ramp North. We residents join the parade and head for the ditch if needed to permit sheriff, ambulance passage.

I lived in Mission Fields near corner Hwy. 1-Rio Rd intersection 40 years ago. Daughter had a small Welsh pony which we boarded in the Val Verde area. During heavy rains, we loaded the pony into our VW camper and brought her home to our Mission Field lot which was a large pie shape area and sheltered her in our garage to protect her hooves. (Shared all the fertilizer with neighbors - great gardens and no one complained.) Water in-sewage out, paved widened road problems must be addressed also. Put any multi units on stilts but not until HWY 1 widened. Where is the flood plane.? Thank you.

Sincerely,

Lori Lockwood
P.O. Box 264
Big Sur, Ca. 93920
831-667-2564?
November 1, 2011

Chair Getzelman and Commissioners,

The Towle family (4072 Rio Road - corner of Val Verde drive) strongly oppose the proposed 42 unit subdivision on Val Verde Drive in Carmel. If built, it will produce over 400 new daily car trips and make it near impossible to access my driveway which is right at corner of Val Verde and Rio Road. This will be extremely inconvenient and certainly dangerous for my whole family.

We also have concerns about wells in the area and possibility this 42 home subdivision requiring daily water use will run our wells dry. We rely on Cal Am for drinking water however as water becomes increasingly more expensive, would rely more on the well for our water needs.

Regarding the 11 inclusionary units provided in this project, we do not see the immediate need in Carmel Valley as we already have a tremendous number of rentals plus another 41 units at the Preserve plus the mid-valley affordable overlay producing over 100 more. As a long time local Realtor (20+ years), I can truly say we have enough inventory right now in Carmel Valley with 10+ months worth on the market right now. This does not look to come down soon - many properties sit for very long time (year plus) unsold!

We ask you to support the Planning Department’s findings that this project is inconsistent with the 2010 General Plan due to water and access and deny the project. As we live on a private road as well, please promptly pass the Private Road Ordinance.

Sincerely,

Bradley S. Towle
Property Owner
4072 Rio Road, Carmel
Mr. Paul C. Getzelman - Commissioner
Monterey Planning Commission
2nd Floor
168 W Alisal
Salinas, CA 93901

November 1, 2001

In Reference To: The consideration for Rezoning at 26500 Val Verde Dr. Carmel, CA

In 1955 my husband and I, Joe and Irene Broadman, purchased 2.5 acres at 26380 Val Verde Dr.; we lived there thirty(30) years. Presently this is a rental, but in the very near future, one of my daughters plans to make it here home.

It is my wish that the Monterey County Planning Commission will take into consideration the following problems:

1. Val Verde Dr. is a non-exclusive easement road; not a county road.
2. The need for more water in Carmel Valley continues to be an issue.
3. Traffic continues to increase
4. The air quality is not improving.

I am opposed to the rezoning of 26500: “The Clark’s Property”. Will the commission please make the very best decision for the people in Carmel Valley. Thank You.

Sincerely

IRENE BROADMAN

CC. Ms. Margaret Robbins
    Ms. Anne McGowan
    Ms Gwen (Broadman) Lindsey
    Ms Lesa Broadman
    Mr. Tim Broadman
November 7, 2011

Planning Commission
C/o Mike Novo, Planning Director
168 West Alisal, 2nd Floor
Salinas, CA 93901
Delivered by email (novom@co.monterey.ca.us)

Re: CARMEL RIO ROAD LLC - GPZ090004

Dear Members of the Planning Commission:

The available information for this proposed project on Val Verde Drive (also known as Carmel Rio Road LLC) includes no traffic analysis at all where traffic from the project would have the most significant impact, namely on the segment of Highway 1 between Carmel Valley Road and Ocean Avenue. The traffic impacts would be unavoidable and irreversible; no physical mitigation is feasible.

There is sufficient raw data in the available material, however, to assess the principal impacts it would have on that segment. The developer’s estimate (Hexagon, June 2007) is that it would generate 364 vehicle trips per day, which is 35% more trips than the Villas de Carmelo development, recently disapproved by the Board of Supervisors. In addition it would (according to project data) distribute more than 40% of the new traffic – or more likely at least 45% of that traffic – to Highway 1 between Carmel Valley Road and Ocean Avenue, whereas Villas de Carmelo was projected to distribute about 25% of its traffic to that segment. Taken together, these facts imply that the Val Verde Drive proposal would produce about 220% to 250% of the Villas de Carmelo traffic on that segment.

That portion of highway has been shown in every study in recent years to exceed its capacity for traffic volume. These studies include the 2010 General Plan EIR (2007), a County project; the Carmel Valley Road Traffic Improvement Program RDSEIR (2009), a County project; and the Villas de Carmelo EIR (2010, 2011), a private project.

Furthermore, the southbound average travel speed on the segment, as reported in the last of these reports, was 14.3 mph during the AM peak traffic period and 16.7 mph during PM the peak, where the speed limit is 45 mph and the “free flow speed” – the typical speed of cars when there is very little traffic – is only slightly lower, at 42 mph. The AM peak travel speed is less than 1/3 of the speed limit, and only slightly more than 1/3 of the free flow speed.

Clearly no more discretionary traffic should be added to this segment. This is codified in the County’s regulations by the condition that not even one vehicle trip should be
added to a road segment rated LOS F. Classified as a Class II rural highway, as it consistently has been for many years, it is rated LOS F because road capacity is exceeded (see any of the studies listed above). Even under the inappropriate misclassification as an Urban Street, which incorporates four categories, the category of that classification that best fits the segment (high speed principal artery design) also rates it as LOS F. (However, the segment demonstrably does not meet the defining criteria for any of the four urban street categories. See the Highway Capacity Manual, chapters 5, 10, 15 and 21.)

Adding about 146 – 164 daily vehicle trips or about 15 – 16 peak hour trips unavoidably and irreversibly even to just the segment of Highway 1 north of Carmel Valley Road, the project would dump entirely unacceptable numbers of vehicles into already over-capacity traffic. Even a single added vehicle violates County standards and the General Plan.

The proposed Val Verdi Drive project cannot under any circumstances meet existing traffic standards, or any reasonable traffic standards, and should not proceed forward.
November 8, 2011

Mr. Mike Novo and Mr. Bob Schubert
Monterey Planning Commission
68 W. Alisal St., 2nd floor
Salinas, CA 93901

RE: GPZ090004, “Val Verde Subdivision,” at 26500 Val Verde Drive, Carmel Valley

Dear Messrs. Novo and Schubert, and Members of the Planning Commission:

The Carmel Valley Association Water Committee agrees with the staff recommendation that the proposed subdivision is inconsistent with the 2010 General Plan.

In addition we believe that the project cannot be made to comply with the General Plan Policies #: CV-5.3 and #: CV-5.4 through on-site mitigation. As an alternative, the applicant could be required to pay mitigation fees to support an appropriate off-site water supply development project.

We believe the water management measures as proposed are totally inadequate, especially at this time of future water insecurity.

Specifically, we do not understand the logic underlying statements in the Bierman Hydro-geologic letter of October 24, 2011 (Exhibit F) regarding:

Policy #: CV-5.3; Limit Development to Vacant Lots of Record:
 a) Development shall incorporate designs with water reclamation, conservation and new source production.

and,

Policy #: CV-5.4; Limit Development to Vacant Lots of Record:
 a) The County shall establish regulations for Carmel Valley that limit development to vacant lots of record and already approved projects, unless additional water supplies are identified.

The Bierman letter states,
"The additional water supplies identified for this project are; 1) A comprehensive rain water harvesting, conveyance, ad storage system and 2) An on-site water retention system with sophisticated oil/water separators and infiltration basins which will promote groundwater recharge and groundwater quality with lack of adverse groundwater degradation."

We expect that there is very little storm water runoff from the property as it now stands, and would expect that any increase in runoff from the development of seven units could be easily mitigated through proper grading. Expansion to 42 units would clearly result in a substantial increase in runoff, which the applicant proposes to mitigate with “water harvesting” measures such as oil/water separators, infiltration basins, etc.

But there is no “new source production” or “additional water supplies” created by this mitigation, as required by Policies CV-5.3 and CV-5.4!

Similarly, since wastewater entering the Carmel sewerage system is effectively treated and recycled already, and transported to Pebble Beach, so there is no additional water generated by installing gray-water recycling systems, as proposed.

Accordingly, we believe that the only mitigation step that can be taken to produce “additional water” would have to take place off site. Such an arrangement could involve paying fees to fund future desalination facilities, or fees to improve the transfer of water from the Carmel River during high flows for expanding ASR capacity (e.g. more pumps, bigger pipes).

With best regards,

Todd Norgaard
CVA Water Committee
Chair Getzelman and Commissioners,

The 42-unit subdivision on Val Verde Drive is an excellent example of why Monterey County needs a strong private road ordinance. The County has long recognized that Val Verde Drive is a private road. A recent example: The June 14, 2009 letter to HUD that identifies Val Verde Drive as a private road. The letter is signed by Carl Holm who at that time was Assistant Director, Planning Department.

If a strong private road ordinance had been in place when Mr. Clark came into the Planning Department to apply for his 42 units, we would not be here today. His application would not have been accepted because he did not and still does not have an agreement to proceed from all the other owners on Val Verde Drive. That's why Planning has suggested several times that Mr. Clark withdraw his application. His project is on a private road and the access is in question.

Planning has made Mr. Clark aware, more than once, of the 2010 General plan policy C-3.6. It states: "The County shall establish regulations for new development that would intensify use of a private road or access easement. Proof of access shall be required as part of any development application when the proposed use is not identified in the provisions of that applicable agreement."

Mr. Clark was aware that new, strict regulations for private roads were coming. However, he did not meet with his Val Verde neighbors to show them what his project looked like. He did not ask for their approval or support. Instead he directed his "management team" to crank out report after glowing report on his 42 units. His "management team" not only wrote environmental documents showing his 42 units had no impact but they even did the scoring for the Carmel Valley Land Use Committee.

It is essential that a strict Private Road Ordinance be put in place as soon as possible. Almost 50% of the County roads are either totally or partially private. (I have the latest list from Public Works.) If the ordinance is not put in place quickly, you can expect other developers to follow Mr. Clark's lead.

You will sit through more hearings like this one. Planning Staff time will continue to be wasted. And private owners will go to court to save the character of their neighborhoods and to avoid the undue financial burden of heavily increased road maintenance.

Patricia Bernardi and I have been working to get a Private Road Ordinance written and passed for eight long years. Please don't make us wait for another eight.

Thank you,

Margaret Robbins
11/1/2011
Carmel Valley Women's Network  
8250 El Camino Estrada  
Carmel Valley, CA  93923  

November 1, 2011  

Monterey County Planning Commission  
Paul Getzelman, Chair  
168 W. Alisal Street  
Salinas, CA  93901  

SUBJECT: Val Verde Drive Subdivision  

Chair Getzelman and Commissioners:  

The members of Carmel Valley Women's Network meet monthly to discuss events and policies affecting life in the valley. We are particularly concerned with health and safety issues.  

We strongly oppose the Val Verde Drive subdivision. Traffic at the mouth of the valley is already often clogged during the day. We are especially concerned about our ability to quickly and safely reach our nearest medical facility, Community Hospital of the Monterey Peninsula. With added housing on Val Verde Drive, and added traffic, ambulances would have difficulty reaching CHOMP and first responders would not be able to respond quickly to emergencies.  

Please deny approval of this project.  

Sincerely,  

Darby Moss Worth
From Lorribigsur@aol.com
To district5@co.monterey.ca.us, district4@co.monterey.ca.us, district3@co.monterey.ca.us, district2@co.monterey.ca.us, district1@co.monterey.ca.us
Sent: 10/31/2011 12:07:11 P.M. Pacific Daylight Time
Subj: 42 units Val Verde Drive - Carmel

Kind Supervisors,

Do we need more cars at the intersection of HWY 1 and Rio Road?

Again, this project is ahead of the available infrastructure. Until HWY 1 is widened I pray no multiunit projects are approved. Is there a safety ordinance limiting the length of the line of autos backed up at intersections? Summer week-ends the line extends from Highlands Inn on the South to Pebble Beach on ramp North. We residents join the parade and head for the ditch if needed to permit sheriff, ambulance passage.

I lived in Mission Fields near corner Hwy. 1-Rio Rd, intersection 40 years ago. Daughter had a small Welsh pony which we boarded in the Val Verde area. During heavy rains, we loaded the pony into our VW camper and brought her home to our Mission Field lot which was a large pie shape area and sheltered her in our garage to protect her hooves. (Shared all the fertilizer with neighbors - great gardens and no one complained.) Water in-sewage out, paved widened road problems must be addressed also. Put any multi units on stilts but not until HWY. 1 widened. Where is the flood plane.? Thank you.

Sincerely,

Lorri Lockwood
P.O. Box 264
Big Sur, Ca. 93920
831-667-2564?
DENY THE 42 UNITS ON VAL VERDE DRIVE

OUR FAMILY CAME TO LIVE ON VAL VERDE DRIVE FOR THE WONDERFUL, RURAL ATMOSPHERE, PEACE AND QUIET, AND TO DEVELOP A SAFE AND HEALTHY ENVIRONMENT FOR OUR CHILDREN AND THEIR POSITIVE, CONSTRUCTIVE ACTIVITIES.

THIS PROPOSED DEVELOPMENT WILL COMPLETELY CHANGE THE RURAL QUALITY WE PRESENTLY ENJOY ON VAL VERDE DRIVE. MAKING IT UNSAFE FOR MY FAMILY HORSES AND THE HISTORICAL USES OF THE NEIGHBORHOOD. THIS DEVELOPMENT IS NOT WANTED BY THE SURROUNDING PROPERTY OWNERS AND WE DO NOT SANCTION THE INTENSIFICATION OF USE ON OUR SAFE PRIVATE ROAD. THIS PROJECT WILL DIMINISH OUR WELL WATER SUPPIE AND THE CONTINUOUS TRAFFIC AND FUMES POLLUTING OUR ENVIRONMENT WILL MAKE IT UNSAFE FOR MY FAMILY, HORSES AND THE EQUESTRIAN NEIGHBORHOOD.

WE ALL LIKE OUR ROAD THE WAY IT IS, AND DO NOT HAVE THE FUNDS FOR REQUIRED ROAD MAINTENANCE

WE NEED TO DENY THIS PROJECT AND ASK FOR ON UNIT PER ACRES

SINCERELY, MAXINE KEENE AND FAMILY 26520 VAL VERDE DR CARMEL CA 93923

SINCERELY MAXINE KEENE AND FAMILY 26520 VAL VERDE DR CARMEL CA 93923
Chair and Commissioners,

I'm Rosemary Emerson. I live at the corner of Rio and Val Verde Drive. It's just one acre. It's perfect for me since I love to garden. I'm a senior citizen and living on a tight budget. My biggest worry: I don’t have Cal Am water. I rely completely on my well for all my water needs. What if those 42 units that Developer Clark wants to build cause my well to dry up? I don’t have the money to dig another well. And I certainly don’t have the money to maintain fancy road. Please put my mind at ease. Uphold the staff report and deny the 42 units. Keep Val Verde no more than one unit per acre.

Rosemary Emerson

Send me the name and I will put that in the order. There's a picture that goes with this -- I will handle -- this person follows Dale Agron
Chair Getzelman and Commissioners,

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If a strong private road ordinance had been in place when Mr. Clark came into the Planning Department to apply for his 42 units, we would not be here today. His application would not have been accepted because he did not and still does not have an agreement to proceed from all the other owners on Val Verde Drive. That's why Planning has suggested several times that Mr. Clark withdraw his application. His project is on a private road and the access is in question.

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Mr. Clark was aware that new, strict regulations for private roads were coming. However, he did not meet with his Val Verde neighbors to show them what his project looked like. He did not ask for their approval or support. Instead he directed his "management team" to crank out report after glowing report on his 42 units. His "management team" not only wrote environmental reports showing his 42 units had no impact but they even did the scoring for the Carmel Valley Land Use Committee.

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11/01/2011
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Thank you,

Margaret Robbins
November 1, 2011
November 1, 2011

Monterey County Planning Commission
Paul Getzelman, Chair
168 W. Alisal Street
Salinas, CA 93901

SUBJECT: Val Verde Drive Subdivision

Chair Getzelman and Commissioners:

The members of Carmel Valley Women's Network meet monthly to discuss events and policies affecting life in the valley. We are particularly concerned with health and safety issues.

We strongly oppose the Val Verde Drive subdivision. Traffic at the mouth of the valley is already often clogged during the day. We are especially concerned about our ability to quickly and safely reach our nearest medical facility, Community Hospital of the Monterey Peninsula. With added housing on Val Verde Drive, and added traffic, ambulances would have difficulty reaching CHOMP and first responders would not be able to respond quickly to emergencies.

Please deny approval of this project.

Sincerely,

Darby Moss Worth
November 1, 2011

Paul Getzelman, Chair
Monterey County Planning Commission
168 West Alisal, 2nd Floor
Salinas, CA 93901

RE: Carmel Rio Road LLC

Dear Chair Getzelman and Members of the Commission:

Sustainable Carmel Valley, a loosely knit organization of about 200 Carmel Valley residents, is committed to supporting projects and ways of living that, while enhancing our quality of life, can be maintained throughout the years without depleting our resources.

We support the Planning Department’s finding that the 42 unit subdivision on Val Verde Drive, a private road, is inconsistent with the 2010 General Plan.

The project does not have the support of neighbors on the private road leading to the property. On a private road a project proposal should have the approval of the residents along the road before any other plans are made.

In addition, there is no long-term sustainable source of water for this project.

For these reasons we oppose the project and support the finding of the Planning Department. Please vote to deny the project.

Sincerely,

Mibs McCarthy
November 1, 2011

Chair Getzelman and Commissioners,

The Towle family (4072 Rio Road - corner of Val Verde drive) strongly oppose the proposed 42 unit subdivision on Val Verde Drive in Carmel. If built, it will produce over 400 new daily car trips and make it near impossible to access my driveway which is right at corner of Val Verde and Rio Road. This will be extremely inconvenient and certainly dangerous for my whole family.

We also have concerns about wells in the area and possibility this 42 home subdivision requiring daily water use will run our wells dry. We rely on Cal Am for drinking water however as water becomes increasingly more expensive, would rely more on the well for our water needs.

Regarding the 11 inclusionary units provided in this project, we do not see the immediate need in Carmel Valley as we already have a tremendous number of rentals plus another 41 units at the Preserve plus the mid-valley affordable overlay producing over 100 more. As a long time local Realtor (20+ years), I can truly say we have enough inventory right now in Carmel Valley with 10+ months worth on the market right now. This does not look to come down soon - many properties sit for very long time (year plus) unsold!

We ask you to support the Planning Department’s findings that this project is inconsistent with the 2010 General Plan due to water and access and deny the project. As we live on a private road as well, please promptly pass the Private Road Ordinance.

Sincerely,

Bradley S. Towle
Property Owner
4072 Rio Road, Carmel
Chair Getzelman and Commissioners,

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Margaret Robbins
November 1, 2011