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Monterey County  
Planning and Building  
Inspection Administration

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Carl Holm, Assistant Director  
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Salinas, CA 93901  
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**Re: Comments on the DEIR for the 2007 General Plan (GPU5)  
Section 4.6, Mitigation Measure TRAN-2B**

Dear Mr. Holm

Mitigation Measure TRAN-2B in the DEIR (pages 4.6-69 through 4.6-73) for the 2007 General Plan does not meet CEQA guidelines provisions, and therefore is inadequate under CEQA. Furthermore, since it consists entirely of *policies* to be substituted for policies already part of the 2007 General Plan (GPU5), the constituent policies of Mitigation Measure TRAN-2B (MMT2B)

- require separate environmental review themselves, which the DEIR fails to provide, and
- should meet the standards of the California General Plan Guidelines, including the requirement for internal consistency, which they fail to do.

For example,

- MMT2B's proposed substitute policies CV-2.18 and CV-2.19 (pages 4.6-71, 72 and 73 of the DEIR) both make specific reference to CVTIP, which is an existing planning document for which a DSEIR has been released but for which no FEIR has been released to the public, nor has been certified or approved, and therefore Mitigation Measure TRAN-2B is inadequate under CEQA; an EIR covering these policies would have to conclude that they are inadequate (the attempt to *redefine* as being identical with MMT2B's CV-2.19 notwithstanding, since CVTIP already exists as a separate document that is acknowledged and referred to elsewhere in the DEIR)
- Carmel Valley Master Plan Supplemental Policy CV-1.1 states that "Policies relative to the Carmel Valley Area are intended to retain the rural character", but substitute policy CV-2.18 of MMT2B threatens that character and is inconsistent with CV-1.1.

The comments below are restricted to Policy CV-2.18 as it appears in MMT2B and to its predecessor policies, Policy CV-2.18 in the Carmel Valley Master Plan Supplemental Policies of GPU5, and Policy 39.3.2.1 in the Carmel Valley Master Plan (December 16, 1986, amended as of November 3, 1996) (CVMP) and supplemented by the Superior

Court Order by Judge Silver of May 4, 1987. The effect of the latter Court Order is not reflected in either the GPU5 or CVMP (amended to 1996), although it should have been.

In GPU5, Policy CV-2.18 is identical with Policy 39.3.2.1 in CVMP, and part d. of the policy is ambiguous, allowing several different interpretations. Magnifying the ambiguity is an error that renders part of the policy undecipherable (next-to-last sentence in part d.). Judge Silver's 1987 clarification of the erroneous sentence removed the outright error, but did not remedy all of the other ambiguities. This has produced a complex history for the policy's implementation, the record for which consists largely of annual reports called the "CVMP Annual Evaluation of Traffic Volume" (CVMPAETV). These are tables of average daily traffic (ADT) for a number of segments of Carmel Valley Road. For many years these reports have been based on criteria called "thresholds" for the road segments, and Policy 39.3.2.1, as clarified by the Court, states that "LOS C is the traffic standard adopted by the COUNTY in the Carmel Valley Master Plan." As a result it has been widely assumed that the stated "thresholds" have represented the upper limit of LOS C for these segments. No clarification of the meaning of "thresholds" has accompanied the CVMPAETV until the 2008 report, recently released. The "thresholds", it turns out, are not in fact the upper limits of LOS C for all segments, but are upper limits for LOS E (1 segment), LOS D (5 segments) and LOS C (5 segments), with no threshold defined for one segment. Even now it is unclear how the LOS criteria are assigned for the various segments, and the threshold that is LOS E clearly is highly misleading because it purportedly uses a two-lane standard on a four-lane road segment.

There are still more problems with the monitoring and evaluation of traffic on Carmel Valley Road, but the comments above are sufficient to indicate that any substitute for GPU5 Policy CV-2.18 needs to be crystal clear and firmly restrictive against worsening traffic on, and adjacent to, Carmel Valley Road. Any increase over the considerable existing excess of traffic over the Court- and Plan-specified standard for Carmel Valley constitutes a serious threat to the Objectives of CVMP (CVMP, page 1) and to Policy CV-1.1 of GPU5. Therefore, in order to be consistent with the rest of GPU5, the General Plan policies related to Carmel Valley traffic must fully incorporate the clear *intent* of CVMP Policy 39.3.2.1 to *prevent* "worsening of traffic conditions compared with the present condition", a phrase that appears in CVMP 39.3.2.1, Judge Silver's 1987 order, and in GPU5 CV-2.18.

### **Inadequacies**

MMT2B's CV-2.18 is inadequate as a mitigation because it

- provides an ambiguous "measure" of traffic volume, namely "peak hour" without specification of the type of measurement (metric) to be used (whether PTSF, average hourly traffic, etc.)
- fails to evaluate, as part of the DEIR, the impacts of the changes in change standards that it makes from GPU5's Policy CV-2.18 and CVMP's Policy 39.3.2.1
- leaves open the possibility that a weaker traffic standard (that is, specifying a higher LOS rating for a given level of traffic volume) can be adopted than has been used in the past (ADT, with specified segment criteria)

- explicitly lowers the existing “standard” from LOS C to LOS D on the critical segments 3, 4, 5, 6, 7 of Carmel Valley Road and thereby increases tolerance of greater impacts wherever LOS E has not yet been reached
- fails to specify, on every segment listed in item (a.), the type of measure to be used in defining LOS ratings and fails to provide quantitative criteria for LOS ratings, thereby leaving open the possibility of lowering traffic standards
- does not provide a basis for calibration of LOS ratings for the proposed “standards” against the existing ADT values and thresholds, that is, it fails to provide a basis for comparing the proposed standards with the present and past standards actually used in the CVMPAETV
- specifies “acceptable” LOS ratings for intersections, without defining the measures (metrics) or criteria to be used
- provides no data and no studies to support the choices made for “acceptable” LOS ratings for intersections
- relies heavily on CVTIP, in its description of approval conditions in part (d.), which is not permissible (for reasons indicated above concerning the current status of CVTIP) under CEQA
- allows, through the parenthetical use of “e.g.,” the expression “prior to project-generated traffic” to be an example rather than a re-statement of intent; to mean the latter, “i.e.” should be used in place of “e.g.”
- is virtually certain, because of the factors listed above, to *exacerbate rather than mitigate* traffic impacts in Carmel Valley.

### Policy objectives

The objectives of any substitution for GPU5 CV-2.18, under CEQA and the General Plan Guidelines, should be to

- be fully and clearly consistent with GPU5’s CV-1.1 and
- establish provision for traffic monitoring, that is well-defined in terms of location and timing, on specific road segments of Carmel Valley Road and of relevant adjacent roads
- specify, as clearly and unambiguously as possible, the measurement parameters (metrics) and quantitative criteria to be used in monitoring and evaluating traffic and in reporting the results
- avoid the ambiguities inherent in the various definitions and interpretations of LOS ratings
- avoid the vulnerability of LOS ratings, like other discrete classifications, to radical changes in the standard when classification boundaries are crossed (e.g., on Carmel Valley Road, increases of as much as 100% when a single boundary is crossed, and as much as 300% when two boundaries are crossed)
- use metrics and criteria that are related in a transparent way to the relevant quantitative historical data, and are easily compared with it
- base the traffic standards on historic and currently observed data-on-the-ground

- include criteria to provide early warning against potential permanent traffic increases, which would trigger suitable actions such as public hearings, and that are based on observed roadway performance on each road segment
- provide firm protections against worsening traffic conditions resulting from foreseeable consequences of development
- provide protection for the construction of first single-family residences on existing legal lots of record.

The policy statement that follows has been developed to meet these criteria.

**YOUR CAREFUL REVIEW AND ADOPTION OF THE POLICY PROPOSAL BELOW IS STRONGLY URGED.**

**Policy recommended to REPLACE MMT2B's CV-2.18 (and therefore replace GPU5's CV-2.18 and CVMP 39.3.2.1):**

To implement traffic standards that will provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:

a) Public Works shall twice yearly (in June and October, at times when schools are in session) monitor and record average daily traffic (ADT) for the following 12 road segments:

**Carmel Valley Road**

1. East of Holman Road
2. Holman Road to Esquiline Road
3. Esquiline Road to Ford Road
4. Ford Road to Laureles Grade
5. Laureles Grade to Robinson Canyon Road
6. Robinson Canyon Road to Schulte Road
7. Schulte Road to Rancho San Carlos Road
8. Rancho San Carlos Road to Rio Road
9. Rio Road to Carmel Rancho Boulevard
10. Carmel Rancho Boulevard to SR1

**Other Locations**

11. Carmel Rancho Boulevard between Carmel Valley Road and Rio Road
12. Rio Road between its eastern terminus and SR1

b) A yearly evaluation report (December) shall be prepared jointly by the Public Works and Planning Departments. For each of the these 12 segments in (a) above, the report shall evaluate the values of ADT obtained in this monitoring and shall report values of V/S, where V is equal to ADT and S is equal to the relevant road segment standard, as defined below under item (d).

c) Public hearings shall be held in January immediately following a December report in (b) above in which ADT exceeds the trigger volume (T), as defined in item (d) below, for any of the 12 segments described in (a) above.

d) The traffic volume standards and trigger volumes, for the segments of Carmel Valley Road defined in (a) above, measured in ADT, shall be as follows:

segment	Volume Standard S	Trigger Increment	Trigger Volume T	Trigger Ratio T/S
1	3,554	158	3,713	1.045
2	3,880	168	4,048	1.043
3	8,956	206	9,162	1.023
4	11,338	259	11,597	1.023
5	11,879	301	12,180	1.025
6	14,614	209	14,824	1.014
7	16,308	416	16,724	1.026
8	20,393	501	20,895	1.025
9	24,735	359	25,093	1.015
10	24,158	809	24,967	1.033
11	11,295	692	11,988	1.061
12	13,984	733	14,717	1.052

e) During review of development applications that require a discretionary permit, a traffic analysis shall be conducted for the proposed project. If the traffic analysis indicates that the project would result in traffic conditions that would violate the standard (S) described above in (d), an Environmental Impact Report shall be prepared for the project. In order for the project to be approved, additional roadway improvements must be sufficient for the affected roadway segments to meet the standard in (d) upon completion of the project. A project that, according to its EIR, would result in traffic exceeding the trigger value T as described in (d) above, shall not be approved. This policy does not apply to the first single-family residence on a legal lot of record.

Notes:

1. The standards in (d) are based on the actual measurements provided in CVMP monitoring reports for the ten years from 1999 through 2008. The standard S is the average ADT during that period, and the trigger T is the average plus 0.70 standard deviation; this provides that random fluctuations in traffic probably would fall below the trigger level about 74% of the time. The trigger ratio, T/S, reflects the sensitivity of the road segments to changes in traffic.
2. The purpose of the trigger and the related hearing mandate is to provide early warning of potential trends that would worsen traffic conditions significantly on Carmel Valley Road; it corresponds roughly to the kinds of conditions that would produce a hearing under the existing CVMP.
3. The use of conventional LOS ratings is inappropriate for conditions on and near Carmel Valley Road because the increments between LOS grade levels is far too great to provide stable standards that reflect the existing physical constraints and particular emergency access

needs of the Valley. The LOS letter scheme has not served Carmel Valley well for more than 20 years, and the presumed LOS C level has been violated, often by wide margins, on much of the road since the time when CVMP was adopted. Note that LOS C has been the *County* standard during that entire period, but has been violated consistently on several segments of Carmel Valley Road.

4. The policy recommended here is intended to effect the same stability in traffic conditions in Carmel Valley that were sought in the present CVMP (1982 plus 1987 Superior Court ruling), but now using an inventory of historic traffic data on Carmel Valley Road that was not available when the earlier Plan provisions were formulated.
5. According to the DEIR for the 2007 General Plan (p. 4.6-69):

*Many of the mitigations for roadways segments are likely infeasible due to physical, topographical, and environmental constraints, as well the social and economic impacts related to the acquisition of commercial and residential property, or loss of access, and lack of community consensus for roadway capacity-enhancing projects. This construction would result in impacts to other resources, such as biological resources, air quality, noise, aesthetics and agricultural lands.*

This reflects conditions present in Carmel Valley and makes clear the need for policies, like the one we propose here, that are better adapted, than is the General Plan (1982 or 2007) or CVMP Policy 39.3.2.1 (plus the Superior Court ruling) or the "mitigations" labeled CV 2.18 and 2.19 in the DEIR for the 20087 General Plan, to conditions as they exist on the ground.

Please respond fully to these comments. Please explain, in particular why Policy CV-2.18 of MMT2B is not formulated in such a way that it fails to meet the **policy objectives** listed above.

Your careful attention to this matter is much appreciated.

Yours sincerely,

Timothy D. Sanders

**Calderon, Vanessa A. x5186**

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**From:** Tim Sanders [tds@oxy.edu]  
**Sent:** Monday, February 02, 2009 11:13 AM  
**To:** ceqacomments  
**Subject:** Fw: Commets on the DEIR for GPU5

Monterey County  
Planning and Building  
Inspection Administration

FEB 02 2009

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Dear Mr. Holm:

Please accept the attached comments on the DEIR for GPU5. A signed copy of these comments is also being sent to you by fax.

Your attention to the comments is very much appreciated.

Sincerely,

Tim Sanders