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## **APPENDIX B**

NOTICE OF PREPARATION AND NOP COMMENT LETTERS

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# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY - PLANNING

Carl Holm, AICP, Director of Planning



168 W. Alisal Street  
Salinas, CA 93901  
<http://www.co.monterey.ca.us/rma>

**FILED**

**MAR 07 2017**

**STEPHEN L. VAGNINI**  
**MONTEREY COUNTY CLERK**  
**DEPUTY**

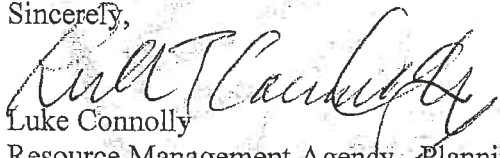
## NOTICE OF PREPARATION

**To:** Responsible Agencies/Interested Parties  
**From:** Luke Connolly, Monterey County Resource Management Agency – Planning Department  
**Subject:** Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the River View at Las Palmas Development Application Planning File Number: PLN150372

The County of Monterey will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the River View at Las Palmas Development (Planning File Number: PLN150372) proposed by River View at Las Palmas, LLC. The EIR will analyze the potentially significant environmental effects associated with development of the project and the changed circumstances since the preparation of the original Las Palmas Ranch Specific Plan Environmental Impact Report for the Las Palmas Ranch project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project. Due to time limits mandated by state law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice (April 7th, 2017). The project description including potential environmental effects, and location, are contained in the attached materials. Please submit your response to the address shown above. We will need the name for a contact person in your agency.

The County will also hold a public scoping meeting to receive input. Your agency is welcome to send a representative to the scoping meeting. The date, time and location are to be determined.

Sincerely,

  
Luke Connolly  
Resource Management Agency - Planning  
(831) 755-5173

Attachments: Project Description  
Vicinity Map

Cc: State Clearinghouse, Office of Planning and Research  
1400 Tenth Street, Room 212  
P.O. Box 3044  
Sacramento, CA 95812-3044

## PROJECT DESCRIPTION

The County of Monterey, Resource Management Agency will be preparing an Environmental Impact Report analyzing the potentially significant environmental effects associated with development of the project, described below, and the changed circumstances since the preparation of the original Las Palmas Ranch Specific Plan Environmental Impact Report for the Las Palmas Ranch project. The RMA has briefly identified the potential areas of impact, below, which require analysis (Aesthetics, Climate Change [not included in original EIR], Hydrology and Water Quality, Land Use and Planning, and Traffic). Potential impacts to other resource areas will require explanation as to why no impact is expected.

**Project Name: River View at Las Palmas LLC**

**File No.:** PLN150372

**Location:** The property is located at the end of Woodridge Court, south of River Road, Salinas (Assessor's Parcel Number 139-211-035-000), Las Palmas Ranch Subdivision (Corey House Unit 1 – Amended), Toro Area Plan. *(The owner has not yet obtained an address from RMA-Public Works)*

**Project Description and Entitlements**

The proposed project includes a Specific Plan Amendment, Use Permit, and Design Approval for the construction and operation of an approximately 90,000 square foot senior assisted living facility consisting of multiple structures and associated site improvements on an approximately 15.74 acre site. The facility would provide assisted living facilities and services primarily for seniors requiring varying levels of assistance.

**Environmental Setting**

The project site is an undeveloped 15.74-acre parcel located within the Toro Area Plan and the Las Palmas Ranch Specific Plan, approximately 0.5 miles southeast of the intersection of River Road and Highway 68. Surrounding land uses include residential development to east and southeast, undeveloped residentially-designated property to the west, resource conservation (open space) to the south, and cultivated farmland across River Road to the north. The parcel is within an area of Monterey County designated as urbanized. Coast live oak and a large number of eucalyptus trees are found on the perimeter of the property. The northern boundary of the parcel is adjacent to River Road, a proposed scenic route, and the entire parcel is within a Sensitive Viewshed area (Figure 16 of the 2010 Monterey County General Plan). The parcel is visible from Highway 68, a state-designated scenic highway.

**General Plan and Zoning**

The General Plan/Toro Area Plan land use designation for the site is Residential-Medium Density 2.61 units per acre; the zoning classification is Medium Density Residential, 2.61 units per acre, with a Design Control Overlay (MDR/2.61-D).

The current zoning and land use pattern was established in the Las Palmas Ranch Specific Plan and incorporated into the 1986 Toro Area Plan and subsequently in the 2010 Monterey County General Plan and Toro Area Plan.

## PROJECT-SPECIFIC POTENTIAL IMPACTS

The following are the principal environmental issues to be addressed in the Environmental Impact Report (EIR).

### **Aesthetics**

The project site is in a visually sensitive area adjacent to River Road, a proposed scenic route, and the entire parcel is within a Sensitive Viewshed area (Figure 16 of the 2010 Monterey County General Plan). The parcel is visible from Highway 68, a state-designated scenic highway. Development of the project would introduce the first man-made structures within the property and could result in potential impacts to visual resources, specifically to the public viewshed corridors along Highway 68 and River Road. The proposed structures, including thirteen small-scale units and two multi-story institutional buildings, and the resultant light emissions from these proposed structures, could be visible from the surrounding viewshed. The SEIR will, therefore, evaluate the potential impacts of the proposed project on visual resources based on the setting of the project, including impacts as viewed from public roads and nearby residences.

### **Climate Change / Greenhouse Gas Emissions**

This resource category was not evaluated in the original Environmental Impact Report, which was certified for the Las Palmas Ranch project in 1982. There are presently no County-based thresholds for GHG emissions. The primary short-term source of criteria air pollutants and GHG emissions would result from the use of heavy construction equipment, including crew trucks and bulldozers. There will be a minor short-term increase in carbon sequestration due to tree removal; however this is expected to be eventually mitigated by tree replacement requirements. Additional long-term vehicle traffic generated by the proposed project may also be expected to produce localized air pollutant and GHG emissions. The SEIR shall include an evaluation of potential impacts to climate change based on the results of the project applicant's Trip Generation Study and Construction Management Plan, consultation with resource agencies, and the consultant's review of the technical reports.

### **Hydrology/Water Quality**

As proposed, the project includes approximately 60,000 cubic yards (cy) of cut and 34,500 cy of fill, as well as approximately 2,000 linear feet of retaining wall. The SEIR will analyze how the proposed grading, 90,000 square feet of new structures, and 99,500 square feet of impervious surface coverage (parking areas and driveways) would alter the existing drainage patterns and potential impacts to slope erosion.

### **Land Use and Planning**

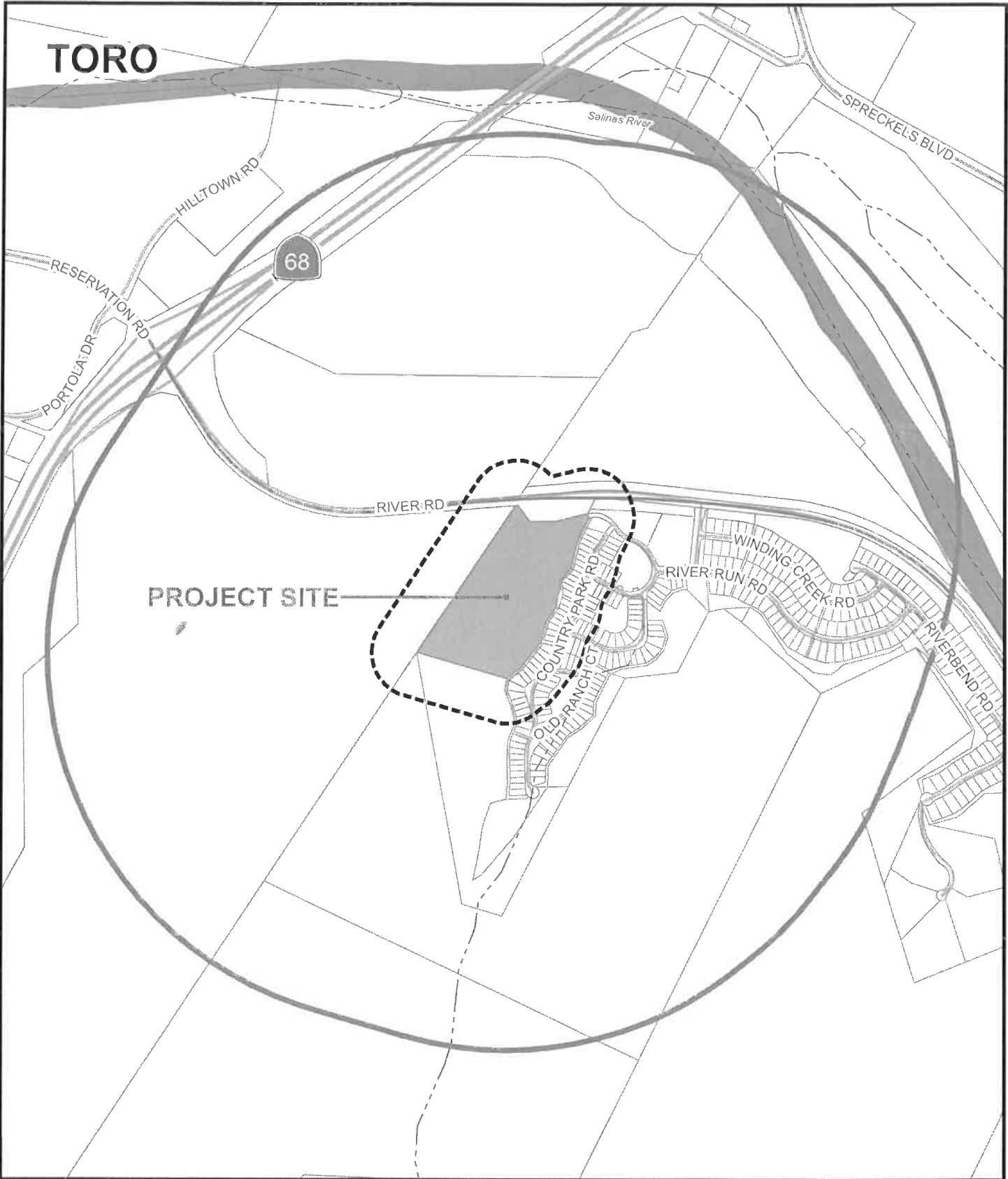
The project includes an amendment to the Las Palmas Ranch Specific Plan. The SEIR will evaluate the project relative to the Las Palmas Ranch Specific Plan and surrounding land uses. The Specific Plan, which is predominantly characterized by residential development, with a limited commercial and institutional component, was adopted in 1983 and is nearly built-out. The proposed assisted living facility was not a use addressed in the Las Palmas Ranch Specific Plan; however, given the site's Medium-Density designation, the property could have been

developed with approximately 40 single-family residences. The SEIR will include an assessment of the project's consistency with the Monterey County General Plan and Toro Area Plan policies. The Consistency Analysis shall be included as an Appendix in the SEIR.

### **Transportation and Traffic**

The circumstances and assumptions regarding traffic have changed since adoption of the original environmental review document for the Las Palmas Ranch project, specifically with regard to assumptions about Highway 68 expansion. Evaluation of the project in relation to these changed circumstances will be a key component of the SEIR. The project would generate additional traffic on the surrounding access roads and highways. The SEIR will evaluate the potential impacts of temporary construction traffic as well as permanent traffic increases from residents, caregivers, and guests. The project will be expected to be consistent with the Goals of the Transportation Element (Section 2.0) as designated within the 2010 Monterey County General Plan. The SEIR will include an evaluation of potential traffic impacts based on the results of the project applicant's Trip Generation Study, consultation with resource agencies and the consultant's review of technical reports.

# TORO

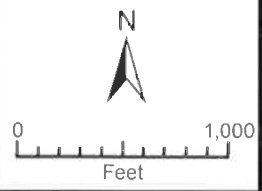


APPLICANT: RIVER VIEW AT LAS PALMAS LLC

APN: 139-211-035-000

FILE # PLN150372

 300' Limit  2500' Limit  Project Site  Water



PLANNER: CONNOLLY

PROJECT ASSESSMENT REPORT

Of

THE CONSTRUCTION PROPOSAL

For

A Licensed Residential Care Facility for the Elderly on Parcel “Q”  
adjacent to the Las Palmas I subdivision and called Riverview at Las Palmas (RVLP)

Prepared by

Owners Subcommittee of LAS PALMAS I subdivision

BALCH, GOBETS, IPONG, MERCURIO, RATLIFF, SUTLIFF

FOR

Presentation to the Homeowners Association of  
Las Palmas I, Salinas 93908  
CALIFORNIA

March 23, 2017

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## INTRODUCTION

A proposal to establish a commercial Residential Care Facility for the Elderly using a parcel of property which is part of the original Las Palmas development was brought to the attention of the existing home owners during LUAC in October 2015. The Monterey County Planning file for the project is PLN #150372.

The 15.67 acre property is owned by “Riverview at Las Palmas LLC.” This property was offered for sale during the 2015 and 2016 period with an indication that a permit to proceed would be available by the fall of 2016.

The Property, known as “Parcel Q,” is immediately adjacent to Phase I of the Las Palmas development and presently only accessible through this existing subdivision established in the 1990’s and consisting of some 340 residences.

Once Las Palmas I homeowners became aware of the project at initial public meetings, access-related issues were immediately raised. Homeowners strongly objected to any project related traffic across our streets and through our neighborhoods and requested the developer plan for a separate access.

On advice from the Home Owners Association Board of Las Palmas Phase I a subcommittee of homeowners organized to look into the details and ramifications of the proposed development. In the course of this work County officials and agencies were consulted and California Highway Patrol and Fire officials contacted.

## SUMMARY

The proposed facility, provisionally named Riverview at Las Palmas (RVLP), is currently (3/2017) in the early stages of review at Monterey County Planning under PLN 150372. Its intended site (15.67 acres, zoned Medium Density Residential, 2.61 UA ) is immediately adjacent to and overlooks a mature residential community (Las Palmas I, ~340 homes).

RVLP has a projected capacity of 144 beds and staff of 92 employees. Its projected operation is 24/7. The property owner/developer (“Riverview at Las Palmas LLC”) plans to use an easement for access and egress across LP1 private roads to this sizeable commercial project.

This report analyses 13 aspects of the Project proposal. Seven of these areas of concern are contained in the Project Description published by Lombardo and Associates in May 2016, and six additional aspects we raise here for consideration.

**Section 1** reviews the project proposal as set out in the various presentations by the developer and the May 2016 Project outline paper published by Lombardo and Associates of Salinas, CA on behalf of the developer.

**Section 2** outlines the details of the proposed project which concern the present homeowners as contrasted by claims made by the developer.

## **CONCLUSIONS**

RVLP, as presently described in PLN150372, should NOT be approved as it will cause serious adverse impact on traffic, security, and quality of life in the LP1 community; it violates zoning restrictions; it is not in conformance with the Las Palmas Specific Plan (6); and it raises a variety of additional detrimental environmental considerations.

Its scale and scope will bring unwarranted risk and disruption to the adjacent peaceful ~340 home residential gated community of Las Palmas 1.

Why should the Parcel Q property owner maximize the value of his property at the cost of lowering the value of Las Palmas homeowners?

The RVLP proposed development is the Wrong Project in the Wrong Location. However, in the Salinas area there are developing areas closer to medical and general service facilities more suited to this sort of commercial medical support and treatment business.

## **RECOMMENDATIONS**

The original development proposal for the Las Palmas sub-divisions of the 1980's should be reviewed. The developers proposals for this parcel of land (Parcel "Q") was for a handful of high end homes on this "View Property." This option should be seriously considered.

## **SECTION 1**      THE PROPOSED PROJECT DESCRIPTION

This section is sourced verbatim from the document outlining the project published by Lombardo and Associates in May 2016. Also consulted was the Internet advertisement for RVLV.

Homeowner commentary is offered in Section 2.

### **1.1**      **Area Map**



- Total site coverage - 190,000 SF (27.6%)***
- Casitas - 41,341 SF (6%) (37,700?!)***
- Assisted Living - 27,052 SF (4%)***
- Memory Care - 21,613 SF (3%)***
- Roads, driveways, parking - 99,523 SF (14.6%)***

## 1.2 Project Description

River View at Las Palmas (RVLP) is an Assisted Living Senior Community designed to provide a range of assisted care to seniors over the age of 55 and to persons with diminishing mental capacity due to Alzheimer's, dementia, or similar causes. RVLP would be licensed by the State of California as a Residential Care Facility for the Elderly (RCFE).

The community is designed for residents who do not require 24-hour skilled nursing care, but are frail and require personal assistance with activities of daily living such as dressing, bathing, grooming, and medication management. This setting allows residents who are experiencing difficulty with maintaining totally independent lifestyles to move into smaller home like suites where they can receive daily personal assistance as needed.

The RVLP community is comprised of 3 levels of residence, each with their own level of assistance:

- **Casitas:** 13 structures comprising 26 units, 37,700 SF. (41,341?!)
- **Assisted Living:** RVLP's assisted living facility is a two level structure approximately 28' in height and will cover about 27,000 SF. The AL facility includes 40 living units ranging from 360 to 587 SF and a total of 52 beds.
- **Memory Care** (a three-level structure approximately 30' in height and will cover about 21,600 SF. The MC facility includes 39 living units ranging from 313 to 453 SF and a total of 48 beds.
- RVLP expects to employ about 92 persons when operating at maximum capacity. This will include managers and supervisors, trained care givers, chefs and facility maintenance personnel
- Staff coverage is 24/7
- Shifts will be staggered to avoid peak hour trips on Highway 68

Most of the eucalyptus trees on site, approximately 80 trees, will be removed and will be replaced with a significant amount of landscaping designed to both enhance residents living environment and to screen views of the project from neighboring properties and distant views from Highway 68. A grove of eucalyptus at the north side of the Memory Care facility will remain to provide significant screening of that portion of the project from Highway 68. The project includes an internal loop road of approximately 2,400 feet in length. Development of the project will require approximately 60, 000 CY of cut, most of which will be compacted and used on site, and 34, 500 CY of fill

## **SECTION 2**      PROJECT ANALYSIS and CONCERNS

This section reviews the Project Proposal section by section, clarifying the effects of the various parts of the proposed business development and its operations.

### **2.1**      **Project Site**

The site also known as Parcel “Q” is a 15.67 acre view property located at the north end of the Las Palmas Phase I property.

#### 2.1.1      Homeowners Assessment

- Unclear that Parcel Q has right to access LP1 roads without restrictions. The easement only claims a right to ingress and egress over Woodbridge Court.
- “Parcel Q” is an undeveloped portion of land within the Las Palmas I subdivision. This parcel was originally retained by the initial developer of the subdivision (Las Palmas Ranch Development Company, Inc.) and has been sold several times over the past 15 years.
- Parcel Q is currently zoned MDR/2.61-D & O-D: Medium Density Residential, 2.61 units/acre with Design Control, and Open Space with Design Control.
- We hold that commercial use of these roads is inconsistent with the MDR zoning designation

#### 2.1.2      Developer’s Claims

- Las Palmas Road, River Run and Woodridge Court are private roads maintained by the Las Palmas Ranch HOA. Developer alleges that those roads were dedicated as part of Las Palmas Subdivision #1 with no restrictions as to their use.
- Developer alleges that Parcel Q has clear rights to the use of the private roads for the proposed RVL P project



View from Winding Creek towards RVLV proposed entrance



LP1 & RVLV  
Line of demarcation (TBD)



## 2.2 **Land Use and Planning**

### 2.2.1 Homeowners Assessment

- The site is designated as medium density residential under the Monterey County Land Use Plan: Toro Area
- as Palmas Ranch (I & II combined) has been built out to 1028 units against the stated maximum of 1031, leaving 3 units (per LPSP)
- We hold that the RVLP project is not subordinate to the residential use and character of the area.
- Necessary services do not exist nearby, nor are we aware of their planned development.
- Developer is asking to amend the LPSP to “shoe horn” this clearly non-conforming development into a neighborhood that never envisioned such commercial purposes. As stated is this not a clear admission that this RLVP is non-conforming?
- Multiple aspects of the Monterey County General Plan would be violated by this project, including (but not limited to):
  - L.U.-1.4: Growth areas shall be designated only where an adequate level of services and facilities such as water, sewerage, fire and police



protection, transportation, and schools exists or can be assured concurrent with growth and development

- L.U.-1.5: Land uses shall be designated to achieve compatibility with adjacent uses.
- L.U.-1.11: Development proposals shall be consistent with the General Plan Land Use Map designation of the subject property and the policies of this plan
- LU-2.19 The County shall refer amendments to the General Plan and zoning changes that would result in the creation of new residential, industrial, or commercial areas to the nearest cities for review and comment.
- L.U.-2.23: Medium Density Residential (MDR): Medium Density Residential areas are appropriate for a range of residential uses (1-5 units/acre) and housing types, recreational, public and quasi public, and other uses that are incidental and subordinate to the residential use and character of the area. The extent of use of land for this designation shall be limited to building coverage of 35% of the subject property.
- OS-1.2: Development in designated visually sensitive areas shall be subordinate to the natural features of the area.
- OS-1.3: To preserve the County's scenic qualities, ridgeline development shall not be allowed.
- T-1.6: Existing legal lots of record located in the critical viewshed may transfer density from the acreage within the critical viewshed to other contiguous portions of land under the same ownership, provided the resulting development meets all other Toro Area and General Plan policies.
- T-3.1: Within areas designated as “visually sensitive” on the Toro Scenic Highway Corridors and Visual Sensitivity Map (Figure 16), landscaping or new development may be permitted if the development is located and designed (building design, exterior lighting, and siting) in such a manner that will enhance the scenic value of the area.

### 2.2.2 Developers’ Claims

- The property was zoned “MDR/2.61-D” (Medium Density Residential, 2.61 units per acre; Design Control). That zoning remains in place today. At a density of 2.61 units per acre up to 40 dwelling could be approved.
- The MCGP 2010 describes the Medium Density Residential designation as being “...appropriate for a range of residential uses (1-5 units/acre) and housing types, recreational, public and quasi-public, and other uses that are incidental and subordinate to the residential use and character of the area, building coverage[is limited to] 35% of the subject property (MCGP policy LU-2.33 a.).

- The MDR zoning district is intended to “...provide a district to accommodate Medium Density Residential uses in those areas of the County of Monterey where adequate public services and facilities exist or may be developed to support medium density development.
- “RVLP is not a residential use under the County codes or the LPRSP in that RVLP does not provide dwelling units that will operate or function as independent residential units”. “For clarity and surety in regard to the future use and development of the RVLP property an amendment to the LPRSP is proposed to read:

Assisted living facilities are allowable uses in the MDR district in that they are similar to other uses such as rest homes and public quasi-public uses currently allowed in the district. Assisted living facilities are not considered residential units and are not subject to the current 1,033 (LPSP states 1031.RG) residential limitation of the LPRSP. An Assisted living facility is not considered a residential development because it does not operate or function as independent residential units. An assisted living facility may be considered and approved on Parcel Q of Las Palmas Ranch Unit #1 consistent with the anticipated impacts of the 40 dwelling units originally planned for this site.”

## 2.3 Access & Traffic

### 2.3.1 Homeowners Assessment

- When Parcel Q was created, it was granted the same access rights over the Common Area as every other lot in the subdivision. These rights have been incorporated into Parcel Q’s property description attached to various Grant Deeds:

A non-exclusive easement for ingress, egress, road and utilities over that portion of River Run Road and Woodridge Court being a portion of Common Area Parcel C and Las Palmas Road being Common Area Parcel A as shown and designated on that Map entitled Amended Map of Las Palmas Ranch Corey House Area / Unit 1 Tract 1086A filed June 15, 1989, in Volume 16 of Cities and Towns at Page 70 in the Office of the County Recorder of Monterey County, California. Said easement shall be appurtenant to Parcel Q as shown and designated on the above referred to Map of Tract 1086A

- In this case, the owners of Parcel Q have an easement for residential access to their parcel. There is nothing in the grant of easement, or in the circumstances surrounding it, which would indicate an intention to create access rights for a substantial commercial enterprise
- The scope of an easement is determined “by the terms of the grant, or the nature of the enjoyment by which it was acquired.” Cal. Civil Code § 806. Thus, the easement holder’s use is “limited by the requirement that it be reasonably necessary and consistent with the purposes for which the easement was granted.” *Union Pacific Railroad Co. v. Santa Fe Pacific Pipelines, Inc.* (2014) 231 Cal.App.4th 134, 164. Finally, “once fixed, the scope of the easement cannot be changed without the consent of the servient owner.” *Krieger v. Pacific Gas & Electric Co.* (1981) 119 Cal.App.3d 137, 144
  - Accordingly, the access easement is for RESIDENTIAL use only
- When the project was first presented during 2015 meetings by the developer (Mr. Shingu) there was extended discussion on site access. The developer stated he had an easement through our residential neighborhood but also indicated he would explore alternate access by way of River Road NOT across Las Palmas 1 streets. However, after meeting with the County he reported that such alternate access would not be feasible.
- There was a subsequent attempt to consider a separate road across LP1 property but built to accommodate RVLTP traffic separately from ordinary residential traffic. This met with strong homeowner objection. This option was rejected by the Las Palmas I HOA in that it did not address the central issues of traffic congestion and security. In September 2016, at the second LUAC meeting on this project, Mr. Shingu then insisted on using the easement.
- Access and egress to RVLTP will dramatically change Woodridge Court, River Run Road and Las Palmas Road from their present lightly travelled and placid nature to a busy thoroughfare. These streets are used by residents to walk, jog, exercise their dogs, as practice venue for children’s soccer games, etc. etc. Routing traffic as proposed by the developer will put an end to this valued use. The entrance into Las Palmas Road from River Road will be heavily congested. Entering traffic, waiting for clearance from the guard shack, will back up into the deceleration lane on River Road and pose serious collision hazards.

#### 2.3.1.1 Dangerous Intersection

This resulting congestion will cause residents to avoid the River Road at Las Palmas Road intersection and use the unsignalized southern electronic gate at Riverview Court and River Road, incurring *more* risk of a traffic

accident. Under present conditions that intersection is lightly used and the 2011 HOA commissioned traffic study found such light use consistent with safe practice. The proposed RVL project would immediately invalidate this conclusion.

#### 2.3.1.2 High Accident Rate

Accidents at the Las Palmas and River Road intersection are unfortunately routine. The latest in early 2017 was between a passing 18 wheeler and a resident worker leaving correctly on a green light. Other accidents have resulted in tragic fatalities. CHP accident statistics report referenced.

#### 2.3.1.3 Obsolete and Incomplete Traffic Study

With 144 beds this facility will experience substantial traffic from family and visitors, suppliers, service providers, utility companies, delivery services, contractors, and emergency vehicles. Casitas residents will have their own vehicles. Shuttles will not provide 100% of employee transportation, many will have their own vehicles and use them as they wish.

The cited traffic study is from 1982(!). County Traffic Engineering determined on 1/12/2016 that significant information gaps need to be closed before the Traffic studies could be considered “Complete”. No NEW information since 1/12/2016 has surfaced to address these information gaps, hence this section is still “Incomplete”.

Not included in County Traffic Engineering’s letter is any mention of the Riverview Court/River Road intersection. This is a critically important component of traffic analysis that must be included.

#### 2.3.1.4 Emergency Evacuation – Unsafe

The present access to Las Palmas I (one single lane in and out with traffic light control to River Road and the second single lane in and out with no traffic control) was designed for the existing residential population of the development.

Adding the residents, patients, staff, contractors and support personnel to an evacuation situation risks the safety of the existing Las Palmas Residents, and also puts their evacuation capabilities at risk down a steep narrow access road, presently little more than a cart track. Further, if and when all residents are trying to evacuate, emergency vehicles and crews will be attempting to enter to deal with the natural or man-made disaster (e.g. Sobranes type fire or earthquake etc) causing the evacuation. This poses extreme hazards.....

### 2.3.2 Developers Claims

- “RVLP will not have a significant effect on traffic in the area.”
- “The primary traffic generation will come from employees.”
- “The overall traffic impacts of the Las Palmas development were analyzed and addressed through the LPRSP and its EIR. To assess the potential impacts of the RVLP project Hatch Mott McDonald reviewed the LPRSP EIR, LPRSP, previous project conditions of approval, improvements that were constructed and did traffic counts from all of the LPR entrance points.”

## 2.4 Aesthetics

### 2.4.1 Homeowners Assessment

The developer has considered only minimal impacts of the proposed development.

#### 2.4.1.1 Visual Pollution:

Proposed site for RVLP is NOT a “knoll.” It is at considerable elevation and will occupy a commanding view of the area. This commanding view from above implies an equally visible presence from below. The Salinas River crossing will shortly contain new bicycle and walking paths which will greatly increase foot and bicycle traffic. Residents and tourists will see the three story and other buildings of the proposed development. At dusk or evening it will be even more obvious when lit up.

#### 2.4.1.2 Noise Pollution: (Not considered by Developer)

RVLP will be elevated (est. 100’-200’) in relation to the adjacent LP1 community. Access to the site from Woodridge Court will be a new road at steep ascent (on the order of near 15% slope), which will in turn require downshifting in vehicles with attendant noise that will clearly echo into the adjacent residences of LP1. These residences were purchased in part for their quiet seclusion and semi-rural setting. Not to listen to the UPS truck grinding up the hill!

#### 2.4.1.3 Proposed Tree Cutting poses Negative Impact

Cutting down 80 mature Eucalyptus trees imposes a dramatic negative impact on LP1 community. It will also adversely impact the microclimate in that location. These trees help shield the LP1 from strong seasonal

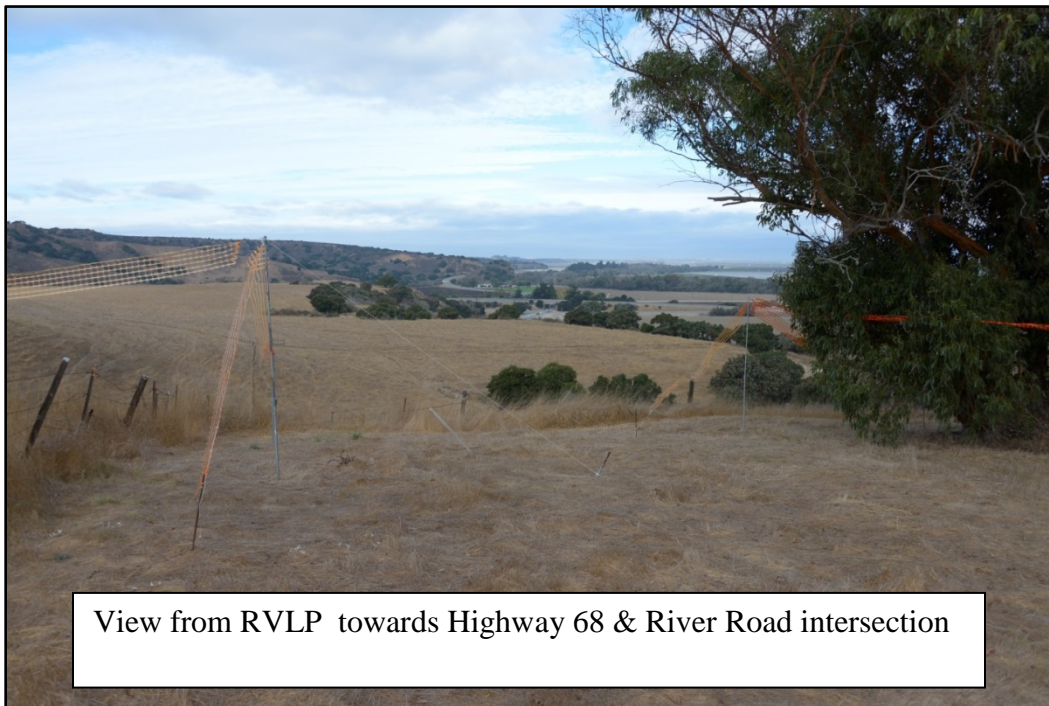
afternoon winds and help deaden the road noise from adjacent sections of Highway 68 and River Road.

#### 2.4.1.4 Air Pollution: (Not considered by Developer)

RVLP is a large care facility that provides meals to its occupants. Institutional cooking odors will be emitted and carried by prevailing winds into the adjacent LPI community.

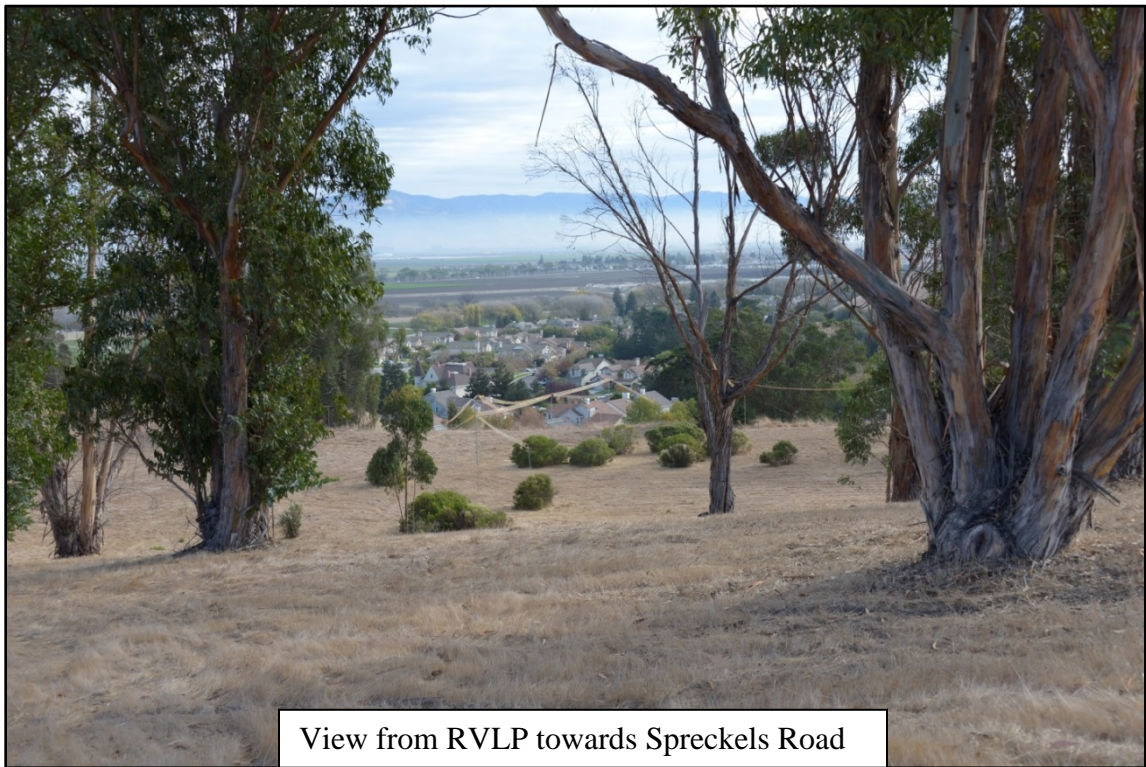
#### 2.4.2 Developer's Claims

- “RVLP is located on a knoll above River Road. It is an area that is primarily identified as being “visually sensitive” in the Toro Area Plan. The project site has limited visibility from southbound River Road due to road alignment, topography and native vegetation. Portions of the upper portion and roofs of some of the buildings will be visible from Highway 68 from the Salinas River crossing to the River Road exit. The project is only visible from northbound River Road at and near the intersection with Las Palmas Road. The project site is approximately ½ to ¾ mile from Highway 68 for a distance of about 3,000 feet. At the normal driving speeds on that portion of Highway 68 the project site is visible for about 30-40 seconds at car speeds.”





View from RVLP down onto LP1



View from RVLP towards Spreckels Road



View of flagging for RVLP from Guard Shack  
at River Road / Las Palmas Road intersection

## 2.5 **Biology**

### 2.5.1 Homeowners Assessment

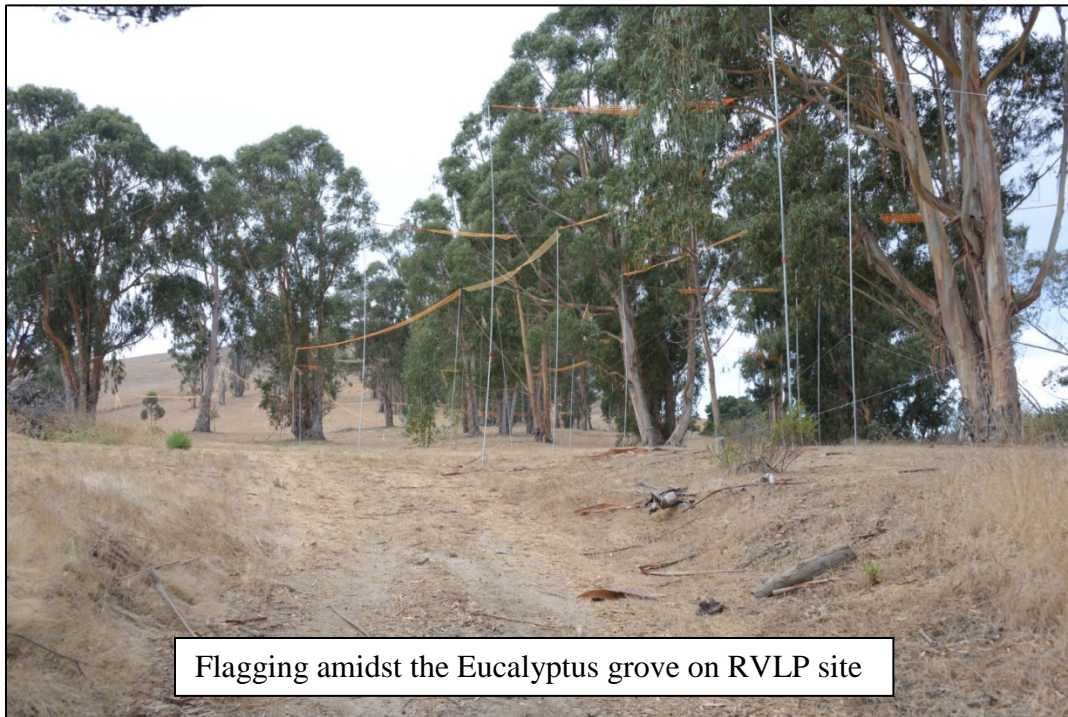
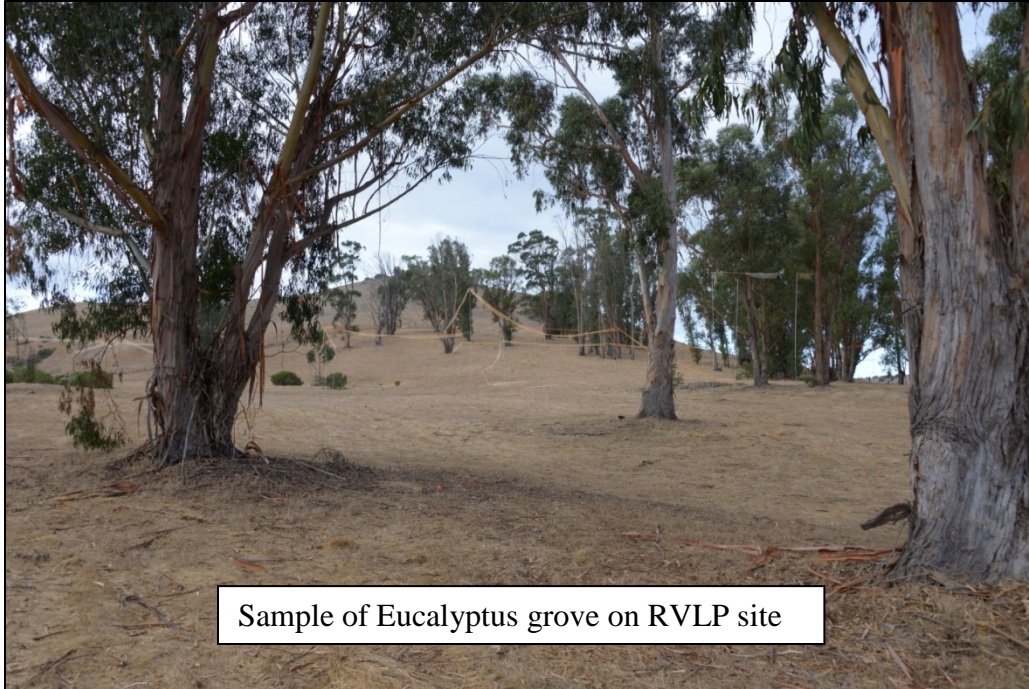
The present Eucalyptus grove is home to native owls. They hunt field rodents. One of the many charms of Las Palmas I is their night time hooting. Several of the adjacent Eucalyptus trees have already been cut down by the developer. The nests of those owls dwelling in these trees were demolished. The hooting stopped.

No further input at present. Study of the Ferrini EIR(s) remains to be done for comparison

### 2.5.2 Developer's Claims

“During the development phases of the project design the site was surveyed twice for sensitive plant and animal species. Copies of the reports are included with the project application materials. Neither report identified any sensitive plant or animal species on the property or on the properties immediately adjoining the project site. Need to see these reports.”





## 2.6 Water and Wastewater

### 2.6.1 Homeowners Assessment

- We seriously question the tacit assumption that given California drought conditions Zone 2C can continue to satisfy new demand for water.
- If the eventual construction schedule pushes into the period governed by the next Water Study, this may no longer hold. Water district officials have stated that Zone 2c is already in an overdraft situation.
- Note: This “can and will serve “ letter is valid for two years and expires in Aug. of 2017.

### 2.6.2 Developer’s Claims

“The RVLV project domestic water use is calculated at 11.376 AFY. Water service will be provided by the California Water Service. CWS is the water provider for Las Palmas Ranch and has provided a “can and will serve” letter. The area and project site are part of the Indian Springs/Salinas Hills/Buena Vista service area. Water for the service area is taken from a well field in Zone 2C, which by policy of the Board of Supervisors is sufficient proof of a long term water supply.”

## 2.7 Soils & Geology

### 2.7.1 Homeowners Assessment

RLVP would be on an elevated “view” property with steep slopes backing directly onto existing residences which could become unstable with such a large development in this era of climate change with strong winter storms. **Slope stability has already been compromised** with summer fire prevention requiring close cropping of vegetation and removal of some bush and trees all of which are required to maintain slope stability. Nature’s bulldozer abhors slopes above 45 degrees some of which exist to homes adjacent the proposed development.

The last 100 yards of the access road to the elevated part of Parcel Q is narrow, in a cut; at a steep angle and with a sharp drop-off overlooking a steep grade. Below this grade there are adjacent homes and the fire access road which services all the homes on Country Park Road. Coping with two way traffic and heavy construction vehicles re-working this higher part of the road would compromise the existing adjacent homes and fire access.

### 2.7.2 Developer's Claims

“A geologic hazards and soil suitability study was done by Landset Engineering for the RVLP project. (Dated?) RG The report, which is included in the project application materials, concludes that the site is suitable for the project and makes a series of recommendations for the final engineering and design of the construction plans. Those recommendations will be incorporated into the final plans. Additionally the report identified areas around the perimeter of the property which are not suitable for structural development. All of the RVLP project structures are grouped to the interior of the property and are located outside of those areas that Landset identified as unsuitable.”



## 2.8 Neighborhood Fit

### 2.8.1 Homeowners Assessment

#### 2.8.1.1 Survey Rejects RVLP

- One of the first actions of the Ad Hoc owners committee was to conduct a statistically random survey of Las Palmas I property owners and renters, using information given by the parcel “Q” property owners at the 2015 meetings and presentation to the Home owners association Board.

- Of the 329 homes in LP1 165 residents were surveyed.
- The results indicated that 93% of residents do not support the project as presently known due to the perceived negative impacts of the Care Facility project on its community. Traffic and Security dominated the concerns.

#### 2.8.1.2 LUAC Finds RVLP Inconsistent

At the LUAC meeting in September 2016, its official and unanimous recommendation was to change the project to ensure conformance to the Las Palmas Specific Plan (LPSP), which in essence would limit the scope of the project to 3 residences.

“Change project (RVLP) to adhere to the Las Palmas Specific Plan which, according to County records of housing units already built, will allow three single family dwellings to complete the build-out of Las Palmas. As proposed, this is a commercial project, and is inconsistent with the residential neighborhood.”

#### 2.8.2 No mention of this made by the developer

### 2.9 Storm Water Runoff

#### 2.9.1 Homeowners Assessment

##### 2.9.1.1 Existing Flooding Risk Considerable

The RVLP site is projected to be on a pristine natural mesa atop a hill rising above LP1 development. During strong rains, adjacent LPI lots currently experience strong runoff with local erosion and flooding.

##### 2.9.1.2 RVLP Construction and Operation Pose Greater Hazard

RVLP site coverage is ~ 190,000 SF (27.6%) and will be a combination of structures, roads and parking areas. This surface area will not be able to absorb any moisture as the uncovered the soils do now. Given that, what will be the methods and the capacity of removing water runoff without undue impact on the lower lying LP1 community? Cutting down 80 Eucalyptus trees will certainly exacerbate that situation.

#### 2.9.2 No mention of this made by the developer



Subsequent Serious Flooding Two Weeks Later During Feb. Storm. Water encroached to within one inch of two homes.

## 2.10 **Fire Safety**

### 2.10.1 **Homeowners Assessment**

#### 2.10.1.1 Existing Situation Already Hazardous

California has just exited from an official state of drought, which had existed for some time

The Soberanes fire (summer 2016) destroyed 50 buildings and 132,127 acres, not far from Las Palmas I. It was THE most expensive fire in US history to suppress at \$236,000,000

The inclined slopes bordering LP1 and RVLP currently already pose **extreme fire danger** most of the year around due to very dry vegetation being present on those slopes.

LPI experiences very strong afternoon winds for months at a time. These winds blow down fences and garbage cans in the streets.

Imagine a fire along the River Road corridor, whipped along by these winds

Imagine the RVLP elderly and infirm occupants and employees scrambling to get off the hill along with the residents occupying 340+ homes in LP1.

#### 2.10.1.2 **RVLP Adds Hazard**

Development of RVLP during construction would pose unwarranted risk of fire due to accidental generation of sparks by equipment or careless smoking operators. Routine RLVP operations will pose continuing accidental risks of starting fires.



#### 2.10.2 No mention of this made by the developer

### 2.11 **Risk Management**

#### 2.11.1 Homeowners Assessment

##### 2.11.1.1 More Risk of Collision

Locating RVLP as proposed will add risk to both the LP1 community and RVLP itself. As LP1 & LP2 are nearly 100% built out per LPSP (1028 vs.1031 units max.), its roads and infrastructure are at their limits. The proposed RVLP facility was never factored into traffic flow considerations for LP1.

Inserting RVLP into this capacity-constrained setting will add unwarranted risk to both entities in terms of congestion in **non-emergency** situations.

Traffic flow at the guard shack would slow significantly, and queuing would back entering vehicles into the River Road deceleration lane and congest the exit lanes. This lane can accommodate only a few vehicles.

Between 1989, when LPI started, and January 2017 there have been 24 accidents at or near the River Road LPI entrances . In 2009 there was a fatality; one of our homeowners lost their son to a drunk driver who ran the light (CHP Reports by Burch & Tillman – (9), (10))



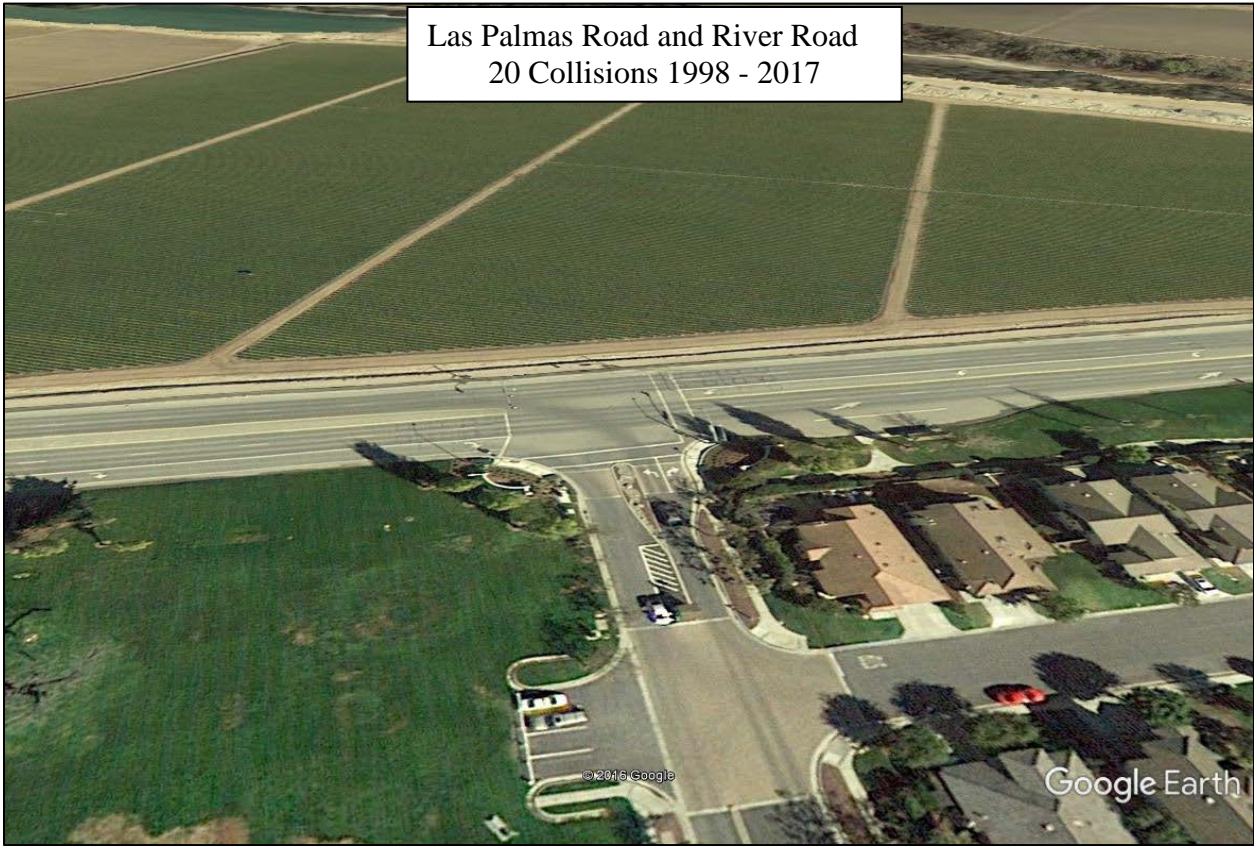
This big rig ran the light at River & Las Palmas Road intersection. January 2017



Passenger car totaled by big rig, 2 occupants hospitalized. January 2017



Las Palmas Road and River Road  
20 Collisions 1998 - 2017





#### 2.11.1.2 Traffic Choke Points Created

Further, **emergency evacuation situations** like fire and/or earthquake (both very real events in this region) within present road constraints will result in unacceptable choke points for both emergency vehicle and resident access and egress, and seriously impact safety for both RVLP and LP1 residents.

#### 2.11.2 No mention of this made by the developer

## 2.12 Security

### 2.12.1 Homeowners Assessment

#### 2.12.1.1 Security Measures Taken by Homeowners

LPI HOA (340+ homes) has put a great deal of effort and money forth to protect personal property as vehicle and property break-ins (even in daylight) had become the norm:

- Bought out the part of the property zoned for businesses which is now a green belt open central recreation field, Corey Park.
- Banned garage sales.
- Established a guarded, gated community in 2008/9. This system works well currently.

#### 2.12.1.2 Present Security Arrangements Overwhelmed

Projected RVLV employees and visitors would overwhelm present security arrangements. Additional security infrastructure (guards, guard house, decals) would be required.

A whole new group of people would enter LPI grounds, and once entered, would have access to the entire neighborhood. This would defeat the very measures LPI took to limit access by installing the gated and guarded community of homeowners.





Guard shack near River and Las Palmas Road intersection

2.12.2 No mention of this made by the developer

2.13 **Economic Impact**

2.13.1 Homeowners Assessment

LPI safe, semi-rural and peaceful environmental setting commands value to the homeowners and prospective buyers. It constitutes an asset.

Establishing RVLDP as envisioned will diminish this asset and consequently lower LPI Real Estate values.

Residents repeatedly stated during the survey that they did not support the Parcel Q property owner maximizing the value of his property at the cost of lowering the value of theirs.

2.13.2 No mention of this made by the developer



**References:**

- (1) Project Description, Lombardo, Anthony, 2016, J. McCormack website : jnmcommercial.com*
- (2) Final EIR for the Las Palmas Ranch Specific Plan (EIR 81-111), Grunwald, Crawford & Associates, certified by Monterey County Board of Supervisors, December 7, 1982.*
- (3) Letter from Ryan Chapman (County Traffic Engineer) to Steve Mason (County Planner) Dated 1/12/2016*
- (4) Survey Results, Gobets, R., et.al. Presentation to LPI HOA Board of Directors 5/16*
- (5) TORO LUAC meeting minutes 10/26/15 & 9/26/16*
- (6) Las Palmas Specific Plan. Adopted by the Monterey County Board of Supervisors September 20, 1983*
- (7) Traffic Report - Hexagon Transportation Consultants, 11/3/2011*
- (8) Title 21, section 21.64.010*
- (9) Report from Officer Burch (California Highway Patrol 960 E. Blanco Road), summarizing traffic accidents at LPI intersections.*
- (10) Report from Commander Tillman (California Highway Patrol 960 E. Blanco Road), summarizing traffic accidents at LPI intersections. This report to be analyzed.*

# ENVIRONMENTAL IMPACT REPORT (EIR) INFORMATION

For

SUBMISSION TO THE NOTICE OF PREPARATION (NOP) OF AN SEIR BY  
THE COUNTY OF MONTEREY

Regarding

**THE RIVER VIEW AT LAS PALMAS LLC DEVELOPMENT  
APPLICATION PLANNING FILE NUMBER: PLN 150372**

PREPARED BY  
RESIDENT AND HOA BOARD MEMBER OF THE LAS PALMAS I SUBDIVISION OF  
SALINAS CA 93908

DAVID C. DALBY P. ENG, NSPE

APRIL 2 , 2017

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## **Introduction and Supplemental EIR?**

This report is prepared by David C. Dalby an elected Board member of the Home Owners Association and 16 year resident of the Las Palmas I subdivision of Salinas, California 93908. The proposal of the "River View at Las Palmas LLC" is to occupy part of the Phase I parcel also known as Parcel "Q" (approx 15 acres). This was originally part of the whole Las Palmas Specific Plan of 1983 undertaken in two phases I and II.

### **SECTION 1 PROJECT ASSESMENTS to Date**

#### **1.1 Summary**

This paper is a response to the the Notice of Preparation (NOP) issued on March 7, 2017 by the Resource Management Agency - Planning of Monterey County. The paper follows and lists the CEQA question and question format guidelines as far as possible. All topics listed are considered to be capable of causing "Potentially significant Impact" on the environment and particularly in the residential neighborhood.

The effects on topics to be questioned in the EIR are as outlined in the NOP i.e. Aesthetics; Climate Change/Greenhouse Gas Emissions; Hydrology/Water Quality; Land Use and Planning and Transportation and Traffic.

Commentary on the effects of the proposed development are added complete with pictures where this emphasises the points made and effects expected.

#### **1.2 Conclusions**

Section 2 clearly outlines the severe negative effects of the proposed development on the residential population of Las Palmas I particularly those residing in the Parkside Area and not just over the construction period but also on a continuing basis.

- a) The Historic Corey House, listed on the National Register, is adjacent to and completely overlooked by the development. It will be impacted by the 24x7 operation and 24x7 traffic as all traffic must pass round the property on journeys both to and from the Parcel Q development.
- b) The steep slopes between the new Development and the existing residences of Las Palmas are demonstrated to be unstable in these days of Climate Change having caused mud slides and floods this year.
- c) The resources for this proposed development including groundwater and grey water may only be available when those assigned to the commercial property owned by the Las Palmas owners and Las Palmas itself are taken and re-assigned. This is contrary to the home owners expectations and rights.
- d) Planning for this development is argued to be deficient particularly as the existing plan for Las Palmas I is almost complete as per the Las Palmas Special Plan of 1983 (approx)



and the proposed development is of a completely different nature, i.e. a large profitable commercial venture far away from any support or community facilities normally sought by such care homes. (this is said with the experience of our volunteers at local care homes). Further, it is an extremely large development for the site not only servicing patients needing assistance and/or treatment but also providing 26 ordinary family Casitas the residents of which may require neither support nor assistance.

- e) This is a ridge-line development normally prohibited in tourism development areas and corridors. These designations include River Road and Highway # 68. The development visibility is impossible to hide and will impact other genuine Tourism developments and investments nearby.
- f) Dangerous Access to River Road.  
This already dangerous access (see statistics showing multiple River Road drivers running red lights) would also be overrun with the day to day increase in traffic to and from the new development and it will be impossible to cope with an evacuation due to fire, earthquake or flood. The patients would be in peril trying to leave down the narrow trail to the highway and the present residents would be in peril competing with all other residents to exit by the very limited exit lanes available.

### **In-escapable Summary of Conclusions:**

**This project is:**

- i) **The Wrong project - demonstrably incompatible with the present 340 residential home owners needs, raising property and owners risks while reducing security and**
- ii) **The Wrong location - with today's knowledge similar such homes are located not far from support services (e.g. Windsor Homes) and in areas capable of providing some useful community interaction (such locations are available in the Salinas area - e.g. Abbott Street area) and at**
- iii) **The Wrong Time - for the proposed Parcel "Q" property climate change has raised the risks of Fire, Flood and other catastrophies to an alarming level - the steep, slide prone slopes of the elevated parcel offer unacceptable risks to any infirm residents and the established Las Palmas residents .**

### **The Solution:**

**If necessary, construct the three remaining "high end homes" on parcel "Q" to complete the Las Palmas Development as per the original Las Palmas Special Plan.**

## **SECTION 2 ENVIRONMENTAL EFFECTS ISSUES of the PROJECT**

This section reviews the Project Proposal and identifies items of concern to be considered in the Environmental Impact Report for this project and expands on the effects of the various parts of the proposed business development and operations as presently known.

**SEIR or Full EIR:** Initially the paper questions the use of a Supplemental EIR rather than a full one on the basis that the original one was completed in the 1980's (toward the end of the last Century). If that old one is to be followed then the plan of the 1980's should also be followed i.e. for a small number of residential homes on Parcel Q. (See LUAC report below).

### **2.1 Collaboration and Meetings to Date**

The property owners of Phase I of the Las Palmas Development have worked hard to collaborate with the developer and have met several times in open sessions with the developer. One of the first and consistent request by residents was for the developer to access via a separate road to the Parcel "Q" lot thus reducing the operating conflicts otherwise surfacing. These conflicts include a 24x7 operations with nearly 100 staff serving some 140 patients some even with emergency health requirements.

The developer has been unwilling or unable to arrange for a road access separate to Las Palmas Phase I.

#### **Toro Park Land Use Advisory Committee (LUAC)**

A group of owners and Board members of Las Palmas Phase I, attended a fall meeting of LUAC to outline concerns regarding the project. The LUAC Board passed a motion recommending that the project not be approved as outlined and the development of Parcel "Q" should revert to the original Las Palmas development plan of the 1980's as follows. Please note, the proposal outlined by the original Developer, Mr Fletcher at a public meeting as late as 2009 was for up to 5 high end homes on this Parcel Q view property.

### **2.2 Aesthetics - the New Developer's Plan**

CEQA Guidelines The following are considered to have a "**Potentially Significant Impact**" on the environment.

- a) *Have a substantial adverse effect on a scenic vista?*
- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

*d) Create a new source of substantial light or glare which would adversely affect day or night time views in the area?*

Plus Noise and occupancy Risks (include Odours too)

The new developer plans to construct several buildings on the parcel two of which are major three story buildings with elevators, totalling some 82,000 sq ft giving a roofline of 30 - 40 feet above ground level, which will give high visibility to many surrounding homes, businesses, travellers and passers-by.

### **2.2.1 SIGHT ISSUES**

Many **existing homes** can clearly see parts of the proposed new development, especially in the "Parkside" area of our present development. However, some homes in the River Run section also have that capability. Overall, one estimate we have by residents observations and mapping, some 150 homes have visibility either from the front or back of the home.

**Outside of the Las Palmas I subdivision, travellers (on foot, bicycle and car)** both on River Road and also from larger sections of Highway 68 will have prolonged and commanding views of the development both in the daylight and from the lights in the evening. The bridge over the Salinas river and it's approaches for several hundred yards will give clear views of the development. This especially affects cyclists and walkers who are being encouraged to use the **new elevated 'Foot/Cycle' path over the Salinas River.** See photos below.

**This is clearly ridge-line development** inappropriate for this established tourism sensitive but developing area.

**Photo below: The proposed project site is the raised level area at the end of the street, the parking lot and buildings are constructed above the steep grassy slopes on the ridgeline.**



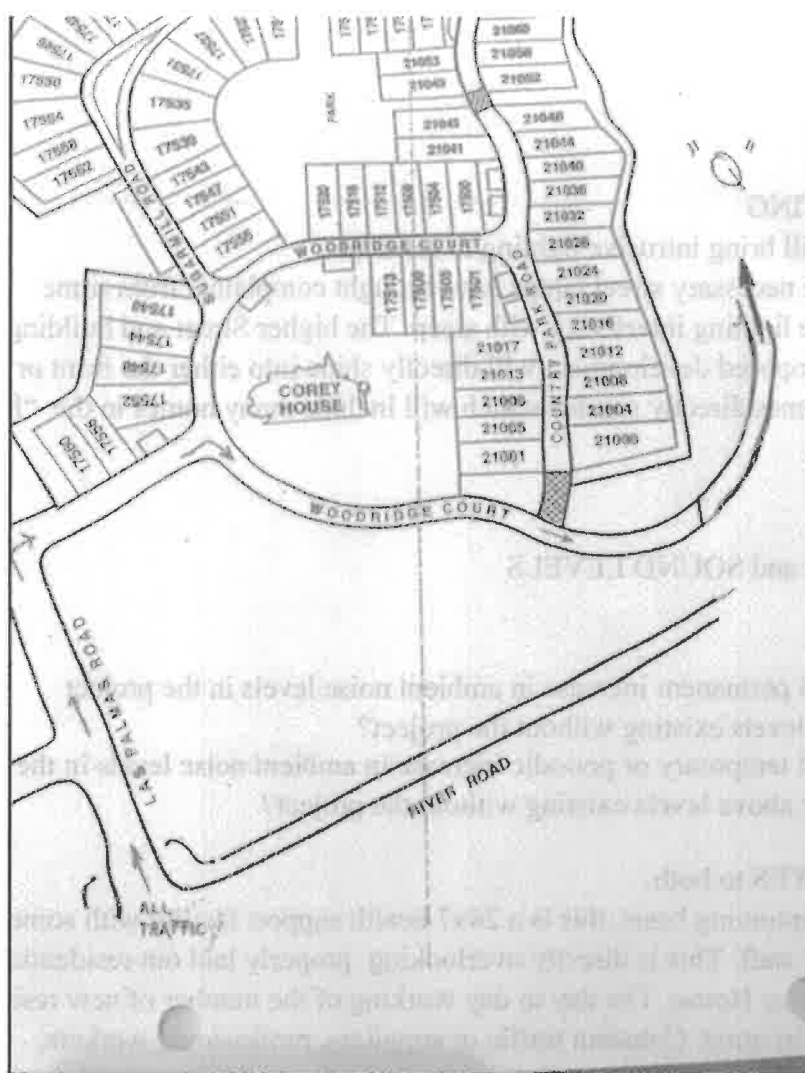
**Historic Building - Corey House (Now Chateau Coralini - a Boutique Hotel)  
(CEQA Question b).**

This 2 acre parcel is zoned LC-HR - Limited Commercial-Historic Resource.



**Note: the ridgeline at the building flags.**

**HISTORIC BUILDING** - Corey House a 19th Century farm house and the last remaining part of Hiram Corey's agricultural 645 acre Estate. It is now now a Boutique Hotel and is overlooked by the proposed development about 150 yards away. Further, all traffic to and from the proposed new development must use the road shown above then turn right at the stop sign and pass the Hotel front door and round Corey house in order to access the trail to the property above on the raised 15 acre development bench.



**ALL TRAFFIC TO AND FROM THE PARCEL Q DEVELOPMENT passes the front of and around Historic COREY HOUSE 24x7.**

This Historic home and parcel will be heavily impacted by the development of Parcel "Q" as proposed. The construction period will provide a great deal of noise, dust and vehicular traffic. After construction the traffic side of it will again be very intrusive: i.e 24x7 operation - staff, visitors, patients all moving, occupants of Casitas coming and going plus emergency vehicles with sirens and lights during medical emergencies.

**Historical Buildings and occupants require protection to achieve conservation.**

### 2.2.2 LIGHTING

This project will bring intrusive lighting to residents.

Even today the necessary street lamps have brought complaints from some residents of the lighting interfering with sleep. The higher Street and building lights of the proposed development will directly shine into either the front or back windows of homes directly sighted which will include many homes in the "Parkside" area.

### 2.2.3 NOISE and SOUND LEVELS

CEQA items:

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

The answer is YES to both.

- i) On a continuing basis, this is a 24x7 health support facility with some 150 patients and 92 staff. This is directly overlooking properly laid out residential areas and the Historic Corey House. The day to day working of the number of new residents cannot be expected to be quiet. Constant traffic of suppliers, professional workers, maintenance staff, family visitors and the residents themselves must also create a new source of noise.
- ii) During the construction phase of up to two years the noise will be of traffic in and out and heavy construction equipment working continually. Because of the elevated construction site the particulate in the air will offensively drift down around the surrounding residences and Corey House. Really dirty air can be expected for up to two years according to the developer.  
This will be directly contrary to the efforts of the owners of this existing development have over the years consistently taken steps to provide a quiet and safe living environment for all residents. (see below).

#### 2.2.3.1 Commercial Development Avoided

On this Phase I property commercial development has been specifically avoided by the residential owners. The 5 acre commercially zoned area of the Phase I lands, to the north and adjacent to the main Las Palmas entrance was bought out by the Phase I owners with no commercial development planned. However the owners do insist on retaining the resources and the right to develop the parcels commercially at a later date when conditions warrant it.

Therefore, at this time this proposed project then goes directly against the express wishes of the present property owners of Las Palmas Phase I some of whom have been resident there for a very long time.

### **2.2.3.2 Contractor Work Hours Limited**

Further the Board of the HOA manages regulations which set and limit hours of work for contractors working on homes or service contractors serving the whole of Phase I. Once more this development has no obligation to support the wishes of the present residents.

## **2.3 Climate Change and Greenhouse Gas Emissions**

Whilst climate change was not considered as part of the planning of the original Las Palmas Development, the effects of climate change today are very clear, noticeable and with extreme levels of heat in summer and storms in winter at Las Palmas I. It is introducing a wide variety of risks and even damage which require addressing.



### **2.3.1 Drought and Grass/Forest Fire Risk (see photo above Parcel "Q" adjacent to Residences)**

This area and region is just coming through a 5 year summer drought, but with sufficient rain in the winters to grow long stretches of significant levels of long grasses forming



fuel for grass/forest fires. The Soberanes fire of 2015 was intentionally set and covered some 33 sq. miles and destroyed some 50 structures. It started in similar terrain to Las Palmas and just a few miles south of this location. The photo above shows the slopes below the proposed development and the fence of the adjacent residences of Las Palmas I. In summer there are many continuous miles of this fire hazard of grass, brush and trees.

### **2.3.2 Winter Heavy Rains and Flood**

Climate change not only means events such as the drought outlined above but also more extreme precipitation and wind in the winter months. Parcel "Q" is not designed nor ready for those events. So, this winter stormy weather caused two mud slides from the Parcel "Q" property which spilled onto the Phase I property covering a storm drain and ditch line which resulted in a flood into the back yards and close to the homes of two residential properties. The flood also closed the Emergency Access Road to the Country Park Road residences of Phase I. The Fire Department teams mobilized and responded to assist with the clearing of storm drain and flood water.

See below the overall mud slide some 30ft long and 10ft wide and many ft deep.

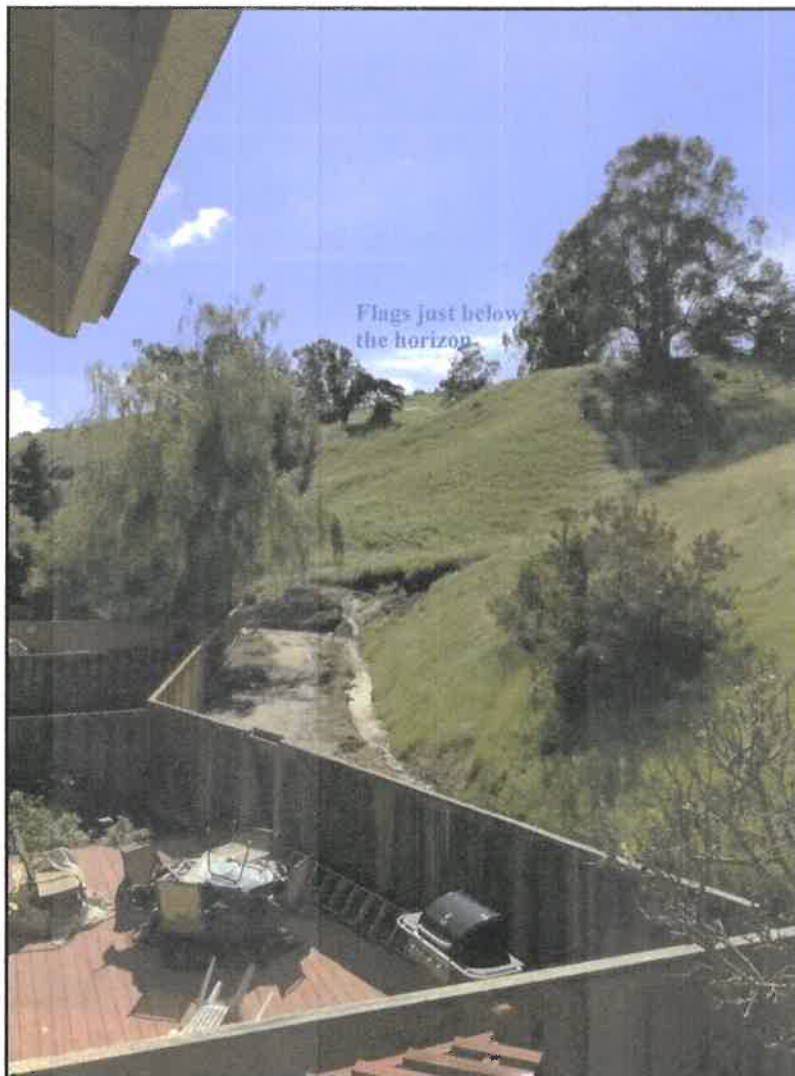
Another slide occurred from the top of the rear part of the property onto River Road, the 4 lane access highway.

**Photo Above: Shows the mud slide showing the back yard fences (21044**



**Country Park Road -approx) plus the debris on the Fire Access road (now impassable). The mud towers above the storm drain, the blocking of which caused the flood through the back yards right up to the adjacent homes.**

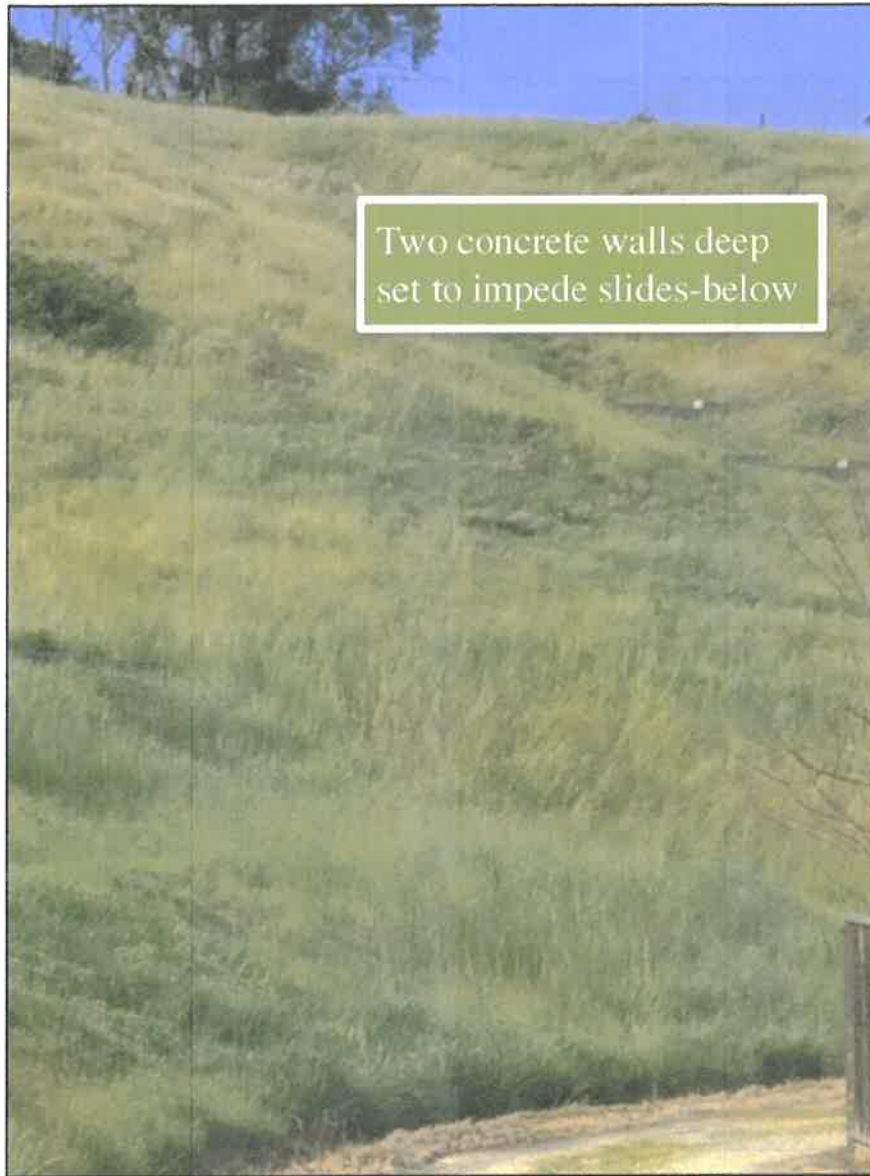
**These slopes have angles up to 60 degrees with no remediation to ensure stability as has been constructed in other parts of the development.(see photo below) The left part of the photo shows the start of the high Couloir which swings round. There is a lot more soft “mud” to feed slides in future storms. The Fire Department mobilized to help eliminate the flood.**



**Photo Above**

Showing the trail behind the House line of Country Park Road. Also showing the mud slide at the trail corner and the proposed building flagging above. Also showing above is the damage to the ditch line part of the phase I storm drain system. The Storm Drain access at the corner became blocked causing flood waters into back yards and right to the backdoor of a home. All of which have yet to be fixed.

**Below are shown slopes further up Country Park Road with deep set concrete walls at several levels designed to impede slides. No such work has been carried out on the slopes below the proposed project on Parcel Q.**



### 2.3.3 Occupancy Issues

- a) The relatively high per capita occupancy of the view property certainly displaces the relatively abundant wild life and eliminates or disturbs the flora.
- b) This development represents old thinking in the support and treatment of memory stressed patients. Locking them away with limited or no social interaction. Other similar facilities in the area are better located.
- c) In a catastrophic event (e.g. Fire, Flood, Earthquake) evacuation of all patients and staff would be problematic risking other home owners too. (see Sec 2.6.2)

## 2.4 Hydrology/Water Quality

### CEQA Guidelines

IX. HYDROLOGY AND WATER QUALITY -- Would the project:

- a) *Violate any water quality standards or waste discharge requirements?*
- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*
- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*
- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- f) *Otherwise substantially degrade water quality?*
- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*
- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*
- j) *Inundation by seiche, tsunami, or mudflow?*

Several of these issues have **Potentially Significant Impact** with or without Mitigation Incorporated. See commentary below.

## **Commentary:**

### **2.4.1 Potable Water - Ground Water use (CEQA a) and b): 2 items**

- a) Whilst 'letters to serve' have been issued they are limited in time and the drought is not certain to be declared over to ensure new supplies will be available.
- b) With Corey House now licensed as a full service hotel and the Owners of the commercial lots in the Las Palmas Special Plan insisting on retaining their right to develop those commercial lots at a later date, then re-assignment of existing approved water uses does not exist.

### **2.4.2 Wastewater Use.**

The preliminary "Project Plan/Description" (Lombardo & Assoc. - May 2016) asserts the requirement to use Las Palmas Phase I wastewater system for irrigation purposes. However, the drought has shown that these waters in today's circumstances may not be available. This deficiency has serious consequences as the elevated project will not generate its own supply, therefore ignoring raised fire risks. Without occupation this elevated parcel "Q" already exhibits a fire risk often year round and with the potential of high occupancy that risk is raised much higher. (see Page 11).

### **2.4.3 Flood Risk Established (CEQA - j)**

This risk is already established even before stormwater from potential access roads, parking lots and buildings occurs. (see pages 11 and 12). Winter 2016-2017 was a wet one and runoff from Parcel "Q" caused two mudslides which pushed mud and water onto Las Palmas Phase I properties; compromised the storm drain system and caused floods which closed the Emergency Access road behind County Park Road (for 3 weeks) and flooded the backyards of two homes with flood water reaching the rear door of one home.

### **2.4.4 Earthquake Zone - Risk Established**

Within a week of the Emergency Access road being re-opened this spring, the earthquake at Aromas, clearly felt in this area, caused part of the mud wall left by the clearing contractor to fall back from Parcel Q onto the storm drain of Las Palmas. Whilst this did not close the drain again, the risk of damage is now constant without remediation.

## **2.5 Land Use and Planning**

**CEQA Guidelines** The following are considered to have a “Potentially Significant Impact” on the environment.

*b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

*c) Conflict with any applicable habitat conservation plan or natural community conservation plan?*

*d) Conflict with Community Plan Objectives.*

### **Conflicts**

This project conflicts with the original “Special Plan”, Las Palmas Phase I and Phase II of the 1980’s for the development of a total of 1,035 residences, which so far has been carefully followed. There are also conflicts with the Monterey County General plan.

a) The original development containing Las Palmas I is almost filled out in accordance with the Las Palmas Special Plan of the 1980’s. The original developer’s plan for parcel “Q” was for the construction of 5 high end residential homes. (see Fall 2009 Public Meeting Fletcher/HOA residents). This has not been completed. The Project Description/Plan called RVLP (see Lombardo and Associates - May 2016) is a Medical Support and Treatment Facility - a relatively large business and quite incompatible with the existing gated, secure residential development of some 340 homes most established for over twenty years.

b) However, in the detail of the new Project Description called RVLP on Page 2 includes an outline of the 13 Casitas (26 individual living units) as “allowing for independent living including fixing their own meals and keeping their vehicles”. Assistance is just an optional extra service. Therefore these are or actually can be independent living units which alone would take the overall growth development of Las Palmas over its planned limit. A violation of Monterey County General Plan and the Las Palmas Specific Plan.

b) There is a County Land Use requirements that “land uses be compatible with adjacent land uses”. Overall, this RVLP proposal is a large commercial business in the support and treatment of patients needing that support. This is not compatible with Las Palmas Phase I whose owners have confirmed the objective of residential quietness and security by buying out the “Commercially zoned” lots adjacent to the main Las Palmas entrance. Further, they have added extensive security to the residential development essential in today’s world around Salinas. This security would be seriously compromised by the RVLP development. This incompatibility was confirmed by the voting record of the LUAC meeting (Toro Land Use Advisory Commission) of September 2016.

c) Ridge Development: This development on the elevated hill top parcel "Q" is essentially 'ridgeline development' which is not allowed in the County, especially in the "Toro Scenic Highway Corridors". The view from the new walking/cycle trail across the Salinas River on Highway 68, also from parts of River Road, plus from street level in Las Palmas I, will all confirm that. Further the roads mentioned above are designated as visually sensitive for Tourism development purposes. Scenic values should be preserved. The three story buildings with elevators and say, a 40 ft roof line cannot be hidden on that elevated land. Few large trees are left after these winter storms and new ones will take a long time to grow. This development will be a "blot on the landscape" and will not enhance the scenic value of the area.

d) Home Location: Both the County Board of Supervisors and the City of Salinas are on record of condemning developers whose developments leave elderly citizens well outside of community facilities which could otherwise allow access to services and community activities from which they may benefit. In the Salinas area specific criticism has been offered to the Tynan Development on Alisal. Further an analysis of other "Care Homes" in the Salinas area offering similar support and treatment facilities to RVLPA are located in or adjacent to the community where medical and living support services are close-by and where beneficial services and supplies are available encouraging patients to participate in the community to some extent where possible.

### **2.5.1 Parcel Q - Original Plan**

The published intent for the development of this parcel was for some 5 high end homes on what is in fact view property. Such a development of high end homes (or the number remaining to complete the original plan) would be compatible with the existing huge investment in homes and operations made by the present owners of Las Palmas Phase I.

### **2.5.2 Utilities Services Limited & Assigned**

- i) Corey House (now Chateau Coralini) is licensed and set up as a boutique, full service Hotel.
- ii) Other assigned utilities services are reserved for a future commercial development on the commercially zoned lots owned by the Las Palmas Phase I owners.  
Therefore services for the proposed Parcel "Q" development are in reality not available.

## 2.6 Transportation and Traffic

**CEOA Guidelines** The following are considered to have a “Potentially Significant Impact” on the environment.

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- e) Result in inadequate emergency access?*
- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

### 2.6.1 Traffic Estimates

Those from the developer are challenged.

24x7 staff cannot be expected to wait in remote areas for a bus. They will use their vehicles. Further, our volunteers’s experience with these local homes which shows that every day can be visitor’s day. These homes increasingly rely on family members to help patients to keep connected with family and friends who assist with their treatment.



## **2.6.2 Emergency Access and Egress**

Recent studies of traffic at Las Palmas I is that the traffic pattern is usually not heavy.

However the addition of the development and operational traffic will change that. There are two access to Las Palmas I. The North one has a control traffic light on to River Road. The second access, a few hundred yards south, is uncontrolled and in busy times is very difficult for Las Palmas residents to leave or assistance to come in from the south.

In a catastrophic event, (Fire, Earthquake etc) it will be difficult to evacuate the 340 home owners, let alone also the more remote patients and employees of the proposed development.

In this case there is no back door to the proposed development, as other such developments often have, and all must compete with local residents also wishing to leave. And it may be dark. Further, at the same time emergency crews will be trying to enter the complex via the single lane off ramp from River Road. This looks to be a recipe for a disaster for all.

## **Appendix 1**

Reference: Project Description - River View at Las Palmas per Lombardo and Associates - May 2016

**Pat McNeill**  
**17592 River Run Road**  
**Salinas CA, 93908**  
**April 2, 2017**

Luke Connolly, MCRMA-Planning  
168 W. Alisal Street  
Salinas, CA 93901

RE: PLN150372 EIR for River View at Las Palmas

As a long term resident of Las Palmas and an interested party, I would like to offer a few points on the EIR preparation for the proposed project.

1. Geologically, the property appears to be a marine terrace dating to a high stand of the Pacific Ocean during the Pleistocene era. Its age and location make it a highly possible location for Paleoindian occupation during the terminal Pleistocene and early Holocene. Such sites are extremely rare in California and consequently, the EIR should include an archaeology component conducted by Paleoindian specialists.
2. The encroachment by development around the parcel have left it in the position of a reservoir/refuge for numerous botanical species such as milkweed which is essential to the propagation of Monarch butterfly larvae, and juvenile coast live oak which are empirically absent from the surrounding lands which are either grazed or already suburbanized.
3. A socio-cultural norm has become established in the 25+ year hiatus of development since the original EIR for Las Palmas. The community of Las Palmas has long since progressed beyond being a flexible new development. Two generations of children have come of age living in the community. Numerous residents have moved away in the trajectory of life and career and returned at significant expense to re-enter the lifestyle they enjoyed before. The residents of Las Palmas have a right to expect continuity and stability in their community as-they-know-it.
4. If the proposed development will have a negative or de-stabilizing impact on any of the items listed above, the EIR must clearly determine the scope and sequence to mitigate impacts by the developer such that 'after' is an improvement over 'before'.

Thank you for the opportunity to contribute.

Sincerely,

  
Pat McNeill



# COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration  
Behavioral Health

Clinic Services  
Emergency Medical Services  
Environmental Health/Animal Services

Public Health  
Public Administrator/Public Guardian

April 3, 2017

Luke Connolly  
Monterey County Planning Department

RE: Notice of Preparation for an EIR: PLN150372, River View at Las Palmas, LLC

Dear Luke,

Thank you for the opportunity to comment on the scope of the Environmental Impact Report (EIR) for the this project.

The Monterey County Health Department, Environmental Health Bureau (EHB), will be the responsible agency to review and regulate the following:

- **Water and Sewage:** This project is intending to connect to California-American Water municipal services to meet the needs for Water and Wastewater for this project. Verification from California-American Water will be required prior to EHB supporting this project.
- **Food Facility:** EHB regulates food facilities pursuant to the CA Retail Food Code. Applicant will be required to submit for food plan check prior to issuance of building permits.
- **Medical Waste:** Prior to issuance of building permits a medical waste application will be required pursuant to California Health and Safety Code, Sections 117600-118360.
- **Hazardous Materials:** Hazardous Materials Business Response Plan will be required prior to commencement of operation pursuant to California Code of Regulations, Title 19, Division 2, Chapter 4; California Health and Safety Code, Division 20, Chapter 6.95; and MCC, Chapter 10.65).
- **Solid Waste:** A recycling plan and appropriate garbage enclosures will be required prior to issuance of building permits pursuant to Monterey County Code Chapter 10.41 and Chesbro, AB 341- (Statewide Mandatory Commercial Recycling). Additionally, Chesbro, AB1826- (Mandatory Organics Recycling) requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses and multifamily dwellings that consist of five or more units. As of January 1, 2017 this mandate pertains to those facility's that generate 4 cubic yards or more of organic waste.

Please contact Janna Faulk at (831) 755-4549 or [faulkjl@co.monterey.ca.us](mailto:faulkjl@co.monterey.ca.us) with questions.

Regards,

Janna L Faulk, REHS  
Environmental Health Specialist III