

Carmel Valley Association
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Since 1949

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Dear Mr. Alinio:

The following is the Carmel Valley Association's response to the Draft Subsequent Environmental Impact Report (DSEIR) for the Carmel Valley Traffic Improvement Program dated August 2007. The CVA, established in 1949 and with 900 dues-paying members, is the oldest and largest resident and homeowners association in Carmel Valley. Indeed, we are the largest civic association of any kind in Carmel Valley.

The Carmel Valley Association generally supports improvement of traffic conditions on Carmel Valley Road (CVR) that implement and are fully consistent with the aims and conditions stated in the Carmel Valley Master Plan (CVMP), and that do not induce changes inconsistent with the Plan and its goals. The CVMP is the product of direct and extended efforts by residents, citizens and voters in Carmel Valley, collaborating carefully with professional Monterey County planners and other County officials over many years. It has been endorsed repeatedly by the local Carmel Valley Land Use Advisory Committee and has guided their deliberations for more than two decades.

Many of the features of the Carmel Valley Traffic Improvement Program (CVTIP or TIP) for which the present DSEIR was written are included in the CVMP. However, this TIP is designed to be paid for by fees collected by subdivision development, as revealed in several places in the DSEIR text, perhaps most tellingly on p. 2-13: "An updated traffic fee program was developed ... to pay for the current proposed improvements necessary to address traffic levels of service." Yet the proposed Program does *not* improve traffic levels of service on any segment of Carmel Valley Road! In the DSEIR all segments of CVR have higher Percent of Time Spent Following (PTSF) values, meaning lower service, for 2030 than at present. Also all (with one exception under scenario C, which may be spurious) have values for (PTSF) that differ by only tiny amounts from the No Project values; this raises important questions about the utility of the project.

According to the DSEIR results on road segments (Appendix F), whatever gains might have accrued from the Program in the absence of new subdivision development would be offset by traffic produced by the Program's proposed increase in such development, since The "No Project" scenario yields essentially the same results as all the others for 2030. The net result would be a loss of rural character for the Plan area (violating CVMP goal number 1) and diminished prospect for meeting the other goals of the Plan, with no gain in traffic quality. Indeed, Carmel Valley Road traffic would be *worse* by as much as a factor of two in PTSF values. (The PTSF values projected for 2030 on the two-lane portions range from 15% worse than at present to more than 100% worse, with the unweighted average over the seven segments being 43% worse.).

Therefore, after careful review of the portions of the DSEIR that are directly relevant to traffic conditions on CVR, we conclude that the data and analysis provided in the DSEIR constitute substantial evidence that

- The ***moratorium on subdivisions in Carmel Valley*** (the substantive intent of Supervisors Resolution 02-024) ***must be retained and made permanent*** in order for the CVMP to remain effectively in force, and the for the County to avoid being in violation of the evident goals and principles of the CVMP, and that
- The ***Carmel Valley Transportation Improvement Program (TIP) does not show significant promise for improving traffic conditions in Carmel Valley and at the same time remaining faithful to the CVMP***; for this reason, thorough review and revision of the Program is required.

Accordingly, we ***recommend that a permanent ban on subdivision development in Carmel Valley be formulated, enacted, and included in all traffic EIRs; and that the CVTIP be re-examined and re-evaluated with the clear view that its purpose is to support and maintain the stated goals of the CVMP.*** Increases in traffic on CVR, beyond those produced by currently allowed development are inconsistent with the CVMP. Existing data and analyses, including this DSEIR and the many "CVMP Annual Evaluations of Traffic Volume" have demonstrated repeatedly that further development in Carmel Valley must be restricted to that already provided for in zoning and other provisions of the CVMP.

Several observations about the DSEIR demonstrate why these conclusions concerning the Program are inescapable. Among those observations are the following, which need to be placed in the record:

Removal of the subdivision moratorium is an inappropriate element of the Program and cannot contribute to the stated DSEIR objective of "address[ing] existing and forecasted level of service deficiencies in the CVMP area" nor of "allow[ing] development to proceed in accordance with all CVMP policies," yet it is assumed as a major element of the DSEIR. The objective of the moratorium is to prevent further degradation of traffic conditions on and around Carmel Valley Road, which is essential to meeting CVMP goals as well as policies. The moratorium should be removed only when the General Plan and the Carmel Valley Master Plan contain provisions sufficient to prevent such deterioration of infrastructure. In Resolution 02-024 removal of the

moratorium is conditioned on an updated Plan's containing effective "approaches to link growth with infrastructure", which has not been achieved, nor have any such approaches, consistent with CVMP goals and provisions, emerged. Nor is there any evidence that this will occur in the near-term or foreseeable future. The removal of the moratorium in all but one of the DSEIR's scenarios invalidates much of the content of the DSEIR's conclusions. The only exception is the No Project scenario in which the assumption of moratorium removal was not made.

All outcomes of the DSEIR road segment analyses, including those for the No Project scenario, show inadequate and worsening service levels on crucial segments of Carmel Valley Road. All DSEIR scenarios, with the exception a single segment in one scenario, yield PTSF levels that are hardly distinguishable from the No Project scenario, with most results being within a percent or so of No Project. The one exception is on segment 5 in scenario C, where the PTSF for AM peak is about 20% lower than No Project and about 4% above 2005 levels as reported in the DSEIR, and for PM peak similarly is about 20% below No Project and around 2.5% above 2005 DSEIR-reported levels. The 2005 AM level is rated as D for that segment, being just over the transition from C to D, and the PM level is and C, being just 1.6% below the transition to D. Both AM and PM are rated D in scenario C. All other segments in all scenarios have PTSFs effectively the same as the No Project scenario, varying from about 15% to more than 100% (two segments) above the 2005 values. Thus all scenarios produce PTSF values that are above the 2005 levels, and most are significantly higher. Because of the choice not to run all scenarios both with and without inclusion of subdivisions, the effects of retaining the moratorium cannot be assessed directly, and the effects of the physical modifications caused by the Program, apart from removal of the subdivision moratorium, cannot be evaluated either. This renders the DSEIR virtually useless as a tool for investigating the infrastructure changes themselves. In any event, improvement over 2005 levels does not occur in any scenario. The analysis has been distorted by this misuse of the moratorium in the DSEIR, and by excluding with/without moratorium comparisons.

According to each "CVMP annual evaluation of traffic volume" that the County has prepared for recent years -- 2004 through 2006 for example -- segment 7 has been over the evaluation's threshold, and increasing, with a three-year average ADT 2.8% above threshold; the three-year averages for segments 3, 5 and 6 (as specified in those evaluations) each have averaged more than 90% of threshold, and segments 3 and 6 have exceeded 95% of threshold. These are not circumstances under which the subdivision moratorium should be abandoned either in planning or in practice. Much less should it be abandoned when the DSEIR predicts all PTSFs in all segments in all scenarios to be more than 100% of its own 2005 values. The DSEIR 2005 values also are larger on all segments, except segment 7, than the 3-year averages of the County's annual evaluations (segment 7 has a 3-year average 6/10 of one percent lower than its 2005 value). A complication is that the DSEIR has used PTSF rather than the ADT criteria used in the annual evaluations. Indeed, the DSEIR should have reported criteria in terms of both ADT and PTSF because the former has for years been the standard measure used in the County evaluations and because it reflects the actual number of vehicles that must be accommodated. Deviations of PTSF from ADT values are not likely to be large in most

cases, but when used in conjunction with the introduction of passing lanes, for example, where road capacity is increased for a short distance, they could yield higher measures for road capacity. (This may explain the distinctive reduction in PTSF for segment 7 in scenario C; the traffic volume will not have changed but during a short segment of roadway the time drivers spend following another vehicle may be reduced temporarily. That the scenario C reduction is by 20%, however, is difficult to understand even in this way.)

The DSEIR, in its approach to standards, exhibits a classic example of “standards creep” resulting from, among other things, mischaracterizing provisions in the Carmel Valley Master Plan. It is claimed in the DSEIR that the LOS standards for roadway segments on Carmel Valley Road, according to CVMP policy 39.3.2.1, should be C for four of nine segments (2,3,8,9), D for four (4,5,6,7) and E for one (10); the standard for segment 1 is unspecified in the DSEIR, but by inference it is “not C or below” (it operates at A currently). This claim that, for half of the 10 CVR segments, roadway segment *standards* are at level D or worse is based on an unwarranted interpretation of CVMP policy 39.3.2.1. The wording of the policy (which includes typographical errors that evidently have not been corrected for more than two decades) is unfortunate, but the CVMP itself (including policy 39.3.2.1) clearly uses LOS B as a single unquestioned acceptable standard, with LOS C taken as marginal, in that the policy requires deferral of development approval and requires EIR treatment for projects that would “significantly impact roads in [t]he Carmel Valley Master Plan area which are at level of service (LOS) C or below.” In a specific reference to Carmel Valley Road, the policy states that “significant impact means that ... traffic created by the development would impact the level of service *along any segment* of Carmel Valley Road (as defined in the Keith Higgins Traffic Report ...) to the point where the level of service would fall to the next lower level. ... [T]his would occur when it would cause a significant impact and worsening of traffic conditions when compared with the present condition.”

Item (d.) of the policy statement contains, along with uncorrected typographical errors, a logically circular definition of “significant impact,” but the meaning and intent of the policy is clear from the last phrase within quotation marks above:

“worsening of traffic conditions when compared with the present conditions”
would be cause for deferral of approval.

Traffic conditions in 1986 are to become the basis for comparison, and in the policy traffic conditions are *determined by ADT*, as indicated in items (a.), (b.) and (c.) of the policy. Measures of ADT in 1986, not their translation into LOS grades, are the standard. The notion that no corrective action need be contemplated once a transition to LOS D occurs, would mean that traffic measures could move right up to LOS E without any mandated effort to restrain further increases, and this certainly could not be what the authors of policy 39.3.2.1 had in mind.

The role of LOS levels here is to provide an indicator for when traffic conditions on any given CVR segment may be approaching an unacceptable level, rather than to establish the baseline conditions themselves. The segment LOSs are to serve, in a simple analogy, as the “canary in the mine,” not as direct measures of the percentage oxygen required for

human survival; the latter, in the analogy, are provided by 1986 ADT records. As is well known, LOS letter grades are far too crude an instrument to serve, by themselves, as sensitive baseline measures, especially when problems are foreseen. (For example, using PTSF LOS grades for 2-lane road segments, a roadway in the middle of the C range can have its traffic intensity increase 11% before arriving at the bottom of LOS D, but then an increase of intensity would not change LOS again – to LOS E -- until traffic is 21% worse still, or 32% overall. From traffic conditions at the least intense end of LOS C to the most intense level of LOS D is a traffic increase of almost 55%, yet only one LOS boundary is crossed. Thus LOS grades do not provide a sufficiently sensitive measure of traffic conditions to serve the baseline needs of rational planning, especially when incremental increases are a matter of concern.)

The DSEIR interpretation that 1986 roadway segment LOS can be used instead of ADT as standards undoubtedly is grounded in the clause (emphasis added), “‘*acceptable level*’ shall mean, *at a minimum*, baseline LOS as contained in the Carmel Valley Master Plan EIR.” However, “acceptable level” refers to a phrase in the previous sentence, mandating preparation of an EIR “which includes *mitigation measures to raise LOS to an acceptable level*” (emphasis added). This does not establish an LOS standard for a roadway segment, but rather specifies the *level of mitigation* required for an EIR. Thus, in policy 39.3.2.1, the 1986 LOS data provide only a worst-case scenario, and in any event the baseline in question is to be a level against which proposed *mitigation measures, not allowable future roadway conditions*, are to be compared. Furthermore, since the DSEIR makes the claim in its interpretation that half the segments of CVR operated at LOS D and E in 1986 and that this should be the highest standard to which those segments can be held, and since this claim is contrary to a common understanding that the thresholds in the CVMP annual evaluations of CVR traffic are thresholds at which the transition from LOS C to LOS D occurs, the DSEIR has an obligation to present the entire 1986 data in support of that claim. But it does not do so.

A further confirmation (among several) that the DSEIR interpretation is not warranted, and that the one provided above is the only sensible interpretation, is that virtually any other meaning than the latter would conflict with goals 1, 4, 6, 8 and 9 of the CVMP. In support of this assertion with respect to the overriding first goal of the CVMP, “To preserve the rural character of Carmel Valley,” is that LOS D for a roadway segment is associated with urban, not rural traffic conditions. LOS D is the standard used in Los Angeles and other highly populated areas with very dense urban traffic. Among the many affirmations of this in the traffic management literature, is the following, from a traffic-engineering document: “LOS ‘C’ is the minimum acceptable for rural and suburban areas, and LOS ‘B’ is more desirable. In urban intermediate and built-up areas, a LOS ‘D’ is the minimum acceptable, and LOS ‘C’ is more desirable.”

That “rural” and “urban” in this context are not to be perceived arbitrarily in the eye of the beholder is established in another traffic engineering document: “The United States Census Bureau has established a definition of urban and rural that is used uniformly through the nation An Urbanized Area (UA) or Urban Cluster (UC) consists of core Census Block Groups or Census Blocks with at least 1,000 persons per square mile and

surrounding Census Blocks that have an overall density of at least 500 persons per square mile. All territory located outside UAs or UCs is classified as rural. This definition may be found on the US Census Bureau website under “Census 2000 Urban and Rural Classification.”

Thus LOS C, which is widely understood to be the intended LOS for CVR, indeed is the appropriate minimum *standard* for Carmel Valley Road. When any segment falls below that or approaches LOS D, every effort must be made to hold the line against further deterioration of traffic conditions. The *standard* is not reduced by failure of past actions or enforcement to manage effectively the road facilities, but rather such failures are cause for stringent actions to minimize of the sources of that very failure. It may not be possible to restore the “fallen” segments to the standard, but further decay should not be tolerated, and vigilance should be maintained for opportunities to restore the segments to the proper standard, consistent with the CVMP. Such segments should be considered substandard in the context of the Plan and its goals, and should retain that designation unless and until conditions are such that they are returned to the specified standard.

Redefining “standards” to the lowest levels yet encountered also is known as “descent to the bottom” or as “descending the ‘slippery slope’.” Generally speaking, it renders goals and objectives meaningless and undermines the very purposes of planning. Seeking excuses to provide a rationale for such behavior is an activity properly described as “without redeeming social value.”

Adoption of the DSEIR’s approach to roadway segment “standards”(see above) would prevent LOS improvements from being sustained. Remarkably, under the DSEIR interpretation regime, one of the two-lane segments now operates consistently at a level better than the 1986-based DSEIR LOS “standard,” two operate half the time (PM) at a better level, and all three four-lane segments operate at a better level. For all of these, C now should be considered the minimum acceptable LOS. But under the DSEIR interpretation regime, if adopted now, one segment would be allowed to revert to E from A/B or B/A, one to D from C, and a third to D from C/D. In all these cases the traffic volume has increased, not decreased, yet for some reason the 1986 LOS grades are at lower levels than current performance justifies. This is an irrational result in light of the *aims* of Policy 39.3.2.1 as well as of the CVMP as a whole. It indicates that the DSEIR approach is inappropriate and does not provide a reasonable interpretation of the policy.

The DSEIR demonstrates that projected (2030) LOSs for all roadway segments would be unacceptably poor, permanently, even without removal of the subdivision moratorium. As background, note that the various scenarios are

- not properly labeled because, according to the scenario descriptions (e.g., p. 2-7) “No Project,” scenario A and scenario B all involve no project, if the project consists of the intersection modifications described on p. 2-10 (all three say “no new traffic improvements” or “no additional traffic improvements”; here “additional” is reasonably presumed to mean the same thing as “new”), and
- not well defined because of ambiguities in the terms “previously approved project” (no-project scenario), “pending development proposals” (scenario A) and “existing

development proposals” (scenarios B and C). (If these have the same meaning and can be used interchangeably then A differs from B primarily in that B includes existing development proposals (approvals?) and A does not.)

The No Project scenario, which incidentally is the only one respecting the subdivision moratorium, serves to measure the primary effect of events during the time lapse between 2005 and 2030. It indicates an (unweighted) average increase of 43% in 2030 PTSF over 2005, with two segments (1 and 2) more than doubling their PTSF. According to the DSEIR, the subdivision moratorium was kept in place in calculating these results, indicating that very serious traffic problems can be expected even if only buildable legal lots of record and other already allowed (non-subdivision) development is included. In the DSEIR scheme, all but two (1 and 2) of the seven 2-lane segments evidently would be irrevocably at LOS D or E. This clearly is not what the intent of CVMP mandates. (There are further reasons to be very cautious about accepting the DSEIR calculations, in any case.)

The TIP Program, according to DSEIR calculations, makes remarkably little contribution to traffic segment performance on CVR by the year 2030. In almost all 42 relevant 2-lane cases (scenarios A, B, C, seven segments, AM/PM) the proposed TIP projects change the PTSF by less than 1% from the No-Project scenario, with only four cases differing by more than 4%; two remarkably approach 20% (scenario C, segment 5, AM/PM). Of the 42 cases 10 – or nearly a quarter -- produce PTSF results that are worse than No Project, and two of these – or a fifth of them -- are worse by more than 4%. The performance of TIP projects relative to No Project is not at all impressive by these measures, and consequently both the DSEIR method and the Program itself should be completely re-examined and reconsidered.

It is apparent at first glance that the distinctly different performance of segment 5 in scenario C results from using PSFT rather than ADT as the measure of traffic level, since the ADT reported for that segment in scenario C is not distinctly different from the ADT for the segment in other scenarios. The inclusion of a passing lane would seem to reduce the PTSF in the AMBAG model, but traffic volume is unchanged. In other words, if ADT were used as the traffic standard on segments throughout the analysis, even this single case of noticeable improvement over the No Project scenario would go away! (As perhaps it should anyway, because it seems sufficiently anomalous to suggest an error has occurred.)

Comparison of traffic volumes suggests that the model used in the DSEIR may not be taking into account the effects of removing the moratorium on subdivisions under scenarios A, B, C and D. This failure would underestimate traffic volume for scenarios A, B, C and D and make removal of the moratorium appear to have far less effect on traffic volumes than is warranted. There may be serious defects in the model, or perhaps input data are improperly specified. This would explain the lack of major differences between No Project and the other scenarios. It is very difficult to understand why all scenarios would yield essentially the same results for PSFT (and ADT also). This needs to be investigated in detail, and other models used as controls against which to compare results

and to learn why these counterintuitive results have been obtained, and what errors, if any, may have been involved.

Dependence on new residential development to pay for road improvements exposes CVR and its environs to the famous spiral in which the improvements induce new development, which when completed places more demands on public infrastructure, which produces need for further infrastructure improvements, inducing further development in order to fund the improvements, etc. The CVTIP as it stands is itself a growth-inducing program. Such descent into suburbanism and urbanism that the CVTIP promises is precisely what the CVMP explicitly intends to avoid by setting the preservation of rural character as a primary goal. Thus the CVTIP as currently formulated is inconsistent in fundamental ways with the Master Plan. Relying on future development for funding does, without question, induce growth, contrary to the DSEIR's claims.

Several features of the CVTIP would create conditions unacceptably antagonistic to preservation of rural character and permissive toward development beyond limits implicit and explicit in the CVMP. The re-interpretation of CVMP policy 39.3.2.1, the use of future development fees to fund the Program, and perhaps the switch from ADT to PTSF as the standard of evaluation for roadway segments, taken together, create an analytical framework whose results, purposefully or not, give the false impression that strong subdivision restraints are not necessary. (As noted above, however, the role of PTSF may be illusory because of potential errors in use of the DSEIR's analytical model.) In any case, the CVTIP must not be allowed to undermine the goals and principles of the CVMP; on the contrary, the purpose of the CVTIP should be to support and implement Plan goals and policies.

The validity of the model used for calculations in the DSEIR is shadowed by doubt because of its apparently excessive complexity, the vagueness with which input specifications are provided and output criteria are provided, and the intuitively unlikely results it produces (e.g. distinctively different scenarios produce the same results). This should be clear from what already has been said. To avoid this difficulty, the DSEIR should include control mechanisms for checking its results, including

1. model calculations based on 2000 data (or a three-year average centered at 2000), in order to investigate how well the model "predicts" 2005, (and perhaps other) results from 2000 input data,
1. calculations for all scenarios with and without the subdivision moratorium, and
2. calculations for intervening years (2010, etc.) to discern how the 2030 results evolve and whether they produce plausible results.

Absent this, the model calculations for 2030 scenarios cannot be relied upon since they have produced quite unlikely results in this DSEIR.

In short, the DSEIR appears to be an attempt at providing a rationale for removing restraints on subdivision development in Carmel Valley rather than to be an independent, objective, reliable and generally accurate evaluation of the TIP. We are greatly disappointed with its failure to respect the CVMP and by other serious flaws, some of them noted above, which greatly limit its usefulness. Also, the DSEIR is so poorly organized and prepared that

reviewing it was an enormous and frustrating challenge that ought not be imposed on County citizens nor on County workers.

Certification of the DSEIR should be denied, and the TIP should be redefined, with full participation of the Road Committee and the CV LUAC in order to assure compliance with the CVMP.

Respectfully,



Glenn E. Robinson
President
Carmel Valley Association

Timothy D. Sanders
Vice President
Carmel Valley Association

Note: For your information, we are sending to you also copies of two documents concerning Carmel Valley Road that CVA sent to County officials in January and April of this year. The latter, a set of questions, was sent again in May, but no reply was received either time.