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Mr. Schubert:

The Carmel Valley Association Carmel Valley Association is one of the oldest, largest, and most successful community organizations in Monterey County. Our mission is to defend the beauty, resources and rural character of our beautiful valley. We are longstanding advocates for enforcing the Carmel Valley Master Plan and the General Plan.

Our volunteer experts represent Carmel Valley's interest, testifying before governmental bodies concerning development, water, traffic, road signs, and other environmental issues. We are an entirely volunteer organization with no paid employees.

The Carmel Valley Association team of reviewers has reviewed Carmel Rio Road Subdivision Project draft EIR (PLN140089). Our review and analysis finds major concerns and omissions in the DEIR document. The project would violate a number of General Plan and Carmel Valley Master Plan Policies.

We make the following comments.

**A. Land Use: As proposed the Project is inconsistent with Carmel Valley Master Plan and the County General Plan policies.**

1. Policy CV-1.10 applies to the proposed project. Only 22.6% of the units would be built on site. The remaining balance of the required 25% would be met through an in-lieu fee of $206,544. This is inconsistent with Policy CV-1.10.

**This inconsistency was not addressed.**

2. The 2010 General Plan Policy LU-1.19 is not addressed in the DEIR consistency analysis. The DEIR excludes analysis of conflicts with Monterey County’s affordable housing policy. The policy requires that residential development in Rural Centers must incorporate the following minimum requirements of 35% (25% inclusionary; 10% Workforce) affordable/workforce housing for project of five or more units.

3. Project is inconsistent with General Plan Policy LU-2.3. The Project does not include a mix of affordable housing as required.

The project would use up all the 30 remaining available units in the Master Plan allotment. It also would exceed the exceeding CAP to 161 when combine with Rancho Canada. Prior to approving the remaining 30 units to an area that is already significantly impacted, the County should review where the optimal placement of those units should be. That would be good planning and the DEIR should have addressed it.

The DEIR should require a mitigation to reduce the number to of units approved to 30 to fall within the CAP.

**The DEIR contains no discussion of the fact that the 31 proposed units would exceed the CAP.**

4. County Plan Policy C.1.1. Applies to this project. The DEIR notes that LOS D has been established as the minimum acceptable level of service for many segments on Carmel Valley Road. The traffic impact analysis uses the LOS standards; the project does not meet the LOS D standard and thus is inconsistent with the General Plan.

5. Policy CV-2.17 was not addressed in the General Plan consistency analysis, and should have been.

**B. Traffic and Circulation:** The project will have a traffic impact that is significant and unavoidable, according to the county. Currently, the level of service is at Service Level F. Adding additional traffic to the worst level of traffic will not improve but exacerbate the already immitigable situation. Increased traffic will impede the movement of local traffic and emergencies services.

1. The cumulative effect of this project is to add 300 more daily trips in an already congested area. This amount of traffic will be added to the 130 units from the Rancho Canada Project, and many more from the new grocery store. This means more delay, safety risks for business, customers, employees and residents. In addition, the DEIR does not adequately disclose, consider and mitigate the 4000 additional trips that will occur during construction.

2. The following road segments or study lengths show significant project impacts or unacceptable levels of service (whether AM or PM); the project impact or unacceptable level occurs first at the stage indicated (third column: existing, existing + project, background, background + project, etc.), and in some cases at a later stage, as indicated (fifth column):

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| seg | direction | 1st unacceptable scenario | LOS | 2nd unacceptable scenario | LOS |
| 11  | northbound | existing  | E |  |  |
| 13 | eastbound | existing | D |  |  |
| 14 | westbound | existing  | E | cumulative | F |
| 14  | eastbound | existing | D | cumulative | F |
| 14 | westbound | existing | E | cumulative  | F |
| 1 | northbound | existing | D |  |  |
| 1 | southbound | existing  | D |  |  |
| 2 | northbound | bckgnd | F |  |  |
| 2  | southbound | existing | F (although falsely reported in DEIR as **C**) |  |  |
| 3  | northbound | existing | F |  |  |
| 3  | southbound | existing | E |  |  |
| 6 | both | existing | E |  |  |
| 7 | both | existing | E |  |  |

3.The following intersections show significant project impacts or unacceptable levels of service (whether AM or PM), with the project impact occurring first at the scenario (existing, existing + project, background, background + project, etc.) indicated, as above:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| seg | 1st unacceptable scenario | LOS | 2nd unacceptable scenario  | LOS |
| 1 | bckgnd + project | D |  |  |
| 3 | existing | D |  |  |
| 7 | existing | D | cumulative | E |
| 8 | existing | D | cumulative | E |

Thus this project would add many trips to already unacceptable and significantly impacted traffic conditions. The unacceptable conditions adversely affect current residents and users of our traffic infrastructure even now, and hinder their access to emergency transportation and services, as is measured for example by the number of times the word “existing” appears in the lists above.

Given the local constant threat and recent experience of wildfire, earthquake and/or flood, together with strictly limited evacuation and emergency vehicle routes, no traffic impacts from this or other projects in this area are tolerable from the perspective of local safety and emergency management.

**These are potential threats to local safety and emergency management.**

**Please explain the environmental analysis of these issues that is lacking in the DEIR for this particular project. The DEIR should have investigated the impacts and proposed feasible mitigations.**

Given that the subject DEIR identifies significant and unavoidable impacts that would adversely affect present users of local roadways, the only path to lawful approval of the project is providing a statement of overriding conditions.

**This project provides no benefits that would qualify to override the adverse traffic environmental impacts that would accrue from approval of this project.**

4.Two intersections on Carmel Valley Road, generally near the project, are known to present difficult entries onto Carmel Valley Road; one has received an LOS F rating in a recent traffic study. Neither intersection was included in the subject DEIR, but both should have been included, given that about 45 daily trips, most of them probably during peak hours, would be added by the project to Carmel Valley Road. The intersections are at Brookdale Drive and Valley Greens Drive.

**The Brookdale Drive and Valley Greens Drive intersections with Carmel Valley Road were improperly omitted from this study.**

5. Critical access to this project is along Highway 1, through the unavoidable restriction of the 1-lane “choke section” between Ocean Avenue and Carmel Valley Road. The analysis of this segment (segment 2 in the DEIR tables of segment levels of service) was “outsourced” to the earlier traffic study by CCSC in the RDEIR for Rancho Canada Village. That traffic study is fatally flawed in several respects, and yielded a false level of service value, LOS C, for the relevant segment of Highway 1. In fact, that segment is well known now, and has been known for some years, to be operating.at LOS F.

Elsewhere in these comments, as well as in the public comments in the FEIR for the Rancho Canada Village project, are analyses of the CCTC study that conclusively demonstrate, including substantial evidence, that the CCTC study is fundamentally wrong and that its results should not be used or quoted. We attach here the comments on the Rancho Canada Village traffic study, which we incorporate fully here as if made on the Carmel Rio Road subdivision DEIR traffic study and traffic analysis. Please respond to those questions and comments.

The DEIR for this project relied improperly on the CCTC study, which was materially flawed. We address the CCTC study here.

**The fatally flawed CCTC study should not have been used for this Project. Please explain why it was recommended for use by County staff, then used in the present project DEIR.**

**Please explain why the serious flaws in the CCTC study, which are discoverable upon reading and understanding the study method used, were not identified by either the consultant or County staff. Those errors fatally infect this project traffic analysis, as well, and result in undercounting impacts.**

**The CCTC’s LOS C assignment on the segment of Highway 1 between Ocean Avenue and Carmel Valley Road (where the LOS F assignment has long been known to be correct and is consistent with daily experience) is not factually supportable. Why was the LOS C rating used? Why did the DEIR rely on the MMLOS/LOS+ method that produced it, in preference to the established LOS F rating? Please explain the method that produced it the LOS C rating, based on actual traffic counts.**

In the MMLOS method (i.e., the method of NCHRP 3-70) used for Highway 1 segments, “Auto level of service is a function of stops and left turn lanes.” According to NCHRP Web-Doc 128, p.6). However the required number of s tops and left-turn lanes are not specified in the CCTC report using MMLOS on which the DEIR traffic study is based.

**Please provide the required MMLOS data for Auto LOS (e.g., as indicated in Exhibit 2, on p. 7 of NCHRP Web-Doc 128) that were used to calculate the Highway 1 LOS values in the subject DEIR as it incorporated by reference information from Rancho Canada Village RDEIR.**

6. The software called LOS+ is used to obtain LOS values for Highway 1, presumably on the basis of the MMLOS method, yet the definition of road segments in the software is different from that in MMLOS according to the authors of the software (Fehr & Peers). There is no reference to LOS+ in the CCTC study or the subject DEIR), except through the output data from the software. As a result the LOS, the LOS score, and the v/c are not supported by any visible evidence. This violated CEQA Guidelines.

**Please provide in detail the equations and methods used to calculate the values of v/c, the LOS Score and LOS that are presented in the LOS+ tables of the CCTC report. Absent that information and the other information requested in this letter, we cannot adequately and meaningfully comment on the traffic analysis.**

**Please describe the role of v/c in assigning LOS scores in LOS+.**

**Please explain the difference between v/c as obtained in LOS+ and the usual meaning of v/c as peak traffic volume divided by roadway capacity.** (Comparison of LOS+ values of v/c with LOS ratings [e.g., v/c =0.20, LOS F in the 1st LOS+ data sheet in RDEIR] shows that in some cases LOS+ results are inconsistent with the usual HCM meaning of v/c; **please explain this,**)

**Please explain whether travel speed plays a role in the LOS+ calculations of Auto LOS, and if so what that role is.**

**Please describe and demonstrate in detail the use and role raw traffic data and/or roadway configuration to auto LOS in the CCTC analysis.**

6. It is obvious that all impact data for all projects that generate vehicle trips are fundamentally dependent on existing traffic volume, that they are obtained by adding projected new trips to existing volume, and that therefore whenever existing traffic volume is incorrectly measured or estimated, traffic volumes for all future scenarios will be incorrect. Thus erroneous values for existing traffic volumes and level of service ratings (especially on Highway 1) – i.e., baseline data – render useless all estimates of background and cumulative traffic that are computed from them, and consequently also invalidate all such estimates that include project-generated traffic.

**Baseline or existing traffic volumes are of fundamental importance. The EIR failed to identify and correct (1) estimates of existing traffic, and (2) the methods for analyzing them. Instead, it appears that the County has gone to considerable effort and cost of producing an entire study – this one in particular – that is essentially worthless because environmental impacts cannot reasonably be estimated in the DEIR because of the study’s flawed character.**

Further comments on traffic issues in the DEIR are contained in Appendix A attached to this letter.

  **C.** **Air Quality:** There is no analysis of air quality impacts from construction. The DEIR does not consider the construction impact from diesel exhaust. This poses a threat to the Carmel Middle School students, the Bialek Garden and the senior care facilities that are only 500 feet away. The DEIR states that no quantitative assessment has been done to quantify the impact of construction emissions. (DEIR P.4.2-19)

 **A quantitative analysis should be done and the DEIR should be recirculated.**

**D. Hydrology and Water Quality**

1.The DEIR finds that construction of the proposed project could result in an increase to pollutant discharges to waters. The DEIR indicates “mitigation to reduce the extent of the runoff the maximum extent feasible” would ensure that the proposed project would not violate water quality standards or degrade water quality standards or waste discharge.

**What information and what measures were used in the impact analysis? That critical information is omitted from the DEIR.**

**The DEIR fails to describe feasible mitigation measures. The DEIR failed to explain and quantify what the DEIR means by “the maximum extent feasible” and what impacts would remain. The DEIR should have investigated and provided the data that quantifies the impacts and the mitigations’ effect, Please provide it so we can review and comment on it.**

**2. Flooding: The DEIR defers analysis of flood protection and includes a wide variety of measures that may or not be implemented.**

This project will increase the numbers of families by 31 in a known high risk flooding area. The lower river area has flooded 22 times in the last century. The most recent three floods occurred in the decade of the 1990’s.

The installation of a floodwall of up to 6 feet in height suggests potential problems to downstream residents. At a time when climate change and projected increases in the rise of sea level, the county should be reluctant to approve any additional projects in the flood plains. In fact, a major flood control project should be completed for the entire area prior to consideration of the feasibility of any new projects in this area.

**Please explain and identify in detail the specific measures that would mitigate the downstream impacts that all project aspects would have. The EIR should have provided a description of the measures and recommended mitigations for their impacts. Without this information we are not able to make informed comments.**

3. The north side of the Carmel Valley drains into this area and has caused prior flooding. The addition of 31 homes means that the 7.9 acres of agricultural land that can presently absorb some of the rainwater and drainage flows would be eliminated. The County acknowledges that the drainage is inadequate, but to date has not funded a solution.

**Please provide an explanation of why has the county not funded a solution.**

**4. Groundwater:** The Carmel Valley Alluvial Aquifer suffers from water table loss every year. There is no guarantee that the 31 new residents would not exceed the water demand assumed in the EIR. Exceeding water demand would further harm the river and habitat**.**

**E. Aesthetics:** The project would adversely impact the rural nature of the Carmel Valley. It will turn its existing rural character as an agricultural production site into an urban site. Keeping the site in agricultural production would adhere to CVMP Policy CV-1.1. which would maintain the agricultural character of the area. It also would continue to minimize traffic in trucking agricultural products from outside that result in increasing traffic.

1.These lands are currently used by local organic farms and serve and maintain the rural character of the Carmel Valley. Converting these plots of land into 31 units does not maintain the rural character of the Carmel Valley.

**Please explain how replacing the current agricultural use of the land with a density of 31 houses (average of four houses per acre) maintains the rural character of the area.**

2.The surrounding properties to the north and south of the proposed project are consistent with the rural character combining open space, equestrian uses, woodland habitat and low-density single-family residences. (DEIR p.4.1-6)

**Please explain address how the project is consistent with the current surrounding land use.**

**To summarize, the draft EIR is inadequate in its content and analysis and omits important information and applicable policies. The information and analysis described above should be included in a revised draft EIR and recirculated for comment by CVA and others.**

The Carmel Valley Association thanks you for the opportunity to review this document.

Sincerely,

Priscilla H. Walton, President, Carmel Valley Association

Cc. Carl Holm

Supervisor Mary Adams, 5th District

**APPENDIX: A**

**Further Comments on Traffic for Carmel Rio Road Project**

***Section 4.14 of the (Draft) EIR Must Be Recirculated***

The traffic section and traffic study for the project are seriously deficient in a variety of ways. Under CEQA guidelines and regulations the EIR is not adequate, not complete and does not make a good faith effort at full disclosure, as the following comments show conclusively. As demonstrated below, the EIR does not contain information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public required by CEQA. (See, e.g., CEQA Guidelines 15144, 15147, 15151)

The EIR’s section 4.14 on Transportation and Circulation, and all supporting and related appendices, should be rejected as inadequate, incomplete and failing to use the applicant’s, and consultants, and/or relevant agencies’ best efforts to find out and disclose all that they reasonably can, as required under CEQA. Recirculation of that portion of the EIR is required under CEQA.

Principal portions of necessary data and of the chains of evidence that link raw data (where present) to assertions and conclusions in the EIR are missing, making it impossible to verify (or not) claims about baselines and impacts made in the EIR. The EIR lacks substantial evidence to support many of its conclusions. Even baseline evidence is absent or insubstantial, and since all impact conclusions are based on baseline information, the related impact conclusions are invalid. Thus the “draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded” (except for comments that demonstrate the inadequacies and conclusory character), and therefore the County is required to recirculate the EIR. (See CEQA Guidelines 15088.5)

The length of this set of comments is dictated by (1) the number and technical character of flaws in the DEIR, and (2) the incorporation in the DEIR, by reference, of an especially deficient RDEIR from the Rancho Canada Village project, the reference unwisely having been recommended or endorsed by County staff.

The comments that follow call into question significant assertions and conclusions contained in the DEIR. They require responses that would render those claims and conclusions logically and substantively adequate and complete, and would provide full disclosure of relevant information, based on substantial evidence under CEQA guidelines.

In view of this, please respond to each and every comment below, including each and every paragraph and/or bullet point, with an informational statement supported by substantial evidence that is factual, relevant and explanatory.

***Evidence of Incompleteness, Inadequacy and Lack of a Good Faith Effort at Full Disclosure***

*General*

Section 4.14 and Appendix I of the DEIR fail to satisfactorily describe Val Verde Drive or to assess the impacts associated with approximately 300 additional vehicle trips on that roadway and the immediate vicinity of the project. Val Verde is a paved road to the property edge, about 12 feet wide, and is a dirt road past the property line. The paved length is about 250 feet with a good deal of corrugation and several large pot holes. The developer’s site map shows the road widened to 34 feet. There is no description of necessary improvements, of who would be responsible for providing them, nor of when their completion would be required

No discussion of construction traffic is contained in DEIR Section 4.14 on Transportation and Circulation, nor in the associated Traffic Impact Analysis of Appendix I. Thus the DEIR is incomplete in its traffic analysis.

In evaluating information about times, days and dates of acquisition of traffic data are critically important. Traffic conditions change enormously over time, and in order to meaningfully characterize traffic data, the reader of the EIR must have access to exact quarter-hour or hour, the day of the week, and the date of data acquisition.

* In this EIR there are, unnecessarily, several different forms of specifying times of data acquisition, none of them sufficient to allow clear linkage between EIR conclusions and specific measurements. This prevents data from becoming evidence, since the raw-data source cannot be connected unambiguously with conclusions drawn from it.
	+ For example, in some cases (e.g., p. 4.14-9) the months of July and August are specified as the times of data acquisition, but two months (1/6 of a year) is hardly sufficiently precise to meaningfully specify the nature of the data, nor is AM or PM Peak Hour sufficient to assure that the data accurately reflects maximum traffic flows within the course of a day. The meaning of “peak hour”, both AM and PM, is specified in this DEIR *only* on p.1 of the executive summary of Appendix I, which makes analysis of traffic reporting in the DEIR very cumbersome; but more importantly, peak traffic may not (and in some cases on the roads studied here, actually do not) occur during the hours quoted as the peak periods (7-9 AM, 5-6 PM).
	+ Not only is the two-month interval of July and August entirely too imprecise to give clear meaning to the measured traffic volume, it ignores the County requirement that schools be in session when traffic counts are taken.
* Both editions of the *Highway Capacity Manual* cited in the DEIR, HCM2000 and HCM2010, contain lengthy discussions of the importance of timing of traffic counts and of deficiencies that occur when peak traffic and its time of occurrence are not properly identified. Peaks in vehicle counts themselves, and *not* some pre-specified time intervals such as 7-9 AM and/or 4-6 PM, determine when peak traffic occurs, and therefore when peak hours or quarter-hours occur. (See Figure 1 below, showing hourly traffic for Highway 1 between Carmel Valley Road and Ocean Avenue as a function of time, during an identified August day, with peak traffic occurring *between* the assumed but incorrect AM and PM periods. Actual peak hour traffic volume is significantly *higher* than is reported for the 7-9, 4-6 periods. Data for the graph is from the Rancho Canada Village RDEIR referenced and utilized in this DEIR.)

Figure 1 Daily traffic counts on Highway 1 between Carmel Valley Road and Ocean Avenue. Note that peak traffic volume does not occur during the pre-specified hours of 7-9 AM or 4-6 pm, and that southbound traffic exceeds the 1500 capacity much of the day.

Verification of the DEIR’s measurements of “existing traffic” is impossible under the conditions present in the DEIR document. The actual evidence needed to connect raw data with the conclusions drawn in the DEIR simply is absent; the specific measurements themselves (raw data), identified by hour (or quarter-hour), day, and date, are the sources of all the results (including LOS assignments that are to be compared with significance criteria) but are inconsistently provided, if at all, in the DEIR. Only when the entire chain of information, from specific measurement to significance assignment is present and clearly discernible in the published DEIR analysis can substantial evidence be said to be present. In this DEIR that condition is not met; as a result, the DEIR lacks substantial evidence to support its assertions, and the DEIR is not adequate.

These observations are just examples of the many deficiencies in the DEIR, and do not represent a catalogue of them. They are, however, sufficient to demonstrate that the DEIR is incomplete, inadequate and does not represent even adequate, let alone best, efforts to disclose to decision-makers and members of the public the environmental baseline, and therefore the impacts, of proposed project.

The DEIR thus is “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded”, that it must be recirculated in accordance with CEQA Guidelines.

*Highway 1 Analysis, Incorporated in the DEIR by Reference*

The analysis of Highway 1 traffic in this DEIR is incorporated from the recent RDEIR for the Rancho Canada Village subdivision project and its traffic study:

“Per direction from Monterey County Department of Public Works staff, road segment operations for study segments #1 ‐ #4 are referenced from the *Rancho Cañada Draft Transportation Impact Study* prepared by Central Coast Transportation Consulting (CCTC, January 2016). Study segments #1 ‐ #4 are the northbound and southbound segments of Highway 1 between Carpenter Street and Ribera Road.”

The referenced study is egregiously deficient and its reuse in this DEIR is itself substantial evidence of the County’s absolute obligation to recirculate section 4.14 on Transportation and Circulation of the *Carmel Rio Road Project* DEIR (November 2016), to which these comments are directed.

The method employed for the analysis is referred to in the RDEIR as the “National Cooperative Highway Research Program (NCHRP) Report 3‐70; *Multi*‐*Modal Level of Service for Urban Streets Methodology*.” In fact, that document is a description of the Transportation Research Board’s *proposal* for the relevant research project (2003), which long since has been completed and the results summarized in [NCHRP Report 616](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_616.pdf) (2008) and a user’s guide provided in NCHRP Web-Doc 128 (2008); the resulting method now is identified by the abbreviation MMLOS. The Rancho Canada Village RDEIR study also used a commercial computerized analysis known as LOS+, which is reported by its developer to be consistent with MMLOS for the auto mode of transportation, but in fact appears to have significant differences, judging by its output. The LOS+ program is effectively a calculational *black box* from the perspective of a traffic analyst. Competent use of it as an effective tool for traffic analysis requires a sophisticated understanding of relevant aspects of MMLOS, HCM2000, HCM2010, and of LOS+ input/output provisions, including its considerable limitations.

 Below we list many reasons why MMLOS and LOS+ **should NOT be used** on the segments of Highway 1 at issue, and why use of MMLOS renders the DEIR so fundamentally and basically inadequate and conclusory in nature that recirculation is required:

* In MMLOS two attributes of a road segment are the input variables for calculating LOS of a street segment: (1) number of (mandatory) stops per mile, and (2) proportion of intersections with left turn lanes. (See NCHRP Web-Doc 128, p. 7, p. 31 and p. 41) These and only these determine LOS for the segment based on local conditions, except that if traffic volume exceeds capacity, LOS F is assigned. Thus **LOS for auto traffic is entirely insensitive to actual auto traffic volume** under MMLOS (unless volume exceeds capacity, in which case LOS F prevails). **Only attributes of the road itself**, not numbers of vehicles, **contribute to the LOS value** (with the exception above). **Only changes in configuration of the roadway will alter LOS** (with the exception above). Although the ratio of vehicle volume to capacity (v/c) and mean automobile through speed are computed MMLOS, they are used only in assessments of pedestrian, bicycle and transit service quality, and play no role (beyond determining whether or not LOS should be assigned) in assessing auto-mode service in MMLOS. Further, there is *no* pedestrian, bicycle or transit pick-up drop-off service on highwayHHthe portion of Highway 1 under study, so v/c and travel speed are irrelevant except to establish whether capacity is exceeded.
* This means that **under MMLOS, *LOS is not a measure auto traffic volume* or intensity**. MMLOS responds only to roadway configuration, except for the all-or-none assigning of LOS F when volume exceeds capacity.
* The MM in MMLOS stands for “multimodal”, meaning that four modes of travel – auto, pedestrian, bicycle and transit – are present on the roadway under consideration. However, only one of the four is present on this portion of Highway 1; pedestrian and bicycle uses are prohibited, and transit has no designated pickup/drop-off locations, which removes it as a travel mode under MMLOS. **Highway 1 is monomodal and distinctly *not* multimodal.** This makes the use of MMLOS on this roadway absurd, because **other, superior, analysis methods are available that actually respond to traffic volume** in determining LOS.
* The structure of MMLOS, if applied according to its specified procedures, defeats this monomodal application of the multimodal method. Notes to Exhibit 1 on page 6 of the Users Guide (UG: NCHRP Web-Doc 128) specify the following:
	+ If the movement of any mode is legally prohibited for a given direction of travel on the street, then the level of service for that mode is LOS F for that direction
	+ If any directional segment hourly volume/capacity ratio (v/c) exceeds 1.00 for any mode, that direction of street is considered to be operating at LOS F for that mode of travel for its entire length (regardless of the computed level of service).

Those notes are further supported by the following remarks in the text of the UG:

* + “If pedestrians are legally barred from using one side of the street, then the pedestrian LOS for that side of the street is LOS F.” (p. 17)
	+ “If pedestrians are prohibited from walking along the street by a permanent sidewalk closure, then the pedestrian level of service is F.” (UG p. 23)
	+ “Only [transit] service with pickup/drop-off service … is included in the LOS computations.” (UG p. 2)
	+ “[W]here there is no transit service … transit LOS should be set at ‘F’”. (UG p. 14)

In addition, the southbound segment between Ocean Avenue and Carmel Valley Road has a subsegment that is assigned LOS F in the Rancho Canada RDEIR traffic study referenced in the DEIR under discussion, which sets the auto mode to LOS F for the entire facility, Thus, under MMLOS, **the entire southbound portion of Highway 1 under consideration is LOS F for *all* modes of travel**

* The CCTC study referenced in the Val Verde DEIR attempted to disguise the LOS F rating implied by correct application MMLOS protocols and guidance. For this purpose the CCTC study adopted further unwarranted and incorrect schemes for the auto mode; none of them defensible within MMLOS definitions and guidance.
	+ CCTC divided the relevant segment into two subsegments by introducing a “merge point”, failing to identify its location, thereby also failing to report the lengths of the subsegments that CCTC subsequently used as “weights” in an unjustified and inappropriate averaging process.
	+ The northernmost subsegment is a short lane drop in order to effect a merge, from the two upstream lanes and an additional lane from the upstream (Ocean Avenue) intersection, to the downstream single lane enforced by a narrow pavement with restricting guardrails, a masonry wall, an upward vertical cliff and existing residences. In no part of the supposed subsegment can it sensibly be regarded as a separate or independent two-lane roadway; throughout its length, painted merge arrows are present. MMLOS states (page 8) that such lane drops do *not* “trigger the need to divide the segments into subsegments.” Nor is the merge a midsection reduction in through lanes; instead it functions only as a genuine lane merge at the extreme upstream limit of the segment, mandated by the topographically- and land-use-enforced one-lane southbound segment.
	+ The artificially inserted “merge point” in the CCTC analysis marks not a subsegment divide, but the end-point of a necessary short lane-drop at the beginning of a single through-lane. The segment between Ocean Avenue and Carmel Valley Road unquestionably is a single segment to which a single level of service rating is to be assigned, and that rating is LOS F. No subdividing is warranted.
	+ Traffic volume for the corresponding southbound segment has been measured and reported in the referenced RDEIR, and demonstrates that the volume capacity for the roadway is exceeded during several hours of the day, with the peak occurring near midday (see Figure 1); the correct LOS assignment for the segment accordingly is LOS F, as determined by the proper application of MMLOS indicated in Note 1 to Exhibit 1 on p.6 of the Users Guide.
	+ Several further fatal flaws exist in the referenced CCTC application of MLLOS to Highway 1, including, for example, the averaging of purported subsegment service measures. Further comment on these flaws is available if needed for the evaluation of the adequacy, completeness, and good faith disclosure by the DEIR.DEIR, but for brevity we leave this to any future assessment of the DEIR that may be needed.
* In addition to the analytical matters discussed above, the following quotation from the Users Guide (determines that MMLOS is not applicable to the segments of Highway 1 in question: “The multimodal level of service (MMLOS) method is generally not designed to be applied to residential streets, nor to rural roads with infrequent or no signal control.”
	+ The Highway 1 segments are entirely residential along the segments being analyzed in the DEIR (except for the presence of a High School, which is common for otherwise strictly residential areas). All nearby commercial areas have access only from Rio Road and Carmel Valley Road. The DEIR clearly is incorrect to apply the MMLOS method.
	+ Although there is signal control along this portion of Highway 1, with four individual signals, less than 2 mi apart, they are present only to provide access to Carmel and its adjacent small communities, and to Carmel Valley. Numerous caveats are listed in HCM2000 and HCM2010 against using the 2 mi criterion as determinative in applying the Urban Street designation, and a significant portion of the caveats fit the conditions on Highway 1. The four signals in the study section are the only ones along Highway 1 between Santa Cruz and the San Luis Obispo County line roughly 130 miles away. Furthermore, MMLOS notes: An urban street is unique among the various facility types operated by public agencies, because its right-of-way is shared by multiple modes of travel, each using their assigned portion of the right-of way. To adequately evaluate the quality of service provided by the facility, one must consider the implications of facility design and operation on the auto driver, the bus passenger, the bicyclist and the pedestrian.” Since the study section in question possesses *only* the auto mode, it clearly does not fit the conditions for which MMLOS is designed.
* Use of LOS+ software in the referenced analysis introduces further inconsistencies, errors and contradictions into the Rancho Canada Village RDEIR, and consequently into this DEIR.
	+ The connection between the uses of LOS+ and MMLOS methods in the contexts provided by this DEIR – including relevant differences and equivalences in their assumptions and structures, and including how data flows into and out of the calculations of each – is not discussed nor are pertinent references cited. It is thus impossible to assess the operation of the intermixed analytical scheme in the DEIR or the incorporated RDEIR.
	+ LOS+ is not a faithful software realization of MMLOS, and in particular it defines road (street) segments differently; MMLOS segments include the downstream intersection, but LOS+ segments do not, and therefore LOS+ requires separate intersection analyses. This critically important fact is not mentioned, described or discussed in the DEIR.
	+ *No* results arising from strict MMLOS analysis are reported in the DEIR, yet
		- the only relevant reference cited is one (outdated and incomplete) reference to MMLOS information, and
		- no reference to literature describing the *actual* source of final LOS values in the DEIR, namely LOS+, is provided.
	+ LOS+ results are reported in two separate ways:
		- LOS+ computer-printout tables, which
			* Include the “merge point” as a division between segments, and have *five segments* of Highway 1 between Ocean Avenue and Carmel Valley Road
			* Provides columns for traffic volume over capacity (v/c), LOS score (an MMLOS designation), and LOS,
			* Provides additional sets of columns for (nonexistent) pedestrian, bicycle and transit modes of travel
		- A summary sheet titled “Urban Streets Segment Analysis”, which
			* Omits the “merge point” and has only *four segments* of Highway 1 between Ocean Avenue and Carmel Valley Road
			* Provides columns for traffic volume, v/c (traffic volume divided by capacity, LOS score, and LOS, and
			* Provides no columns for the three (nonexistent) pedestrian, bicycle and transit travel modes, in contrast with LOS+ printout tables
			* Omits the row with LOS F that appears in the LOS+ printout tables, by eliminating the “merge point”, and replacing the “F with a “C”, claiming the following in a note: “Carmel Valley Road to Ocean Avenue evaluated using Ocean Avenue to the Merge Point and Merge Point to Carmel Valley Road to reflect a change in number of lanes. Results weighted to segment lengths.”
	+ This last stratagem, technically illegitimate, buried deep in the innards of an appendix to an appendix to section 4.14, and using an unwarranted averaging method, employing averaging weights that are not quantitatively specified (since the merge point location is not disclosed), is the mechanism by which the correct LOS F, supported by solid evidence and confirmed by virtually all previous relevant studies, is converted by the CCTC traffic report to an illogical and unsupportable LOS C.
	+ The method for computing the purported “LOS C” in the LOS+ “analysis” is never specified (no equations actually used, no sample calculations illustrating the specific calculational process). But the subsegment for which it is supposedly calculated, has measured peak hour volume that exceeds the segment’s capacity, as is easily determined by simple arithmetic using data from the same Rancho Canada RDEIR that was adopted by the Val Verde DEIR. (See Figure 1.)
* In other words, the LOS C claim is entirely bogus, and only simple arithmetic (not the complex computational “*black box*” of LOS +) is needed to obtain the clearly correct LOS F result.
* A set of additional absurd consequences of the use of LOS+ is the collection of v/c values asserted in the LOS+ tabulated results described above. For example:
	+ At an existing peak traffic volume v = 1623 vehicles per hour, a subsegment is shown as having v/c = 0.40 (see “Urban Street Segment Analysis” table, Carmel Valley Road to Ocean Avenue, AM, SB) which implies that the capacity is c = 4058. The standard HCM capacity value is 1500 vehicles per hour. So the actual v/c = 1.08 (exceeding capacity, or LOS F), but by claiming v/c = 0.4 the DEIR is saying that far from being over capacity, there is further accommodation in the roadway for 1.5 times the current volume, which contradicts everyday experience on the segment, and is nonsensical. At and existing peak traffic volume peak v/c = 0.52 is reported accompanied by LOS F. (In RDEIR see first LOS+ table, line 2, from Ocean Avenue to Merge Point) The former says that the segment can accommodate a traffic volume increase of 92% of the current traffic volume – that is, traffic volume can almost double before reaching capacity – but the latter says that traffic already exceeds capacity. The two conclusions for the same segment obviously are contradictory.
	+ County Staff/CCTC have asserted that these contradictions result from inappropriate “back-calculating”. But such a claim just means that v/c doesn’t mean the ratio of volume to capacity when it is reported by LOS+, which can be true only if LOS+ does not properly compute v/c as defined in MMLOS and HCM and therefore is inconsistent with them.
* In any case, **the only legitimate LOS value for the relevant portion of Highway 1 is LOS F, which implies that the addition of even one vehicle to peak hour traffic volume by any traffic-generating project produces a significant environmental impact.**
* At the core of all these errors are (1) the designation of Highway 1 as an Urban Street, which it clearly is not (and the Board of Supervisors previously had agreed more than once that it is not an Urban Street), and (2) the obviously inappropriate selection of MMLOS and LOS+ for the analysis of traffic, both of which are designed for the analysis of typical city streets on which four modes of travel are present, whereas in this case only one mode exists. Each of these choices is thoroughly unreasonable by itself, and together thy lead to outrageous assertions in the DEIR about the character of traffic on Highway 1 and to gross underestimates of traffic impacts of the project.

***Conclusion***

The contents of section 4.14 on traffic in **the DEIR** for the Carmel Rio Road Project, also known as the Val Verde project, **violate repeatedly and substantially California State law**, as expressed in CEQA Guidelines. This is demonstrated in the comments above through extensive and detailed substantial evidence. Incorporating by reference the CCTC traffic study for the Rancho Canada Village RDEIR into the Carmel Rio Road Project DEIR was ill advised. As shown in these comments as well as in those addressed by CVA to the RDEIR for the Rancho Canada Village project, the CCTC analysis was extensively, deeply and fatally flawed.

The County’s failure to identify the Rancho Canada Village RDEIR’s many and fundamental errors, and to recirculate and correct the RDEIR as required by State law under CEQA, has been a betrayal of the citizens of Monterey County, who must rely on County officers and staff to act with reason and in concert with State regulations.

As stated at the outset, **Section 4.14 of the (Draft) EIR Must Be Recirculated.** Again, please **respond to each and every** comment above, including each and every paragraph and/or bullet point, with an **informational statement supported by substantial evidence that is factual, relevant and explanatory.**